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Foreword by the Chairperson-in-Office

Austria assumed the Chairmanship of the Organization for Security and Co-operation in Europe (OSCE) at a time when the Organization saw itself confronted with a multitude of serious challenges. Violations of the OSCE's principles and values in recent years and a failure to implement agreements in good faith had damaged relations between the Organization's participating States. Challenges to peace and security, including armed conflicts and crises, the problem of violent extremism and radicalization that lead to terrorism, and increasing lack of trust between states urgently had to be addressed.

There is no doubt that the OSCE can play an important part in finding solutions for these complex issues and in restoring trust among states. The OSCE has proven itself to be an ideal platform for dialogue and has a unique, comprehensive array of instruments at its disposal. Its specialized institutions and field operations make important contributions to ensuring that our common values and concerns are implemented on the ground.

In the past few years, however, the crisis of confidence has crept into many areas within the Organization and is considerably limiting its functioning. Dialogue remains the prerequisite for restoring trust; taking decisions together can help in that respect and form the basis for joint ownership of the Organization's work. But this only works if there is openness to flexibility and a willingness to negotiate, putting the interests of the Organization as a whole ahead of national interests. If 57 states seek to implement their will without compromise, the system cannot work.

During our Chairmanship, we not only promoted the use of the OSCE and its instruments, we also built consensus to ensure that the Organization has the necessary means to carry out its mandate by, for instance, brokering agreement on a budget for 2017 and on the new leadership of the OSCE and its institutions. This shows that the OSCE States can come together on core issues. Clearly, we need more of that if we want the Organization to play a meaningful role in the many crises we are facing.

One area where the OSCE has been successful in overcoming mistrust in the past is security and defence. Today, the level of confidence is alarmingly low. The erosion of the conventional arms control regime in Europe must be reversed; this is in the interest of every single participating State. To foster the open and constructive dialogue necessary to re-establish trust in this area, we launched a Structured Dialogue on current and future challenges and risks to security in the OSCE area, focusing on the mutual benefits of increased military transparency, predictability, and stability in the OSCE area. Austria also promoted effective multilateral responses to emerging challenges by supporting the full implementation and modernization of the Vienna

Document and fostering regular military-to-military exchanges. We all need to co-operate actively to prevent future military conflicts.

Armed conflicts continue to cause much suffering, displacement, and destruction in parts of the OSCE area. We must find ways to enable political solutions and underline respect for international law and human rights standards. Most importantly, in my view, we must do more to help the local populations that are suffering most from these conflicts; their safety must be a priority. During my visits to several of these crisis areas, I was struck by how the local population wants more active involvement of the OSCE because the Organization directly contributes to their safety.

A good example is the OSCE's Special Monitoring Mission (SMM) to Ukraine. Through its monitoring and reporting, the SMM has prevented a worsening of the situation and facilitated the repair of critical infrastructure. We must continue to support the SMM to fully carry out its mandate, but this requires unrestricted access and security for the monitors. The tragic death of one member of an SMM patrol, caused by a landmine, shows the importance of increasing the safety of the OSCE's personnel.

As OSCE Chairperson-in-Office, I paid several visits to Ukraine to push for pragmatic steps to de-escalate tensions and ensure better protection and living conditions for the local population. The parties must focus on the fate of the people in this devastated region and prevent a humanitarian and environmental disaster in the Donbas. All sides must fully implement the Minsk Agreements and strictly respect the ceasefire to which they have repeatedly committed themselves. It is the responsibility of all sides – and those who have influence over them – to enable a political process to succeed.

This is equally true for the other conflict situations in the OSCE area, in Nagorno-Karabakh, Transdniestria, and Georgia. Throughout our Chairmanship, we have supported all efforts to make tangible progress and find peaceful solutions there.

Another major challenge to security today is violent extremism and radicalization leading to terrorism, which targets and affects the internal stability of states, the rule of law, and our basic freedoms, such as freedom of expression and the freedom of religion or belief. On the one hand, we have to deal with the threat posed by the people from the OSCE area, who have already been radicalized, and re-integrate them, where possible, into our societies. On the other, we must focus on preventing radicalization, particularly of youth, while fully respecting and promoting human rights.

Professor Peter Neumann, my Special Representative on Radicalization, is helping us to better understand these dynamics and identify ways to effectively address root causes and triggers for radicalization. In September, we presented a report with concrete recommendations on how to improve the fight against violent extremism and radicalization.

During its Chairmanship, Austria also focused on topics such as cybersecurity, economic connectivity, and green economies, where all states can

gain from more co-operation. Progress in these areas will generate more trust and confidence, and will act as a catalyst for further co-operation.

The same is true for adherence to our agreed norms and standards, particularly in the human dimension. This is key to fostering trust as well as long-term stability and security. Respect for human rights, the rule of law, and democracy are prerequisites for and an integral part of security, stability, and prosperity. The comprehensive concept of security nurtured by the OSCE substantially depends on progress in the human dimension. Respect for human rights, the rule of law, and democracy strengthen the cohesiveness and resilience of our societies, and enable us to better counter threats to our security.

As a traditional bridge-builder, Austria will continue its efforts to help overcome differences between states and to promote an inclusive and co-operative security space. The challenges we face can only be addressed and overcome through critical, but constructive dialogue between states, civil society, and experts. Fostering a genuine dialogue across all OSCE dimensions has been a key priority. It can be achieved only with the strong engagement and ownership of all 57 participating States. We owe this engagement to our people, especially those directly affected by conflict and lack of security, who expect the OSCE to live up to its principles.

Preface

In April 2017, the OSCE community was shocked by a tragic incident in which a member of the OSCE Special Monitoring Mission (SMM) to Ukraine died: “On 23 April an SMM patrol consisting of six members and two armoured vehicles was driving near ‘LPR’-controlled Pryshyb (34km north-west of Luhansk) on a secondary road previously used by the SMM. At 11:17, one of the SMM vehicles (second in line), with three members on board, was severely damaged as a result of an explosion, possibly after coming into contact with a mine.”¹ As a result of the explosion, the American paramedic, Joseph Stone, died and two other OSCE Mission Members were injured and taken to hospital. Joseph Stone’s death was the first among OSCE monitors, who were deployed to Ukraine to monitor the sides’ compliance with the cease-fire agreements, reached in 2014 and 2015 as part of the effort to manage the conflict in and around Ukraine, and it was the first time ever that a member of an OSCE field operation was killed in action.

Has the OSCE lost its innocence, as Walter Kemp puts it?² Had the situation in eastern Ukraine been underestimated? Or had the OSCE been overrated? The events in 2017 have tested the ability of a civilian mission to operate in a war zone.³ Is it justifiable at all, to send unarmed observers into zones of hot conflict?

The death of a member of the SMM suddenly made us aware of the persistently dangerous conditions under which the OSCE monitors work, including access restrictions, harassment, and threats to their lives or physical condition.⁴ Just a brief look into two arbitrarily chosen SMM reports, out of hundreds, which are issued on a daily basis, is sufficient to illustrate this:

The SMM’s monitoring and freedom of movement are restricted by security hazards and threats, including risks posed by mines, UXO and other impediments – which vary from day to day. [...] At the Stanytsia

1 Organization for Security and Co-operation in Europe, OSCE Special Monitoring Mission to Ukraine, Spot Report: One SMM patrol member dead, two taken to hospital after vehicle hits possible mine near Pryshyb, Kyiv, 23 April 2017, at: <https://www.osce.org/special-monitoring-mission-to-ukraine/312971>. Cf. also: OSCE Identifies American Monitor Killed in Eastern Ukraine, RadioFreeLiberty/Radio Europe, 24 April 2017, at: <https://www.rferl.org/a/ukraine-dead-osce-paramedic-named-joseph-stone/28449349.html>; Walter Kemp, *Civilians in a War Zone: The OSCE in Eastern Ukraine*, in this volume, pp. 113-123, here: p. 118.

2 Cf. Kemp, cited above (Note 1), p. 118.

3 Cf. *ibid.*, p. 113.

4 Cf. also: United States Mission to the OSCE, Response to OSCE Special Monitoring Mission to Ukraine Chief Monitor Ertugrul Apakan as delivered by Chargé d’Affaires, a.i. Kate M. Byrnes to the Permanent Council, Vienna, April, 27, 2017, PC.DEL/547/17, 28 April 2017, available at: <https://www.osce.org/permanent-council/315026>.

Luhanska disengagement area, a Ukrainian officer of the JCCC told the SMM that its safety still could not be guaranteed in the areas surrounding the main road due to the possible presence of mines and UXO. [...] At an 'LPR' checkpoint on the edge of the Zolote disengagement area, armed men told the SMM that its safety still could not be guaranteed in the fields and side roads due to the possible presence of mines and UXO. [...] Ukrainian Armed Forces personnel told the SMM that the road leading from Katerynivka to Popasna was mined and they did not have authorization to let the SMM pass. [...] The SMM still could not travel south of the bridge in government-controlled Shchastia (20km north of Luhansk), as Ukrainian Armed Forces personnel said there were mines on the road south of the bridge.⁵

At 13:27 on 24 February 2017, the SMM heard a burst of small-arms fire (three to five shots) at close range while preparing to launch a mini unmanned aerial vehicle (UAV) from the north-western edge of non-government-controlled Yasynuvata (16km north-east of Donetsk) [...] The SMM patrol members took cover behind one of their vehicles and saw four men in military-style camouflage clothing carrying AK-variant automatic assault rifles about 30m to the south. The men shouted "Stand still!" in Russian [...] and then approached, with two of the men kneeling and aiming their weapons at the SMM while the two others advanced in short movements. One of them seized the mini-UAV from the ground. The SMM members loudly identified themselves as OSCE in Russian and English. The four men withdrew with the mini-UAV. When 15-20m away, one of them fired a burst of small-arms fire (three to five shots) that impacted on the snow about five metres from the SMM vehicle, behind which the patrol was taking cover. [...]

Earlier in the day, around 12:15, two men carrying AK-47s and wearing military-style camouflage clothing typical of 'DPR' members engaged in conversation with an SMM patrol member in the centre of non-government-controlled Pikuzy (formerly Kominternove, 23km north-east of Mariupol). One of them, apparently intending to demonstrate that his firearm was functional, pointed the weapon into the air and fired a round.⁶

Initially tasked with gathering information and reporting on the security situation on the ground, monitoring human rights violations, and facilitating dialogue in order to contribute to reducing tensions and fostering peace, stabil-

5 OSCE, Daily Report, *Latest from the OSCE Special Monitoring Mission to Ukraine (SMM)*, based on information received as of 19:30, 18 April 2017, Kyiv, 19 April 2017, at: <https://www.osce.org/special-monitoring-mission-to-ukraine/312281>.

6 OSCE, *Spot Report by the Special Monitoring Mission to Ukraine: Armed men open fire close to SMM in Yasynuvata and Pikuzy*, Kyiv, 25 February 2017, at: <https://www.osce.org/ukraine-smm/301821>.

ity, and security,⁷ the SMM was soon assigned a leading role in monitoring compliance with the Minsk agreements, signed in September 2014 and February 2015, taking on new duties, such as monitoring the ceasefire, verifying the withdrawal of heavy weapons, and monitoring the Russian-Ukrainian state border – duties, which were usually carried out by UN military peacekeeping operations, i.e. by armed peacekeepers.⁸

Although some of the participating States questioned whether the OSCE was reaching the limits of what a civilian peace operation could achieve in a war zone, there was no explicit call to pull SMM out of eastern Ukraine, as Walter Kemp observes.⁹ And while some pointed to the limitations of the SMM and considered the civilian nature of the Mission to be inadequate in a conflict environment, others considered that it was exactly the civilian nature of the OSCE Mission that was an asset, which would make it easier for all sides to accept its deployment and to view it as a neutral actor.¹⁰ First, it is highly questionable whether Russia would have agreed to the deployment of an armed (UN) peacekeeping operation. Since the EU was considered to be a party to the conflict, which allegedly originated in the dispute about the EU-Ukraine Association Agreement, the same might have been true for an EU mission.¹¹ Second, although the unarmed OSCE monitors would be completely defenceless in case of violent attacks, it is precisely due to their vulnerability that neither party perceives OSCE observers as a threat.¹² Third, the OSCE SMM enjoys political credibility and the support of all 57 OSCE participating States, including the Russian Federation. And fourth, *no* OSCE presence would have meant the end of *any* international presence in the region and since there seemed to be “no viable alternatives [...] the priority was to keep the monitors safe while maintaining the presence of the SMM in the region”.¹³

Operations in conflict and war zones are highly dangerous – this must be clearly seen. However, I strongly tend to support Stephanie Liechtenstein when she writes: “The OSCE Special Monitoring Mission (SMM) is the only organization on the ground in eastern Ukraine that provides impartial facts about a confusing conflict that has been going on since 2014. During the past three years, the OSCE SMM has performed essential work in a dangerous conflict environment for which it receives far too little attention and recogni-

7 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>.

8 Cf. Larissa Daria Meier, OSCE Peacekeeping – Conceptual Framework and Practical Experience, in: Institute for Peace Research and Security Policy at the University of Hamburg (ed.), *OSCE Yearbook 2016, Baden-Baden 2017*, pp. 149-163, here: p. 159.

9 Cf. Kemp, cited above (Note 1), p. 119.

10 Cf. Stephanie Liechtenstein, “OSCE, keep going!” In: *Security and Human Rights Monitor*, 27 April 2017, at: <https://www.shrmonitor.org/osce-keep-going>.

11 Cf. Kemp, cited above (Note 1), p. 119.

12 Cf. Meier, cited above (Note 8), p. 158-159.

13 Kemp, cited above (Note 1), p. 119.

tion. [...] The OSCE SMM should keep going. The work that the Mission has been performing is far too important to be stopped or scaled down. The OSCE SMM deserves full support by all OSCE participating States.”¹⁴

The OSCE Yearbook 2017 opens with a contribution by Gernot Erler, Germany’s “Mr. OSCE” in 2016, who discusses in his personal retrospective on Germany’s OSCE Chairmanship 2016 how current developments and the new disruptive forces are affecting the multilateralism upon which the entire OSCE depends. Former OSCE Secretary General Lamberto Zannier looks back on his years in office and offers his personal views on how to make the OSCE “more effective, efficient, and resilient”. This – in his words – “will [...] require not only new capacities but, first and foremost, reconsideration of some of the fundamental policies and structures that underpin OSCE operations”. Subsequently, Sergey Utkin, from the Moscow-based Primakov Institute of World Economy and International Relations (IMEMO) at the Russian Academy of Sciences, investigates the question of whether the often heard claim that “Russia prefers bilateral agreements to multilateral ones, since the former are better suited to securing Moscow’s interests” is justified.

OSCE participating States in the focus in 2017 include Turkey, where the political situation following the referendum, which drastically increased presidential powers, is the subject of Olaf Leiß’s contribution. Alena Vysotskaya Guedes Vieira describes how Belarus’ efforts to promote diplomatic negotiations on the Ukraine crisis resulted in an unprecedented enhancement of the country’s international actorness. Finally, Azam Isabaev considers the situation in Uzbekistan following the first peaceful transfer of presidential power since independence.

In the section on conflict prevention and dispute settlement, Walter Kemp provides a key update on the ongoing work of the OSCE Special Monitoring Mission (SMM) to Ukraine. In particular, he outlines the political and operational challenges that the OSCE faces in dealing with the conflict and discusses the possibilities and limitations of a civilian mission operating in a war zone. Pál Dunay, whose contribution also deals with the conflict in and around Ukraine, focuses on the current political situation and some of the potential long-term international implications. Former Head of the OSCE Mission in Moldova, William H. Hill, looks at efforts to revive the Transnistria conflict settlement process, while Simone Guerrini and Maria-Alexandra Martin look at the recent work of the OSCE Mission to Skopje. Also in this section, Harry Tzimitras and Ayla Gürel-Moran, from the PRIO (Peace Research Institute Oslo) Cyprus Centre, address a conflict, which sometimes seems to be neglected in the OSCE context: the possibility of reviving peace talks in Cyprus.

14 Liechtenstein, cited above (Note 10).

Under the heading of “comprehensive security – the three dimensions and cross-dimensional challenges”, Lia Neukirch reviews the functioning of human rights protection mechanisms in frozen conflict situations, particularly in secessionist entities that remain in a protracted state of legal uncertainty. Cyber/ICT security issues have grown in prominence on the agendas of OSCE participating States, hence, Velimir Radicevic, from the OSCE Secretariat’s Transnational Threats Department (TNTD), discusses what needs to be done to enhance global cyber stability between states and reduce tensions and the risks of conflict that can arise from the use of ICT technologies. Benjamin Schaller deals with an exciting region that has, so far, hardly played a role in the OSCE context, but for which co-operation within the OSCE and, in particular, OSCE confidence- and security-building measures (CSBMs) could serve as a model: the Arctic region. Concluding this section, Jenniver Sehring and Esra Buttanri look at the vital environmental work of the OSCE Aarhus Centres 25 years after the signing of the Aarhus Convention.

In the section on OSCE institutions and structures, Astrid Thors provides her own very personal retrospective on her tenure as the OSCE High Commissioner on National Minorities (HCNM).

Finally, in the section on the OSCE’s external relations and influence, Marietta S. König and Carolin Poeschke discuss the successes and shortcomings of the work of the OSCE Asian Partnership for Co-operation during recent Asian Contact Group Chairmanships, most recently Germany’s in 2017. In a concluding article, Loïc Simonet gives a brilliant and exhaustive review of relations between the OSCE and NATO as two key elements of European security architecture.

We are grateful to the OSCE Chairperson-in-Office in 2016, Austria’s Minister for Europe, Integration and Foreign Affairs Sebastian Kurz, for contributing this year’s foreword.

At this point, the publishers and the editorial staff would like to thank all our authors for their dedicated contributions and co-operation. It is their creativity, expertise, and engagement that have made the Yearbook possible and make it inimitable.

In an interview given in September 2017, the newly appointed OSCE Secretary General Thomas Greminger made a sober observation: “The reappearance of the OSCE on the political radar means that security in Europe is not in a good state. Because when we become visible, this means that there are problems – and indeed there are problems, such as the crisis in Ukraine.”¹⁵ However, it is exactly in cases of crisis and conflict that the OSCE is needed – as an impartial observer and mediator. And it is exactly the crisis in and

15 Cited in: Stephanie Liechtenstein/Thomas Seifert, Die schlaflosen Nächte des OSZE-Chefs [The OSCE Chief’s Sleepless Nights], Wiener Zeitung.at, 8 September 2017, at: https://www.wienerzeitung.at/nachrichten/europa/europastaaten/915766_Die-schlaflosen-Naechte-des-OSZE-Chefs.html (author’s translation).

around Ukraine where the OSCE has shown that it is highly operational: An advanced SMM team started its work in Kyiv on 22 March 2014 in the morning – less than 24 hours after the Permanent Council’s consensual adoption of the Mission’s mandate on the evening of Friday, 21 March. Three days later, several teams had been deployed to regions outside Kyiv and, within a week, SMM monitors had been deployed to all locations specified in the Permanent Council’s decision.¹⁶ Since then, the SMM and the OSCE as a whole has fulfilled its role as an observer and mediator better than others might have done. Moreover, the OSCE decisively contributes to upholding discussions between Russia and Ukraine. In this context, the Trilateral Contact Group, chaired by a representative of the OSCE Chairman-in-Office, should also be highlighted.

Despite “very confrontational rhetoric” between Russia and the Western states, despite numerous conflicts, emerging nationalism and decreasing trust, Secretary General Greminger observes that “there seems to be a certain insight that one must talk to another despite all the divergences. Here, the OSCE offers itself as a platform.”¹⁷ The OSCE’s apparent weakness ultimately proves to be its strength: “We can talk about anything. That is the OSCE’s welcome offer”, as a German newspaper wrote.¹⁸ It calls the OSCE a “relationship booster”, the “group therapy among the international organizations”¹⁹ – with “group therapy” referring to the OSCE’s tradition of silent diplomacy. Thus, in times of crisis, more therapists seem to be needed – impartial mediators, observers, and civil conflict managers. For this, the OSCE needs the support of its participating States: “The OSCE does not need a protecting power. But countries that are committed to the OSCE.”²⁰ And, I would like to add, it needs *people* on whom it can rely. In this respect, former Secretary General Lamberto Zannier writes: “Having worked for and with a wide range of international organizations, I can confidently say that the OSCE staff ranks among the most committed and efficient.” One of these committed members of staff was Joseph Stone.

16 Cf. Claus Neukirch, The Special Monitoring Mission to Ukraine: Operational Challenges and New Horizons in: Institute for Peace Research and Security Policy at the University of Hamburg (ed.), *OSCE Yearbook 2014*, Baden-Baden 2015, pp. 183-197, here: p. 185.

17 Cited in: Liechtenstein/Seifert, cited above (Note 15) (author’s translation).

18 Friedhard Teuffel, Die stille Diplomatie der OSZE: Mehr internationale Gruppentherapie, bitte! [The OSCE’s Quiet Diplomacy: More Group Therapy, please!], in: *Der Tagesspiegel*, 11 April 2017, at: <https://www.tagesspiegel.de/politik/die-stille-diplomatie-der-osze-mehr-internationale-gruppentherapie-bitte/19660510.html> (author’s translation).

19 Ibid. (author’s translation).

20 Ibid. (author’s translation).

I.

States of Affairs – Affairs of State

The OSCE and European Security

“Renewing Dialogue – Rebuilding Trust – Restoring Security”: Germany’s 2016 OSCE Chairmanship – A Personal Retrospective and a Vision for the OSCE in 2025

Germany’s 2016 OSCE Chairmanship in Retrospect

I believe the results of Germany’s OSCE Chairmanship can be summed up in a few theses:

First: It was right to assume responsibility for the OSCE and, hence, for the European security architecture. Precisely because the security situation in Europe is more critically balanced than at any time since the end of the Cold War, the German Chairmanship was keen to take a stand for multilateralism and a rules-based order by committing itself to the revitalization of the OSCE. The Organization remains the only forum where dialogue between all sides is ongoing, though it is increasingly a dialogue between adversaries and less one among like-minded – or at least respected – partners, as it was in the early days of the Charter of Paris.

Under current conditions – continuing deterioration of relations with Russia, erosion of the OSCE’s normative basis, no substantive progress in implementing the Minsk Agreements on the conflict in and around Ukraine, a flare-up of the precarious Nagorno-Karabakh conflict during our Chairmanship in April 2016 – we had no choice but to focus on at least containing negative developments, preventing the emergence of new conflicts, and defending the OSCE *acquis* against growing opposition, particularly in the human dimension.

The unpromising situation we inherited meant there could be no guarantee of success for our OSCE Chairmanship. Nevertheless, we were able to make our priorities felt in several key regards:

The foreign ministers of the OSCE participating States had expressly requested more opportunities for dialogue at the Belgrade Ministerial Council in 2015. On 1 September 2016, in response to this, an informal OSCE ministerial meeting was held for the first time in many years, and was well received. The format used in Potsdam was taken up by the 2017 Austrian OSCE Chairmanship, who held another such meeting on 11 July, dedicated to the topics of combating terrorism and security policy/conventional arms control. This format should also be continued by the coming chairmanships.

Note: The views contained in this contribution are the author’s own.

Wherever reasonable and practical, we involved the OSCE Troika (consisting of the previous Chairmanship, the current Chairmanship, and the coming Chairmanship) to ensure greater continuity and thematic stability. The adoption of an agenda for the future of the OSCE by the foreign ministers of Germany, Austria, and Italy at the Ministerial Council in Hamburg created new momentum and defined a framework for priority fields of action on the part of the Organization: developing new forms of dialogue, strengthening sustainable conflict resolution, reviving conventional arms control, collectively addressing global challenges, and creating an OSCE that is more capable of delivering results.¹

And finally, we were able to establish economic connectivity – i.e. creating linkages, integrating, and establishing economic co-operation, which can also help to build political confidence – and migration as two new key political topics within the OSCE and give each of them concrete form by means of a Ministerial Council Decision. We also expanded OSCE discussions of cyber issues to all three OSCE dimensions and were able to achieve consensus to adopt a second package of confidence-building measures on cyber-security in spring 2016. The OSCE is, thus, the only UN regional arrangement to pass measures of this kind. Other regions of the globe, such as East Asia, are looking to the OSCE and wish to learn from it in this regard.



Figure 1: Informal meeting of OSCE foreign ministers on 1 September 2016 in Potsdam – Glienicker Bridge (© Photothek)

¹ Cf. *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>.

Second: Deep reservations exist “East of Vienna” at the thought of a more effective OSCE. During its Chairmanship, however, Germany exerted considerable effort to encourage the overcoming of old thinking and to enhance the Organization’s capabilities:

One central concern was to enhance the abilities of the OSCE across the entire conflict cycle – particularly with regard to civil crisis management, as a means of solidifying the OSCE’s role as a regional arrangement under Chapter VIII of the UN Charter. Therefore, in 2016, we initiated a dialogue among the participating States and organized conferences throughout the year where we used our Chairmanship role to discuss topics, including mediation, dialogue facilitation, early-warning, crisis response, and strategies for lasting peace. On the margins of the UN General Assembly in September 2016, a number of foreign ministers attended a high-level side event on strengthening civil crisis management and the OSCE as a regional arrangement under Chapter VIII of the UN Charter.

However, despite organizing a special retreat for OSCE ambassadors on the topic of the conflict cycle and carefully producing relevant draft decisions, the German Chairmanship did not succeed in achieving consensus among the OSCE participating States in the negotiations prior to the Ministerial Council on further practical steps, such as providing the OSCE Secretary General with a small fund to strengthen the OSCE’s ability to react to developing crises. Nonetheless, there was a very broad consensus among the OSCE participating States in favour of continuing to work intensively on this topic. In operational terms, at least, we succeeded in placing practical cooperation with other organizations on a permanent footing by, for instance, establishing a UN liaison officer at the OSCE, who will, among other things, facilitate the adoption of UN standards by the OSCE.

The German Chairmanship dedicated a great deal of attention to the topic of the OSCE’s legal personality, as the practical limitations that prevent the OSCE from performing effective conflict prevention and crisis management are obvious: The OSCE Conflict Prevention Centre (CPC) cannot lead crisis operations, such as the Special Monitoring Mission in Ukraine (SMM); the OSCE is restricted in its ability to enter into contracts in areas, such as tendering out services, and contracts of employment often have to be handled by the incumbent OSCE Chairmanship.

A further achievement of the German OSCE Chairmanship was the timely adoption of the OSCE budget. Though it should be a formality, the passing of the budget is all too often an annual struggle for the new Chairmanship. This was no exception in Germany’s case and it was only on New Year’s Eve 2015, one day before the start of our tenure, that we finally managed to overcome the tough opposition of a number of participating States, thanks, in part, to the strenuous efforts at the highest levels of the German Federal Foreign Office. It should be noted, in particular, that we succeeded in

creating four new positions at the CPC to help it shoulder the sharp rise in work it has had to face, partly as a result as of the SMM.

Another thing I consider an achievement of our Chairmanship was our success, under difficult conditions and in the teeth of fierce opposition from a number of participating States, in ensuring that the most important annual event in the OSCE's human dimension, the Human Dimension Implementation Meeting (HDIM), was held as planned in Warsaw.

On the other hand, it is deeply regrettable and does not augur well for the OSCE's *acquis* of values, that obstinacy on the part of several states East of Vienna made it impossible to achieve consensus on key draft decisions in the human dimension at the Ministerial Council Meeting in Hamburg, despite our tireless efforts. Examples include the proposed definition of anti-Semitism – important in areas such as criminal justice and education – and draft decisions on freedom of opinion and the media. Nonetheless, by holding high-level Chairmanship conferences on, for example, tolerance and diversity, we have made a contribution to ensuring that the OSCE continues to deal with important topics of social concern, while simultaneously taking a stand against populism and intolerance.

It was also deeply regrettable that no decisions were taken during Germany's Chairmanship to appoint successors to the departing OSCE Representative on Freedom of the Media and OSCE High Commissioner on National Minorities. Despite strenuous efforts on Germany's part, it was not possible to put together the necessary consensus. Overall, it became clear that personnel questions and annual discussions of the budgets and mandates of field operations gave too many opportunities to those who seek to throw a spanner in the works of the OSCE.

Third: There can also be divisions among Western partners and allies on questions relating to the OSCE, and they do not take advantage of all the OSCE has to offer. So far, the EU has not made full use of the OSCE's potential as an instrument for its Common Foreign and Security Policy (CFSP).

On budgetary questions, a number of the larger EU member states, in particular, have failed to recognize the role that the OSCE has played in strengthening common Western values and interests and are not willing to invest more in the Organization. Maintaining the policy of zero nominal growth means that the OSCE's already slim budget of just under 139 million euros in 2017 (roughly 141 million euros in 2016) is shrinking in real terms year on year, which leads to the OSCE gradually losing attractiveness compared to other organizations.

Furthermore, in 2016, the temptation of using the OSCE, above all, as a forum for pursuing disputes by means of verbal confrontation was once again unmistakable, even though this tends to lead to polarization among the participating States rather than the working out of common interests.

Taking this into account, it is hardly surprising, but still unsatisfactory, that the EU is not participating as effectively in OSCE decision-making as it should, particularly since EU members make up around half of OSCE participating States and contribute over 70 per cent of the Organization's budget. The fact that the OSCE Chairmanship will be held by four EU states in succession (Germany 2016, Austria 2017, Italy 2018, Slovakia 2019) provides the EU with an opportunity to advance a budgetary review process that would, among other things, question the sense of continuing the zero nominal growth policy.

Fourth: Germany worked hard to strengthen the OSCE's conflict-management instruments, particularly the then Federal Minister for Foreign Affairs, Frank-Walter Steinmeier, who made numerous trips to conflict areas: twice to Ukraine and also to Moldova/Transnistria, Central Asia, and the Caucasus. However, the OSCE cannot resolve any conflicts without the political will of the participating States but can only, at best, contain them.

The focus on crisis management in and around Ukraine was to be expected: By providing close political and operational support – in areas such as staff acquisition, financing, and mission safety – we helped to ensure that the Special Monitoring Mission (SMM) to Ukraine was even more effectively prepared to carry out its growing range of tasks – including closer integration with the Trilateral Contact Group and the Normandy Format.

With regard to the still precarious Nagorno-Karabakh conflict, while the fighting that broke out in April 2016 was the fiercest of the last 20-plus years, it proved possible to, at least, contain it by means of diplomacy and mediation, and a fragile ceasefire was restored. Thereafter, at the initiative of the presidents of Armenia and Azerbaijan, the German Chairmanship developed proposals for expanding the monitoring team of the Personal Representative of the OSCE Chairperson-in-Office on the conflict, Ambassador Andrzej Kasprzyk, and for a mechanism to investigate ceasefire violations. Unfortunately, neither of these proposals has, so far, been taken up.

By deliberately pursuing a strategy of incrementalism, we succeeded in bringing about a number of specific improvements in the remaining frozen conflict situations: In the Transnistria conflict, we not only succeeded in organizing the first official meeting of the 5+2 format (the two conflict parties; the OSCE, Ukraine, and Russia as mediators; plus the USA and the EU as observers) for some time, but also achieved agreement on concrete steps to move forward in the areas of education and transport (Berlin Protocol) – recognition of Transnistrian diplomas and vehicle number plates – and a Ministerial Council Decision on the final resolution of the conflict.

With respect to the conflict in Georgia, at the Geneva International Discussions between Georgia, Russia, the USA, and representatives of the breakaway entities of South Ossetia and Abkhazia, under the joint chairmanship of the UN, the OSCE, and the EU, the previously suspended Incident

Prevention and Response Mechanisms at the administrative borders within Georgia were successfully restored.

Overall, therefore, despite occasional bouts of mere crisis management, small successes were achieved in resolving the protracted conflicts, which it is now incumbent to build upon. In this, one thing remains clear: With the instruments it possesses, the OSCE cannot resolve these conflicts. It can do no more than contain them and ameliorate their humanitarian consequences. Without the clear political will of all sides in the conflict, there can be no solutions.



Figure 2: Ukraine, destroyed bridge in Sloviansk (© Photothek)

Fifth: We were successful in reconfirming the role of the OSCE as the central platform for security dialogue in Europe. Perhaps the most significant decision of the Hamburg Ministerial Council was the announcement of the launch of a “Structured Dialogue” on current and future challenges and risks to security in the OSCE area. Activities within this framework have already begun, and an initial progress report was presented at the informal meeting of OSCE foreign ministers in July 2017. A number of meetings, attended by high-ranking representatives of OSCE States and chaired by Germany’s OSCE Ambassador, Eberhard Pohl, were held to discuss the topics of threat perceptions, military doctrines, and force postures, as well as questions concerning the current rules-based European security order and the inadequate implementation of existing arms-control regimes, such as the Vienna Document, by individual participating States. At the formal Ministerial Council

Meeting in December 2017, the ministers took note of a report that enables the continuation of the Structured Dialogue and the transition to an operational phase in which the OSCE participating States, with the involvement of military experts, will agree on a method of representing force postures and military exercises in the OSCE area (“mapping”) as a means of producing a commonly accepted military fact base that can be used to raise trust and predictability once again.

From a German point of view, it would be welcome if this initiative were also to expand later to encompass the topic of conventional arms control in Europe. More than ten years after Russia’s de facto withdrawal from the Treaty on Conventional Armed Forces in Europe (CFE) and, in view of Russian opposition to the position that the Vienna Document requires modernization, it is high time that the foundation was laid for new arms control instruments. We want to continue to contribute to this effort, in a way that stays true to our two-track approach of justified, proportionate, and purely defensive reassurance measures, on the one hand, and concrete offers of security dialogue to Russia on the other.

A key undertaking of the German Chairmanship – precisely in view of Russia’s suspension of the CFE Treaty – was our consistent effort to ensure a substantial modernization of the Vienna Document. To this end, Germany, together with other OSCE participating States, made a range of concrete proposals to strengthen the mechanisms for risk reduction, for enhancing military transparency, for more effective verification measures, and for strengthening the OSCE as an impartial actor. A very large number of OSCE participating States agree with our approach that substantial modernization of the Vienna Document remains indispensable for security and co-operation in Europe.

In conclusion: It is worth investing in the OSCE and working to shape its available instruments. In the face of tangible scepticism on the part of a number of participating States, we successfully expanded political dialogue within the Organization while creating openings for new partners, including representatives of civil society. An example of the latter is the Chairmanship conference on “Connectivity for Commerce and Investment”, which was held in Berlin in May 2016. It not only gathered together 900 participants from more than 60 states, but also boosted the involvement of the private sector in OSCE events, with more than half of the conference attendees representing the business community. The decision of the Austrian OSCE Chairmanship to extend our initiative and to keep the topic of connectivity high on its agenda is most welcome.

More than 90 outreach events sought to raise awareness among civil society organizations of opportunities in a range of areas where the OSCE can provide support. At the Hamburg Ministerial Council Meeting, a space was created for the first time to facilitate contacts between government delegates

and civil society representatives, and events were held on a wide range of current key OSCE issues. The large amount of positive feedback that we received on this new format following the Ministerial Council should encourage the creation of similar opportunities in the future.

And yet – the concept of multilateral security is currently being called into question in the OSCE area more strongly than at any time since the end of the Cold War. There are many widely different reasons for this: the Russian factor, isolationist tendencies in the USA, the growing self-confidence of OSCE participating States in regions such as Central Asia, and the growth of nationalism and populism. However, simply as a result of our deep integration in international political and economic structures, Germany's position can only be to support the strengthening of multilateralism and the processes of a rules-based order and international law. Finding allies for this, especially in the OSCE area, and continuing this work with trusted partners and friends will remain a priority task for German foreign policy in the near future. We can pursue this course within the OSCE by expanding the Organization's agenda to cover new challenges, allowing us to demonstrate the concrete benefits of co-operation – including connectivity, conventional arms control, migration, and the implementation of existing OSCE commitments in the human dimension.

“OSCE 2025” – A Positive Vision

In 2025, the OSCE will still be one of the world's largest co-operative security organizations. It will continue to perform its work – as usual. At its major meetings, almost all of its 57 participating States will still want to rise to speak their (usually prefabricated) words. Then it will be the turn of the Partner States. Not every speaker will stay within the time limit, particularly not those from the larger participating States. Repetition among all these speeches will be unavoidable. Perhaps it is just as important that the attendees get to know each other, see each other regularly, and fall into conversation on the margins of the official programme. The OSCE is a large organization like others, and it functions in the same way.

Some elements of this modus operandi produce familiarity. Since the conflict in Ukraine, no OSCE conference has taken place without a more or less disputatious exchange between the Russian and Ukrainian ambassadors. The equally predictable clash between the ambassadors of Armenia and Azerbaijan has an even longer history, which not infrequently comes out in relation to agenda items that have nothing to do with the Nagorno-Karabakh conflict.

Efforts to change this established and familiar way of working even slightly have no chance and are, therefore, never even attempted. The only thing that appears to offer a prospect of success is the “additive approach”.

The German Chairmanship successfully implemented the idea of an informal ministerial meeting – with a limited number of participants and preferably without prepared statements – as an addition to the annual programme, and not as a substitute for one of the tried-and-trusted events on the calendar. Austria continued this innovation, perhaps turning this event into a “new OSCE tradition”. Not a revolutionary departure, but an accommodation to an evident need for dialogue.

It is possible to imagine other meaningful changes to the OSCE’s *modus operandi*. However, they are unlikely to be decisive for the reputation and success of “OSCE 2025”. Yet what is urgently needed is a political success. Most of the major thematic conferences that the German 2016 Chairmanship looks back on with justifiable pride were barely acknowledged by the wider world. The OSCE’s wide-ranging approach across so many topics can be traced back to the gravitational pull of the comprehensive CSCE process and the creation of the “three baskets”. Above all, however, the OSCE is seen as a security organization. And so it is judged in terms of concrete political results.

The OSCE plays a vital role in the “protracted conflicts” in Georgia, Armenia/Azerbaijan, and the Republic of Moldova. All three, also long referred to as “frozen conflicts”, have had bloody wars that claimed many victims in their recent past, yet represent attempts to avoid sliding back into armed conflict, instead waiting decades for a breakthrough that will enable a peaceful political solution. Whether in the form of the Minsk Group, the 5+2 talks, or the Geneva International Discussions, the OSCE is held responsible. Nonetheless, the affected populations have the impression that these processes are going nowhere; the conflicts appear to be under bureaucratic management rather than led down a path to political resolution. This criticism is not fair, as it ascribes too little responsibility to the major powers involved in the conflicts – but it does undermine the OSCE’s authority.

That is even more the case with the conflict in Ukraine. Without the brave monitors of the OSCE Special Monitoring Mission (SMM), we would have no reliable information on the conflict situation on the ground. And without the OSCE, the Trilateral Contact Group in Minsk and its four working groups would not be able to pursue their indispensable preparatory work towards finding a political resolution to the conflict – a task the Normandy Format has set itself. The problem here is that, despite the SMM and the Trilateral Contact Group, the fighting continues on a daily basis – at a cost of over 10,000 lives so far. The 13-point Minsk Agreement has been in place as a binding timetable for peace since 12 February 2015 – but it is simply not being adhered to, not even with regard to the ceasefire, which is its first point. Of course, no one can blame the OSCE for this, but the Organization is a visible part of a political process that can, at best, prevent the hostilities from intensifying and spreading, but has so far been unable to effect a breakthrough that could lead to a durable non-military resolution of the conflict.

I am convinced that nothing is so important for “OSCE 2025” as achieving a political success in the conflicts in which the OSCE is involved but which it cannot resolve on its own. Everybody knows that the bloody conflict in eastern Ukraine will end when both Moscow and Kyiv not only show the political will to end the fighting, but also act on this. The OSCE would partake in a success of this kind with long-term benefits. And the undoubtedly protracted work necessary to fully implement the Minsk peace plan could ask even more of the OSCE than is currently the case. Achieving peace in eastern Ukraine is vital for the population of the region. But it is also essential for the future of the OSCE.

My vision of “OSCE 2025” has one more key feature: The CSCE/OSCE is itself the child of a comprehensive confidence-building process, historically located within the final stage of the Cold War and the transition to a new European peace order, and developed in the process of the major CSCE conferences. Its binding canons of values and rules are the “Helsinki Final Act” (1975) and the “Charter of Paris for a New Europe” (1990). There can be no OSCE without mutual trust – that is no exaggeration.

As I have already had cause to observe, this mutual trust within the large OSCE family has been dealt lasting damage. In this context, it would be wrong to make Russia’s behaviour at the start of the conflict in Ukraine in 2014 entirely responsible for the loss of trust. The Russian annexation of Crimea and Moscow’s support for the separatists in eastern Ukraine are not the triggers, but rather products of a process of alienation between East and West that has eroded trust over many years, and whose roots can be traced back to the disintegration of the Soviet Union in 1991. On this long journey, the phenomenon of “divergent narratives” has developed, i.e. entirely incompatible perceptions of the same political process. The West falsely imagined it was working in partnership with the Russian Federation based, above all, on an intensification of economic co-operation and support for reform and modernization processes (“strategic partnership”, “modernization partnership”), while Moscow experienced one frustration after another – at the West’s refusal to create a “level playing field”, particularly in relations with the United States, and the Western policies of NATO and EU eastward enlargement, which Russia saw as provocative and anti-Russian acts.

The destructive effects of this narrative divergence on the foundation of mutual trust only became evident at a remarkably late stage. Even if it proves possible soon, as I hope it will, to find a lasting political solution to the worst result of the long-term alienation process, namely the conflict in Ukraine – this would not restore the foundation of trust. To achieve this would require a far more broad-based reconciliation process, one that would have to extend to the points at which the narratives started to diverge, but also to discuss key concepts, such as double standards in international politics, the question of whether jointly developed norms and principles are truly unbiased, all the

way to the issue of a “new world order” and the responsibility of major powers in shaping a new multipolar global system.

Where can a process of this kind be set in motion and reach the correct level? I see no real alternative to relying on the OSCE, which has been particularly damaged by the aforementioned erosion of trust. It was correct for Germany’s 2016 Chairmanship to start things moving in the direction of civil society. It would be naive to hope that Western heads of government could suddenly sit down with President Putin and discuss the loss of mutual trust as a result of contradictory perceptions of political reality. The only research institute dedicated to the OSCE, the Hamburg-based Centre for OSCE Research (CORE), was the right place to launch the project entitled “Historical Narratives and Lessons for the OSCE Today”, bringing together relevant civil society actors to consider the processes that took place on the road to the Charter of Paris in 1990. That is the right approach, and deserves support. But more is needed.

For the path to “OSCE 2025”, I would wish opportunities to be found to expand this discourse on renewing trust within the OSCE and to bring it ever closer to the level of political decision-making. At the moment, we are all caught up in an ever-expanding “blame game”. This is true of the fighting on the line of contact in eastern Ukraine, where both sides blame the other for breaking the ceasefire, but it also applies to the question of political transgressions more generally. Whenever the West criticizes the contravention of international law in Russia’s Ukraine policy, the answer is a counter-accusation that takes aim at Western policy in relation to, for example, Kosovo or the Iraq war. We need to find a way out of this trap. And I would not rule out the possibility that we will ultimately have to fall back on the example of the CSCE conferences of the 1970s. In any case, the OSCE remains the location where restoring understanding, predictability, and trust is offered a chance that must be grasped.

One final point in reference to “OSCE 2025”: I have already mentioned that the then German Foreign Minister, Frank-Walter Steinmeier, made the attempt in 2016 to return disarmament and arms control to the OSCE agenda – issues that had enjoyed significant prominence throughout the OSCE’s history. One need only recall the CFE process. A large number of participating States support this approach, which has since made cautious progress under the name of “Structured Dialogue”. Initial agreement was made to undertake “mapping” of force postures and military exercises. The path that leads to addressing questions of conventional arms control may still be long and before we get there, it will be necessary to overcome the scepticism and reluctance of a large number of participating States. But who other than the OSCE is in a position to kick start the reversal we urgently need to stop the steady process of military escalation as a consequence of the conflict in Ukraine?

We have to acknowledge: Both sides are either already rearming rapidly or at least preparing to do so. Additional troops are being deployed, the num-

ber and scope of military exercises and manoeuvres increase every year, and military overflights with no prior notification are being carried out by aircraft without transponders and are frequently met by interceptors, on an almost daily basis. It is only a matter of luck that there have been no serious incidents so far. Some observers see this as a return to Cold War conditions.

An OSCE whose prestige and ability to solve problems is enhanced by successful political resolution of the conflict in Ukraine or of the “protracted conflicts”, which succeeds in becoming a key platform for the restoration of lost trust by reconciling the divergent narratives and initiating a change of direction in the current military escalation process and putting disarmament and arms control back on the agenda – that would be my own personal vision of a successful and forward-looking “OSCE 2025”.

A Stronger OSCE for an Uncertain Future

Introduction

When I took up my post as OSCE Secretary General in July 2011, just a few months after the 2010 Astana Summit, which called for achieving a shared vision of a free, democratic, common, and indivisible security community, I saw a need to reinvigorate the Organization's role and to raise its profile as a key platform for inclusive security dialogue and co-operation in the Euro-Atlantic and Eurasian space. At that time, the Organization hardly recognized the need to increase trust and confidence among participating States.

Six years later, the picture is quite different. The OSCE region faces an array of difficult challenges to security, and the level of trust and willingness to co-operate are both very low. Yet the OSCE is widely acknowledged as an irreplaceable actor that can bring to the table all the players in the region and mobilize them to joint action when needed. This reputation has been earned mainly due to the OSCE's rapid response to the crisis in and around Ukraine, which took many by surprise in early 2014. But with most of the Organization's energy and resources absorbed by the crisis, there has been little space for discussion about making the Organization more effective and efficient and adapting it to the challenges of the 21st-century security environment.

In the run-up to the 40th anniversary of the Helsinki Final Act in 2015, the first few years after the Astana Summit were characterized by challenging yet constructive discussions on the future role of the OSCE, taking place first within the framework of the V to V Dialogues and later in the Helsinki +40 Process. However, the unfolding crisis in and around Ukraine made this process superfluous and deprived it of practical significance. The annexation of Crimea in early 2014 and the subsequent fighting in eastern Ukraine marked a turning point for the OSCE. Without a doubt, this represents one of the largest challenges the Organization has faced since the end of the Cold War. On the one hand, it has demonstrated the Organization's enduring relevance as well as its ability to respond rapidly, flexibly, and effectively to a crisis situation. Swift mobilization of the OSCE's instruments and mechanisms, in particular the deployment of the Special Monitoring Mission (SMM) to Ukraine, has prevented a larger conflict, and the OSCE now plays a key role in international efforts to de-escalate the situation and achieve a peaceful resolution. The SMM monitors the situation on the ground, particularly the implementation of the ceasefire agreed in Minsk and the related withdrawal

Note: The views expressed in this article are those of the author and should not be attributed to the OSCE or any other organization. The author would like to thank Mr Juraj Nosal for his assistance during the preparation of this contribution.

of heavy weapons, assists the local population by facilitating the repair of critical infrastructure and the crossing of the contact line, and helps to broker local ceasefires. On the other hand, the conflict has significantly undermined trust and co-operation among OSCE participating States, replaced dialogue with tension and confrontation, and placed enormous pressure on the Organization's capacities and resources in other areas of its activity. It has also exposed persistent shortcomings and gaps in how the OSCE functions.

Against this backdrop, the Euro-Atlantic and Eurasian region is facing a growing number of cross-dimensional and interconnected security challenges that cannot be solved without mutual co-operation and joint action. These challenges include radicalization and violent extremism, terrorism, climate change, large movements of people, and threats to cyber-security – issues, which increasingly dominate international politics as well as the OSCE agenda. The Organization has already been playing an active role in addressing many of them by strengthening its capacities, for instance by creating a Transnational Threats Department in the Secretariat in 2012, as well as through programmatic activities. However, if the OSCE is to remain an important player and an effective platform for security dialogue and co-operation on these new challenges in the future, it needs to increase its impact and adapt to the new realities of the international security environment in the 21st century. The growing complexity of today's security challenges calls for more effectiveness and stronger cross-dimensional and cross-institutional co-operation. This will require not only new capacities but, first and foremost, reconsideration of some of the fundamental policies and structures that underpin OSCE operations. In the current tense and confrontational climate, which is still influenced by the ongoing crisis in and around Ukraine, there is little space for this sort of debate and perhaps even less for meaningful progress. Nevertheless, it is essential for the future of the Organization, and in today's rapidly changing world, the OSCE participating States need to have such a discussion sooner rather than later since it will be a gradual process that will require a lot of time and political effort.

Drawing on my experience at the helm of this unique Organization over the past six years, this contribution offers my personal views and suggestions for how to make the OSCE more effective, efficient, and resilient. Many ideas outlined here are not new, and some might seem more radical than others. Nevertheless, any efforts to change how the Organization operates should be a gradual process rather than a revolutionary transformation as it is often small steps rather than big leaps that have a sustainable and long-lasting impact.

One of the defining features of decision-making in the OSCE is its consensus rule. While it can be difficult and time-consuming to reach agreement among all 57 participating States, it is crucial for inclusiveness and the legitimacy of decisions in a political body such as the OSCE. The problem with the consensus rule is not its existence but the fact that it is interpreted in absolute terms and applied to almost all aspects of the Organization's work. This often leads to intense micromanagement of the executive structures by participating States and enables individual countries to block activities, which has a negative impact on the Organization's operational capabilities. Some issues, such as the Organization's annual budget, the mandate for a new field operation, and the appointment of the Secretary General and Heads of Institutions, should indeed be decided by consensus. But there is little rationale in applying the same principle to other aspects of the Organization's work, such as the dates and agenda of annual OSCE meetings or budget-neutral adjustments to post tables or the organizational structure. The first should be within the authority of the OSCE Chairmanship, while the second should come under the authority of the head of the relevant executive structure. Participating States should explicitly define which areas are of strategic importance and thus require a decision by consensus. This would strengthen the Organization's efficiency and autonomy in the remaining areas while retaining the engagement of participating States on the most important issues.

Another procedural issue that in my view requires reconsideration is the selection of the annual OSCE Chairmanship. The system whereby participating States choose a Chairmanship by consensus is rather presumptuous and creates a discriminatory situation as it separates states into two groups: those who are allowed to chair the Organization and others who are not considered qualified for the job. This approach is quite unusual, and virtually no other major international organization has anything similar. A system whereby Chairmanship countries rotate in alphabetical order would give more ownership to all participating States and distribute the financial burden of heading the Organization more equally. It would also strengthen the role of the OSCE executive structures, as most participating States would need to rely more on their support and expertise. Furthermore, shortening the duration of the Chairmanship from one year to six months might further increase engagement and significantly reduce the overall costs of this exercise for individual participating States.

Changing the duration of the Chairmanship would also require a discussion about the frequency and timing of Ministerial Council meetings. The current practice of holding one big Ministerial Council meeting at the end of each year with the aim of adopting as many decisions and declarations across all three OSCE dimensions as possible usually proves to be very ambitious and difficult, with results that almost never fulfil the Chairperson-in-Office's

expectations. This model could be relatively easily replaced by a system of two smaller Ministerial Council meetings per year, one in the summer and one in the winter. In fact, such a model would not be completely unprecedented, since some Chairmanships have organized informal Ministerial meetings before the December Ministerial Council in the past (e.g., Austria in July 2017, Germany in September 2016, Kazakhstan in July 2010, and Greece in June 2009). The advantage of twice-yearly ministerial meetings would be threefold. First, the agenda could be reduced to two or three key issues based on the Chairmanship's priorities, which would allow for more focused and in-depth discussions and negotiations that might result in the adoption of more substantial decisions, though there would be fewer of them. Second, more frequent Ministerial Council meetings would foster sustained engagement by capitals and their delegations, increasing the sense of ownership and interest in the Organization. And third, this system would align better with the OSCE's budget cycle, since the outcomes of a summer ministerial meeting could be reflected in budget negotiations that commence in the autumn.

The functioning of the regular OSCE decision-making bodies should be reconsidered as well. Weekly meetings of the Permanent Council (PC) in Vienna have become highly formalized over the years, and genuine discussion and engagement have been replaced by parallel monologues consisting of formal written statements prepared in advance. There is little appetite for proper discussion and debate. The increasingly confrontational and polarized environment of recent years has also contributed to this atmosphere, and the space available for real dialogue seems to be shrinking. It is necessary to return to the old method whereby countries are the protagonists of the debate and take responsibility for the Organization. I have tried to help by introducing a new platform, the OSCE Security Days,¹ to facilitate informal debate and bring in new voices and fresh ideas. These events have clearly shown that an informal setting allows for more open and honest discussion, stimulates further deliberation and can even lead to concrete action, as demonstrated by the Security Days event on migration in Rome in March 2016. Based on this experience, I believe an informal segment should be introduced into the work of the PC. The formal part could continue to provide a platform for hosting high-level guest speakers, adopting decisions and presenting various OSCE-related reports as prescribed in relevant mandates or rules and regulations, with interventions by delegations circulated in written form. This part could then be followed by an informal segment in which heads of delegations would have an honest and open discussion on current issues, without relying on statements prepared in advance.

Likewise, the functioning of the Forum for Security Co-operation (FSC) could be slightly amended. An informal segment could also be introduced to the work of this body, and its agenda should be expanded so that the Forum

1 For more information, see: <http://www.osce.org/sg/secdays>.

can also discuss non-military issues relevant to the politico-military dimension. The relationship between the Forum and the Security Committee, a subsidiary body of the PC, should also be rethought in order to strengthen mutual synergies and complementarities.

Turning to subsidiary bodies, the Chairmanships of the three committees (the Security Committee, the Economic and Environmental Committee, and the Human Dimension Committee) could rotate in a similar way as the Chairmanship of the FSC (i.e., every four months), which would increase the engagement of participating States, strengthen their ownership and require fewer resources than a one-year Chairmanship. Alternatively, should the rotation mechanism and duration of the OSCE Chairmanship be changed, chairing the three committees could be among the responsibilities of the incumbent OSCE Chairmanship.

The Role of the Secretary General

Compared to that of other international organizations, the mandate of the OSCE Secretary General (SG) is relatively restrictive. Since the responsibility for political guidance of the Organization is entrusted to the Chairmanship, the SG has only a limited political role and functions mainly as Chief Administrative Officer of the whole Organization.² Although my experience has taught me that the SG can play an effective but discreet political role if he or she builds a good level of trust with Chairmanships and participating States, it always depends on interpersonal relations and mutual chemistry. However, the growing complexity of the challenges the Organization faces calls for greater effectiveness, stronger cross-dimensional and cross-institutional co-operation, continuity in operations, as well as the depoliticization of certain procedures. This in turn requires formally enhancing the autonomy of the SG in certain areas.

The SG is mandated to provide early warning to participating States by bringing to the PC's attention any situation of emerging tension or conflict in the OSCE area and suggesting possible options for a timely and effective response.³ However, early warning is usually not sufficient, as most crisis situations evolve very rapidly, and without early action conflict prevention is likely to fail. Therefore, the SG should have the authority to take limited but swift measures and steps to ensure that early warning is followed by concrete action on the ground, such as dispatching a small fact-finding, monitoring, or

2 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Sofia 2004, *Decision No. 15/04, Role of the OSCE Secretary General*, MC.DEC/15/04, 7 December 2004.

3 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/03/11, 7 December 2011.

mediation team.⁴ This would also help the Secretariat to be better informed about these situations and improve its ability to develop relevant policy options and contingency plans for consideration by the participating States.

The decentralized structure of the OSCE sometimes makes it difficult for the SG to fulfil his/her role as Chief Administrative Officer. In practice, all OSCE fund managers have a great deal of autonomy, both financial and political. This is true not only for the three OSCE institutions – the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM), and the Representative on Freedom of the Media – but also for all OSCE field operations. They promote and negotiate their activities directly with participating States and defend their budgets and seek extra-budgetary funding on their own. Only when the annual Unified Budget is being prepared do the SG and the Secretariat have a say in the overall dynamics. While a certain level of decentralization is often positive, too much can hinder effectiveness and prevent certain key issues, including some that might be seen as “administrative”, from receiving appropriate political attention. The SG should therefore be entrusted with broader and clearer administrative competencies in running the OSCE’s operations and activities. Given the multi-dimensional nature of today’s security challenges, which requires all OSCE executive structures to work together, the SG should adopt a co-ordinating role across the entire Organization, while fully respecting the mandates and political autonomy of the OSCE institutions. In the case of field operations, the SG should have the authority to appoint Heads of Mission, which is currently the responsibility of the Chairmanship. Given the limited duration of a Chairmanship, the SG is undeniably better suited to take into account the Organization’s long-term interests by choosing the right candidate. Heads of Mission should go through the same competitive selection process as Directors in the Secretariat and be appointed by the SG with the consent of the Chairmanship. Consequently, they should be officially accountable to the SG and report to him or her not only on administrative but also on political issues. Heads of Mission would still report to the PC, but it might be useful to shift the focus from country-centric reports to thematic or regional issues.

Strengthening the role of the SG in some areas should naturally translate into greater accountability towards the participating States. The SG should be given a more active role at weekly meetings of the PC beyond simply delivering a report on the Secretariat’s activities. The SG should be given an open and informal platform to discuss any relevant issues or challenges with the delegations, either through an informal segment of the PC (as suggested

4 Enhancing the autonomy of the SG in early warning and early action was also recommended by the 2015 Panel of Eminent Persons on European Security as a Common Project; cf. *Lessons Learned for the OSCE from Its Engagement in Ukraine. Interim Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project*, June 2015, p. 9, available at: <http://www.osce.org/networks/164561>.

above) or in another format. I have tried to do this through a regular “Hour with participating States”.

Last but not least, I believe the Organization would benefit from having a Deputy Secretary General. The SG is often overloaded with administrative work, and having a Deputy Secretary General could reduce some of this burden and make the whole process faster and more effective. Furthermore, a Deputy Secretary General could take over the function of Chief Administrative Officer when the SG’s post is vacant or serious health or personal reasons temporarily prevent the SG from exercising his or her mandate. Especially in times of crisis, the role of the SG is essential, and should a crisis arise during his or her absence, it could have grave consequences for the Organization’s operational capability to react and respond, significantly undermining its credibility. The recent experience of the lengthy process of selecting my successor, when the Organization was left without a SG for several weeks in July 2017, has made clear that such a situation is not hypothetical. I already proposed creating the post of Deputy Secretary General back in 2011, but the participating States rejected this suggestion. Perhaps it is time to reconsider it.

Legal Personality

The lack of a formally recognized legal personality has posed a major risk to the Organization since its creation. Despite the 1993 Rome Council Decision, in which the participating States agreed on the “usefulness of legal capacity being granted to the CSCE institutions in the territories of all CSCE participating States”,⁵ there has been little progress in its implementation over the past 25 years. In 2007, a Draft Convention on the International Legal Personality, Legal Capacity, and Privileges and Immunities of the OSCE was agreed by the appropriate expert group but was not adopted by the participating States.⁶ The issue has remained at an impasse since then, despite the best efforts of the Informal Working Group on Strengthening the Legal Framework of the OSCE.

The rapid deployment of the SMM to Ukraine in March 2014 demonstrated once again the very practical consequences of this situation. For several weeks after the Mission was created, OSCE monitors were operating

5 CSCE Fourth Meeting of the Council, Rome 1993, Decision on Legal Capacity and Privileges and Immunities, CSCE/4-C/Dec.2, Rome, 1 December 1993, in: Organization for Security and Co-operation in Europe, Permanent Council, *Decision Nr. 383, Report on OSCE Legal Capacity and on Privileges and Immunities to the Ministerial Council*, PC.DEC/383, 26 November 2000, Attachment 1 to Annex, SEC.GAL/20/00, 6 March 2000, pp. 12-19, here: p. 12, available at: <http://www.osce.org/pc/24379>.

6 Cf. Decision No. 16/06, Legal Status and Privileges and Immunities of the OSCE, MC.DEC/16/06, 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. 50-51, available at: <http://www.osce.org/mc/25065>.

without the privileges and immunities required for the fulfilment of their functions. They had no security guarantees from the host country, and the Organization could not properly exercise its duty of care as an employer. The Mission's effective operation was also hampered as the lack of legal capacity prevented it from opening bank accounts, entering into contracts, and importing much-needed equipment. Fortunately, this situation did not last too long, and a Memorandum of Understanding with Ukraine was negotiated, signed, ratified by the Ukrainian parliament, and entered into force in just twelve weeks – almost record time for this kind of international document. However, this agreement covers only SMM staff, so no other OSCE officials, including the SG, enjoy any official status when they travel on OSCE business to Ukraine.

It is also worth mentioning that the Organization's lack of international legal personality would make it extremely difficult, if not impossible, to conclude, for instance, a Status of Forces Agreement (SOFA) between the OSCE and any participating States that would be willing to provide certain military capacities on loan to an OSCE field operation, such as unarmed unmanned aerial vehicles and unarmed military personnel to operate them. This would also render impossible the implementation of any potential PC decision to deploy peacekeepers or military equipment under OSCE auspices. This is not a purely theoretical consideration, as the 1994 Budapest Summit decision⁷ actually authorizes deployment of OSCE multinational peacekeeping forces in Nagorno-Karabakh, following agreement among the parties on cessation of the armed conflict.

These examples illustrate just a few of the problems stemming from the OSCE's lack of agreed legal status. This issue is discussed almost exclusively by a specialized, technical audience and is not commonly studied by academics or well understood (or even known) by political leaders and the general public. Yet broad recognition is urgently needed of the huge challenges the Organization faces due to the lack of legal personality in its operations, particularly in the case of rapid deployment in conflict and post-conflict areas. All these risks could be substantially alleviated throughout the OSCE region if the legal status of the Organization were recognized and confirmed through the adoption of a legally binding multilateral agreement by all participating States, as decided in Rome in 1993. If this were to happen, the OSCE would not need to negotiate these matters with host countries on an ad hoc basis, and the OSCE's ability to react rapidly to crisis situations when requested by participating States could be based on a firm legal footing.⁸

7 CSCE, *Budapest Document 1994. Towards a Genuine Partnership in a New Era*, 21 December 1994, Budapest Decisions, II: Regional Issues, pp. 5-9, Intensification of CSCE action in relation to the Nagorno-Karabakh conflict, pp. 5-6, here: p. 6, available at: <https://www.osce.org/mc/39554>.

8 This step was also recommended by both the 2005 Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE and the 2015 Panel of Eminent Persons on European Security as a Common Project. Cf. *Common Purpose – Towards a More Effective OSCE*:

Although the participating States have not yet been able to reach consensus on this issue, the Organization is in fact acquiring its own de facto legal personality through Memoranda of Understanding and Headquarters Agreements concluded over the last few decades with participating States that host an OSCE field operation, institution, or the Secretariat. These instruments have resulted in undeniable recognition of the OSCE's capacity as a legal entity in the international sphere. During my tenure, I also started seeking bilateral standing arrangements, which would fill the gaps in legal status and privileges and immunities for the Organization and its officials while carrying out their duties until an overall multilateral solution can be reached. A number of participating States have expressed willingness to enter into such arrangements. However, this is not equivalent to a legally binding multilateral agreement by all 57 participating States. In the future, the OSCE, as a regional arrangement under Chapter VIII of the UN Charter, should become a fully-fledged international organization with a legal personality, legal capacity, and privileges and immunities at the level customarily enjoyed by other international organizations.

Budget and Resources

Extensive delays in passing the annual Unified Budget, which have become common in recent years, undermine the Organization's efficiency and effectiveness. Participating States are increasingly using the budget process to thwart each other at the Organization's expense. During my mandate, I saw not only national interests but, unfortunately, sometimes even personal interests at play when everyone should have been working together to secure our common future. The growing number of challenges the OSCE region faces can only be addressed through co-operation and joint action. Participating States need to be open to compromise and focus on the larger strategic picture rather than micromanaging the Organization's budget and fighting over marginal issues.

In this regard, I believe there should be an independent evaluation of the Unified Budget process and the role of the Advisory Committee on Management and Finance (ACMF). Multiyear budgeting could be introduced for certain activities to ensure continuity of crucial operations, and there should be greater delegation of management responsibilities to key officials, beginning with the Secretary General. An essential change I would recommend is to move responsibility for chairing the ACMF from the Chairmanship's hands to the Secretariat. The rationale for the current model, in which the

Final Report and Recommendations of the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, 27 June 2005, pp. 19-20, available at: <http://www.osce.org/cio/15805>; *Lessons Learned for the OSCE from its Engagement in Ukraine. Interim Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project*, June 2015, p. 11, available at: <http://www.osce.org/networks/164561>.

ACMF is chaired for the first part of the year by the current Chairmanship and in early autumn shifts to the incoming Chairmanship, is probably based on the assumption that the incoming Chairmanship can reflect its priorities in the Unified Budget for the upcoming year. In fact, however, the current OSCE budget cycle does not allow for this, as most work on the Programme Outline for the upcoming year is actually done well before the incoming Chairmanship even defines and presents its priorities. Instead, the Programme Outline is based on a Programme Budget Performance Report from the previous year and reflects operational priorities, not Chairmanship priorities. Moreover, budget negotiations are quite a complex and technical operation, and despite everyone's best efforts and dedication, having a new ACMF Chair every year makes things more complicated and time-consuming. Given the role of the Secretariat in preparing the Programme Outline and its long-standing experience and capacities in this area, it would make more sense and be more effective if the ACMF were chaired by the Secretariat.

However, what is even more damaging to the functioning of the Organization in the long term is the policy of "zero nominal growth" that has become more prevalent in budget negotiations in recent years. In practical terms, this means a gradual decline in resources, as inflation cuts deeper and deeper. This trend is simply not sustainable if the Organization continues to be tasked with new commitments every year. Almost all Ministerial Council decisions tasking the OSCE with new activities adopted in recent years include the proviso "within available resources". This is not always realistic. While we need to remain cost-conscious and transparent when spending public funds, the ambitions that the participating States have for the Organization need to be backed up with sufficient resources. Compared to many other multilateral institutions, the OSCE is a very cost-effective organization that is capable of high performance with modest resources. There are limits to what it can do, however, and if this trend is not reversed by the participating States, the OSCE slowly but surely risks losing its credibility and effectiveness, and could eventually become irrelevant.

Another closely related issue is the neglect of financial commitments and obligations by some participating States. For instance, at the time I left my post, some countries were more than three years behind in their payments to the Unified Budget, and one participating State was even threatening to make only selective payments. This is something that should not be accepted by other participating States, and there should be a mechanism that would put pressure on those countries that do not meet their obligations. This could be done, for instance, through suspension of their right to participate in consensus decision-making.

An increasing number of OSCE activities are supported through extra-budgetary projects that are funded by voluntary contributions from participating States. While this model cannot and should not replace the annual Unified Budget, it is a beneficial supplement that gives the Organization ad-

ditional means to seek funding and grants participating States the flexibility to allocate resources depending on their individual priorities. However, the growing proportion of extra-budgetary funding needs to go hand in hand with greater transparency and accountability for how these resources are received and utilized, not only in relation to individual donors but for all OSCE participating States.

The OSCE's experience with the crisis in and around Ukraine has underlined the need for the Organization to diversify its resources. Unexpected and immediate financial requirements related to the deployment of the SMM to Ukraine naturally resulted in a rapid shift in budget priorities on the part of many participating States, which has had significant consequences for the Organization's work in other key areas. The OSCE has already started exploring new sources of funding, such as private and public foundations, development banks, and philanthropic organizations. After all, the Organization's core mission and activities are of interest to many more stakeholders than just governments. But this will be a long-term effort that will require a change of mindset as well as the development of a fundraising strategy and necessary capacities in the Secretariat. A code of conduct and clear rules and regulations should be adopted to ensure complete transparency and accountability in both seeking and accepting financial contributions from such entities.

The Future of OSCE Field Presences

The OSCE is primarily a field-based organization. OSCE field presences have a strong track record in supporting participating States in implementing their OSCE principles and commitments and in carrying out OSCE's tasks related to the conflict cycle. While discussions about OSCE field presences in previous years have mostly focused on strengthening their effectiveness and operational capacities, it is time to identify new approaches that can enable the Organization to respond effectively to a rapidly changing environment, including through the possible establishment of new types of presence in different parts of the OSCE area. It is obvious that the specific needs and conditions of various participating States and regions have evolved significantly since the early 1990s. This is not to say that there is a crisis of OSCE field presences on the ground (in fact, quite the contrary), but rather that an old method needs to be updated. Another issue is a certain sense of imbalance whereby some countries feel they are being scrutinized by others. We need to progressively move away from such a perception.

The OSCE should retain field operations that have been deployed in response to complex conflict or post-conflict situations. As demonstrated by the crisis in and around Ukraine, this model remains one of the Organization's key tools for crisis management and conflict resolution. Such robust

operations still need to be based on strong mandates that are approved by consensus. At the same time, we should begin to think about introducing new approaches to the OSCE's field work that would allow for more flexibility and adjustability based on local needs and requirements.

One option could be lighter assistance missions, which would help participating States implement their OSCE commitments and focus on one or more specific issues. In principle, such missions would function as project/programme offices, and their activities could be tailored to the specific needs of a host country. They would not require a mandate by consensus but would be initiated upon the request of a host country and funded on a case-by-case basis (e.g., through extra-budgetary contributions, host country sponsoring, etc.). Such presences could also be located West of Vienna. To a certain degree, we can see such a model slowly emerging in the development of project packages by the Secretariat and institutions for Belarus and Armenia, which are administrated at headquarters level and do not have a field-based component.

The OSCE should also invest more in centres of excellence. The Organization already has two successful examples: the OSCE Academy in Bishkek, Kyrgyzstan, and the Border Management Staff College in Dushanbe, Tajikistan. These operate as de facto centres of excellence in their respective fields, although they are not explicitly designed as such. Thematic expertise that the OSCE has acquired in many areas over the years could be used to establish other stand-alone bodies, on topics such as water management, combating trafficking in human beings, good governance, or security sector governance. More engagement through centres of excellence, however, can only be achieved with strong support, including financial support, from participating States.

Partnerships

The growing complexity of current security challenges calls for greater co-operation among all relevant actors. It is becoming more necessary than ever to join forces and look for synergies and complementarities in our activities. As a regional arrangement under Chapter VIII of the UN Charter, the OSCE's relations with other international, regional, and sub-regional organizations are of crucial importance. During my tenure, I tried to strengthen the Organization's existing partnerships and create new ones. My priority was in particular to deepen co-operation between the OSCE and the UN, and the establishment of the UN Liaison Office for Peace and Security in Vienna was a tangible outcome of these efforts. The Office has significantly increased and strengthened working-level contacts between the two organizations and has enabled the OSCE to benefit from favourable UN procurement arrangements. Based on this positive experience, I believe the OSCE could greatly benefit

in the future from posting a liaison officer to the headquarters of its most important partners, including the UN, the EU, NATO, the CSTO, the CIS, and the Council of Europe.

In recent years, the OSCE's Mediterranean and Asian Partnerships for Co-operation have grown in terms of their political profile and practical co-operation. Yet their potential is still to be fully tapped, and mutual interaction needs to become more action-oriented. Internal constraints, in particular the "out of area" restriction and strict rules on the use of the Partnership Fund, prevent the OSCE from implementing activities for the benefit of its Partners without consensus approval by participating States. As a result, the executive structures have not been able to meet some of the technical assistance expectations of the Mediterranean Partners, which in my view is a missed opportunity. The participating States should reconsider the rules concerning engagement with OSCE Partners for Co-operation and make them more flexible to allow for more operational and result-oriented interactions in the future.

In addition to traditional partners, the OSCE should embrace innovative forms of multilateral co-operation that complement traditional intergovernmental dynamics. Fostering the Organization's engagement with civil society and academia was one of my personal priorities as Secretary General, and I am pleased that several of the initiatives I introduced, namely the OSCE Network of Think Tanks and Academic Institutions and the New-Med Track II Network, have taken root and are flourishing. The Organization should maintain this engagement and search for additional ways to feed valuable analysis and fresh ideas and recommendations into its security debate. At the same time, the OSCE should explore building coalitions and strategic partnerships with other non-traditional actors such as municipal governments, philanthropic organizations, and the private sector. These players can help us to confront transnational and global challenges more effectively and can over time contribute new resources to sustain our activities. Local governments in particular are often at the forefront in addressing many of today's security challenges, and we should draw on their unique experience.

OSCE Staff

The best resource of any organization is its staff, and the OSCE is no different in this regard. Having worked for and with a wide range of international organizations, I can confidently say that the OSCE staff ranks among the most committed and efficient. Yet the Organization's employment conditions are not competitive when compared to other similar international organizations. Putting aside the issue of the remuneration package itself, the Organization's strict term limits on service for professional staff is the main weakness of the OSCE's human resources policies. It leads to accelerated staff rotation, which translates into greater costs for participating States and ineffi-

ciency and loss of institutional memory for the Organization. As a result, many staff members, especially senior managers and those with excellent performance records, leave the Organization well before the end of their contract to take up posts elsewhere. A reform of term limits for professional staff, without changing the non-career policy of the Organization, would improve overall effectiveness.

The OSCE also relies heavily on staff seconded by participating States in many of its activities, particularly in the field. But the current model of the secondment system is not sustainable and needs urgent reform. The secondment policies of participating States differ dramatically, which results in significant inequalities among OSCE staff when it comes to their remuneration packages, professional level, and geographical and gender balance. This also translates into far fewer applications for seconded posts than for contracted posts, and in a number of instances no candidates at all for some seconded posts, despite repeated advertisement. While it is unrealistic to expect all 57 participating States to unify their policies on seconding professionals to the Organization, some fundamental principles and conditions respected by all seconding authorities should be adopted.

If participating States want the OSCE to keep attracting professional and competent international staff in the future, they need to fundamentally rethink the Organization's human resources policies, especially when it comes to term limits and the secondment system.

Policy Analysis and Outreach

The increasingly complex and dynamic security environment in which the OSCE operates requires enhanced capacities that would enable the Organization to strengthen its long-term policy and operational planning focused on global, overarching goals, including horizontal and cross-dimensional issues. This would also call for strengthening long-term strategic planning capacities in key organizational units. Although my proposal for the budget-neutral creation of a Department of Policy Analysis and Outreach was blocked by participating States, I still believe the Organization needs to enhance its policy analysis and planning capacities. Furthermore, because of the inherent complexity of the OSCE and the long-term nature of its work, it is a challenge for the Organization to project an active and strong image that would attract sustained attention in the capitals of participating States and raise awareness among the general public. Outside of brief periods of crisis when the OSCE is in the spotlight, the Organization needs to develop a better communication strategy to ensure constant outreach, visibility, and the promotion of its achievements. Small information offices across the OSCE region that would promote OSCE values, principles, and commitments and inform the general public about OSCE activities could be beneficial in this regard. They could

be established and run by participating States themselves with support from the relevant OSCE executive structures.

A Cross-Dimensional Approach

Since most security challenges today are cross-dimensional, it is time to acknowledge that the OSCE's comprehensive approach to security needs updating to move beyond the strict divisions of self-contained security dimensions. This calls for a change of mindset: The OSCE should take a more flexible approach, opening up to more cross-cutting policies and increasing co-ordination among the executive structures and within the Secretariat. Participating States should consider possible ways to pursue increased cross-dimensionality in the Organization's work, both conceptually and organizationally. For instance, more cross-dimensional initiatives and activities, such as regular meetings on cross-dimensional issues, could be introduced into the work of the PC's three Committees. The functioning of key annual OSCE meetings across all three dimensions – the Annual Security Review Conference, the Economic and Environmental Forum, and the Human Dimension Implementation Meeting – should be also reconsidered. The Organization would benefit from a proper annual review process on all three dimensions, and the structure and content of these events should be amended accordingly to ensure that they complement each other. Each should have a similar generic standing agenda with regard to all other details such as dates and modalities, and should have a more concrete focus that is decided by the Chairmanship and that does not require a special decision by the PC.

Conclusion

Serving as OSCE Secretary General was the most challenging, humbling, and in many ways frustrating position I have ever held – but it was also the most inspiring and rewarding. The OSCE has a long history of preventing conflicts and promoting stability that the entire OSCE family can be proud of. The Organization has proven to be a precious tool, especially during times of tension, and in recent years it has reconfirmed its relevance as a platform for inclusive security dialogue and joint action in the Euro-Atlantic and Eurasian space, aligning its work ever more closely with the global peace and security agenda. Over the years, it has repeatedly proved its operational flexibility and adaptability. In 2015, the OSCE's contribution to peace and security in Europe was recognized by prestigious awards from the Munich Security Conference and the German city of Magdeburg.

But the OSCE has great potential to do more. Current security challenges require a space for engagement in an increasingly polarized and con-

frontational environment. This is not new: We went down that road a few decades ago when the world was split into two camps threatening to annihilate each other, and with them the rest of the world. While the current situation is in many ways different from the past, the way out of it remains the same: mutual dialogue and co-operation. Cold War tensions led to the creation of the CSCE, which later transformed into the OSCE. It is now our common responsibility to build on this heritage and make full use of the OSCE's potential to help create a safer and more stable future for us all. It is high time to revive result-oriented dialogue, and we can start by discussing how to make the OSCE more resilient, effective, and efficient for years to come.

Multilateralism in Russian Foreign Policy: A Toolbox for the Future

It has become common for scholars to claim that Russia prefers bilateral agreements to multilateral ones, since the former are better suited to securing Moscow's interests.¹ There are indeed significant differences between Russia and EU/NATO member states in terms of the ways they make use of multilateral institutions. However, in global terms, the level of multilateral coordination achieved in the EU and NATO is unprecedented and is likely to remain unchallenged in the foreseeable future. Russia's attitude to multilateralism looks far more mainstream when compared to that of large states outside the EU/NATO framework. Most countries, small and large, including Russia, make use of multilateralism while soberly assessing how multilateral tools can contribute to their policy goals. This might mean that attitudes to multilateralism will shift in the longer run as a result of the changing significance of multilateral institutions but also as a consequence of adjustments made to national foreign policy goals.

The Western Lens

Reflection on Russia's relations with the EU² and NATO³ may lead to the conclusion that Russia rejects multilateralism. Yet Russia has its own reasons to complain about NATO's unwillingness to treat the Collective Security Treaty Organization (CSTO) as a partner in multilateralism and the clear preference that NATO demonstrates for developing bilateral co-operation with CSTO members.⁴

In terms of their underlying rationale, Russia's and NATO states' attitudes towards each other have both similarities and differences. They are similar in that both have a high degree of flexibility which is often registered at the bilateral level, where states do not necessarily have to stick to the lowest common denominator negotiated in a multilateral framework. On cer-

1 Cf., e.g., Jeffrey Mankoff, *Russian Foreign Policy: The Return of Great Power Politics*, Lanham 2012, p. 19.

2 Cf. Jakub Kulhanek, The Fundamentals of Russia's EU Policy, in: *Problems of Post-Communism* 5/2010.

3 Cf. Vilhelm Konnander, What prospects for Russia in the Baltic Sea Region? Cooperation or isolation? In: Jakob Hedenskog/Vilhelm Konnander/Bertil Nygren/Ingmar Oldberg/Christer Pursiainen (eds), *Russia as a Great Power: Dimensions of security under Putin*, London 2005, pp. 109-129, here: p. 111.

4 Cf. Yulia Nikitina, *How the CSTO Can (and Cannot) Help NATO*, PONARS Eurasia Policy Memo No. 285, September 2013.

tain occasions, this flexibility may be utilized to promote a hostile *divide et impera* kind of policy. The major difference is that Russia, and Russia's CSTO partners, cannot deny the significance of the EU and NATO as key multilateral frameworks and therefore cannot avoid entering into dialogue with them. The EU and NATO, by contrast, have raised doubts regarding the genuine nature of multilateral interaction within the CSTO and the Eurasian Economic Union (EAEU). Sceptics suggest that these organizations are no more than fronts for Russian influence, which is simply imposed on other member states of these organizations and must be countered rather than supported by the West.

Russia's view of NATO follows a remarkably similar logic. Back in 2002, when the NATO-Russia Council (NRC) was established, Russia insisted that each state should participate in the NRC in its national capacity – in other words, that the NRC should itself be a multilateral body made up of nation states, not a forum for the multilateral NATO to meet Russia and communicate a position previously agreed by NATO members. As this effort all but failed according to Russian estimates, the Alliance has been increasingly viewed as a form of US influence in Europe. For Moscow, this necessitates talking with Washington rather than multilaterally with NATO. This was no surprise to decision-makers in Moscow; on the contrary, it confirmed their longstanding beliefs. It is indeed more than possible that, from the very beginning of the NRC, both sides foresaw its limited potential, and their suspicion created a self-fulfilling prophecy.

Part of the blame for disregarding the potential of multilateral mechanisms lies with the states themselves. In the course of bilateral negotiations with third countries, member states of multilateral institution X may find it appropriate to make X the scapegoat, blaming it for constraints that they unwillingly have to respect. Member states often seem inclined to guard against encroachments on their sovereign competencies by the multilateral entities in which they participate. Bilateral ties with external partners are among the key assets that member states of multilateral structures may use to make their allies aware of the wider range of policy options available to them. Even those states that benefit most from being part of a multilateral institution do not want to leave it as the only game in town. Meanwhile, states that do not participate in that institution are unlikely to have an interest in helping it become a key decision-making centre with influence over their fates.

The debate about the role of multilateralism in Russian-Western relations focuses on the natural unwillingness of each side to play a role in a game where the rules are being set by the other, and where they, as non-members, are deprived of rights. Hypothetically, if every member state had made it clear that bilateral negotiations made no sense, Russia would have relied on negotiations with the EU and NATO rather than their member states, while the West would have talked to the CSTO or the EAEU, although this would have obviously gone against the member states' interests on many

issues. But up until the point where a multilateral framework turns into a super-state, which even the EU is still far from becoming, a combination of bilateral and multilateral talks – with the emphasis on the former – will remain the key form of international politics.

National priorities play a role when states define their attitudes to multilateralism. Smaller states may treat multilateral frameworks as the best means to compensate for a lack of resources. Larger states often have to struggle with the omnipresent temptation to go it alone, skipping the painstaking work of negotiating with allies. This temptation and the usefulness of multilateral frameworks for larger states are not mutually exclusive; they co-exist and vary from case to case. For the largest Western states, it took two world wars, resulting in the total devastation of some of them, before they considered establishing strong regional multilateral institutions, similar to those that philosophers had suggested centuries earlier.

In the patchwork of European states, Russia plays a unique role. At the time when the West was starting to develop its key multilateral structures, Russia was at the core of an alternative project that ultimately failed. In many respects, Russia is still dealing with the consequences of the Soviet system and its collapse. The new regional multilateral frameworks centred around Russia (the CSTO, the EAEU) and Russia and China (the Shanghai Cooperation Organisation/SCO) are rarely treated as respected partners by the West, in spite of their achievements in bringing their members closer together. As a standalone post-Soviet state, Russia remains the largest European country in terms of both territory and population, even if one only considers the portion of the country that is geographically in Europe. Russia is so large and powerful that it cannot realistically be denied a role in regional politics, but, for the very same reason, and because of Russia's remarkable political and societal complexity, the key regional organizations (the EU and NATO) are not ready to accept it as a full-fledged member, even in the distant future. The Russian government is well aware of this and assumes as a result that decisions taken by the EU and NATO will frequently contradict Russian interests.

A list of issues that make Russia unsuited to membership of Western structures usually centres on the supposed values gap and shortcomings in the development of the country's democratic institutions. Indeed, the transformation of the Russian state and society will continue, just as other countries will undergo change. At least in some scenarios (not necessarily the most probable ones), this could narrow the divergence of world views and interests. However, given that a large number of diverse members already represent an institutional challenge for the EU and NATO, the possibility of extending membership to Russia is not likely to be considered, even if Russia were to become more "like-minded". If a genuine intention to integrate Russia and other partners that do not fit within Western frameworks were to exist, it is more likely that this would take the form of transferring competences to a different institution rather than adapting the EU or NATO.

Russian and Western attitudes towards each other's multilateral efforts tell us little about their approaches to multilateralism as such; they rather reflect the imperfect state of this particular regional relationship, which is still largely based on competition for influence. This is often framed in terms of deterrence and the creation of counterweights, where multilateral co-operation is mainly seen as a way to boost one's chances in the competition rather than to put an end to the rivalry through multilateral effort.

Security for All

In the course of history, the Russian readiness to counter-balance Western powers has often been combined with more constructive offers, some of which have been partially successful. At the same time, these efforts have time and again been undone by catastrophic crises that peace initiatives were unable to prevent.

Tsar Nicholas II initiated conferences on international law and disarmament prior to the First World War. The Soviet government appealed for a collective security system in the interwar period. The Allied powers of the Second World War agreed to set up the UN framework immediately prior to stumbling into the global Cold War, which was accompanied by serious regional conflicts. At the Conference for Security and Co-operation in Europe, the participants agreed on the Helsinki Final Act just a few years before the Cold War hit a new low. The Charter of Paris appeared a year before the international environment changed dramatically with the collapse of the USSR. The OSCE was launched in the midst of Russian-Western tensions around the Chechen and Yugoslav wars and NATO enlargement. Post-Soviet conflicts remained frozen at best, in spite of numerous multilateral mediation efforts. The creation of the NRC was followed by harsh disagreements over ballistic missile defence and the Iraq War. Russian President Dmitry Medvedev's proposals to discuss a new Euro-Atlantic security architecture lost steam amid the Georgia crisis of 2008. During the 2014 Ukraine crisis, the NRC was again blocked, while the potential of the OSCE and the UN has been only partially realized. Overall in the history of security relations, multilateralism so far appears to function rather like an airbag – it is able to reduce shocks, but it is not a guarantee against crises or an effective remedy for crises that are in progress.

If the prerequisite for Russia's enthusiastic participation in multilateral efforts is full equality, then the OSCE is an appropriate forum to reveal the opportunities and limitations that a multilateral institution may provide when this prerequisite is met.

The unique role played by the OSCE in the course of the Ukraine crisis, when no other regional organization could be considered both impartial and capable of security-related monitoring, presents a good example of the par-

ticipating States' ability to reach consensus and act rapidly. The limitations are nonetheless evident.

The most serious of these are caused by the difficult state of Russian-Western relations, as described above. The fact that decisions are taken by consensus in the OSCE does nothing to alleviate tensions. On the contrary, the multilateral forum may be (and is indeed) used for rhetorical exchanges that bring existing disagreements to the surface. Even if at some point all participating States were to decide to act in a co-operative manner, their divisions over past conflicts would not disappear easily. In practice, there is always a mixture of more co-operative and less co-operative behaviour, driven by governments' understanding of national interests.

Moreover, the OSCE has to be seen in context. The Organization is based upon political commitments and functions alongside much more solid, wealthy, and less inclusive institutions, such as the EU and NATO. The participating States know the context and inevitably take it into account. They would probably act in a different way if they considered the OSCE to be the pivot of security-related decision-making in the region. Prior to its recent limited revival, the Organization was marginalized in many policy quarters – both West and East of Vienna. Improving the OSCE's prominence is no easy task when on the most serious issues some of the key participants either prefer to go it alone or reach out to the less-inclusive structures that correspond more closely to their interests. At one point, the Russian state's grievances vis-à-vis the presumably ineffective OSCE grew so large that leading Russian OSCE experts felt they had to reach out to persuade the state of the Organization's advantages.⁵

While the OSCE's institutional shortcomings are obvious, it nonetheless has to be asked whether the Organization's lack of legal personality, its modest budget, and its various operational restrictions are indeed enough of a major stumbling block to prevent a more impressive performance that would make it a true guardian of regional peace and security. The answer is provided by the UN record. The United Nations does have a proper charter as the legal basis for its existence, a mandate to foster international peace and security, and the necessary administrative and financial resources. The UN Security Council (UNSC) is an established body whose permanent members include the leading security actors within the Euro-Atlantic community, as well as Russia and China. The importance of the UN framework in general, and the work of the UNSC in particular, is stressed in all major Russian foreign policy documents. As with other great powers, Russia's openly stated respect for the UN does not mean that it never prevents the forging of consensus. All in all, the veto power for permanent members was introduced precisely in order to let them make their concerns heard, even when those concerns are not shared by others. The number of cases where a permanent member has

5 Cf. Andrey Zagorsky/Mark Entin, Should Russia leave the OSCE, in: *Russia in Global Affairs* 3/2008, pp. 19-31.

exercised its veto right has dropped dramatically since the end of the Cold War.⁶ The scope of the most divisive issues is limited, with the Israel-Palestine conflict still being the most prominent.⁷ Most disagreements may never even come to a vote; however, a large number of resolutions are eventually adopted (61 in 2017),⁸ which, of course, requires the involvement of Russia, a permanent member of the UNSC.

It is well known that the media's attention span is limited, and most issues debated in multilateral institutions therefore never become an issue for public debate or awareness. The crises that garner headlines are those that remain most acute and are hardest to resolve. Russia's constructive involvement in the resolution of various issues around the globe will be unnoticed by many if the ongoing conflicts in which Russia does have a stake remain unresolved.

Good Neighbours

The immediate international environment in which Russia finds itself was shaped by the collapse of the USSR, which came as a surprise to many, including the leaders of the newly independent states. The Commonwealth of Independent States (CIS) was advertised to Soviet citizens as a more flexible alternative to the Soviet Union, but one that would keep all of its important assets intact.⁹ At the same time, the CIS founding documents made it clear that each state would respect the others' sovereignty and territorial integrity. The administrative boundaries inside the USSR were turned into internationally recognized national borders. Yet the CIS turned out to be a divorce act rather than a USSR 2.0. The former Soviet Republics took different paths of internal political development and set divergent foreign policy priorities. More than a quarter of a century later, the issue of Russia's recognition of the sovereignty of the post-Soviet states is still a matter of lively discussion by experts.¹⁰ Official Russian statements have repeatedly confirmed that Moscow's respect for its neighbours' sovereignty is not in question. Yet Georgia, Ukraine, and Moldova would disagree with this, pointing to the role Russia has been playing in post-Soviet conflict zones. Although these are just three

6 Cf. Research Report: The Veto, in: *Security Council Report* 3/2015, at: <http://www.securitycouncilreport.org/research-reports/the-veto.php>.

7 Cf. Emma McClean, Hard Evidence: Who uses veto in the UN Security Council most often and for what? In: *The Conversation*, 31 July 2014, at: <https://theconversation.com/hard-evidence-who-uses-veto-in-the-un-security-council-most-often-and-for-what-29907>.

8 Cf. United Nations Security Council, Security Council Resolutions, *Resolutions adopted by Security Council in 2017*, at: <http://www.un.org/en/sc/documents/resolutions/2017.shtml>.

9 This was the spirit of the Alma-Ata Protocols of 21 December 1991, which established the CIS.

10 Cf., e.g., James Nixey/Richard Sakwa, *The Russia Question: Sovereignty and Legitimacy in Post-Soviet Eurasia*, 8 December 2016, at: <https://www.chathamhouse.org/expert/comment/russia-question-sovereignty-and-legitimacy-post-soviet-eurasia>.

of many former Soviet Republics, their reproaches make waves around the world, and they find many supporters as a result of the tragic character of these conflicts and the importance of the key international legal principles that are at stake, such as territorial integrity and the right to self-determination.

While the principles of international law are globally recognized, their interpretation remains tricky and politicized. A small number of states, including some powerful ones, fully share the strong concerns about Russia expressed by Ukraine, Georgia, and Moldova. Others limit themselves to moderate statements or avoid touching upon contentious issues. Almost all of the countries that have strong concerns regarding Russia's behaviour vis-à-vis its neighbours are situated in Europe or North America. The issue is thus treated as a litmus test: Based on Russia's role in the resolution of post-Soviet conflicts, some parts of the West have drawn conclusions regarding Russia's ability to play a constructive role in world politics. Russia's unwillingness to support a strengthened international presence in these conflict areas is treated as a rejection of multilateralism.

Nevertheless, Russia made and supported attempts to use multilateral mechanisms in zones of actual or potential conflict, even if it rarely went to the point of believing that the presence of international organizations would be the key to conflict resolution. The OSCE has operations in Moldova and Ukraine and, along with the UN mission, was also active in Georgia prior to the 2008 crisis. An additional OSCE mission was based in Crimea until 1999.¹¹ The possibility of a UN peacekeeping mission in the Donbass has been debated among experts since 2014 and by officials since Vladimir Putin's proposal on the issue in September 2017.¹² For Russia, the most relevant lessons in terms of the role of multilateral institutions in conflict resolution came from the Balkans and are often interpreted from one specific angle: In Moscow, it is believed that the West made use of international presences in conflict areas to the detriment of Russian interests and that any repetition of this trap must be avoided.

However, Russia has other neighbours, with whom its relations are not nearly so troubled. The multilateral arrangements of the EAEU and the CSTO bring together a fair share of CIS members that have expressed their willingness to participate in closer economic and military co-operation. The decisions taken by these organizations are heavily influenced by the necessity of forging member consensus. Efforts have been made to explain the mean-

11 Cf. OSCE, The Secretariat, Conflict Prevention Centre, *Survey of OSCE Field Operations*, Vienna, October 2017, pp. 46-47.

12 Cf. Steven Pifer, *Test Putin's proposal for UN peacekeepers*, Brookings Institution, 13 September 2017, at: <https://www.brookings.edu/blog/order-from-chaos/2017/09/13/test-putins-proposal-for-u-n-peacekeepers>; Alexey Arbatov, *A UN peacekeeping operation is the only way forward in Ukraine*, Carnegie Moscow Center, 28 September 2017, at: <http://carnegie.ru/commentary/73251>.

ing and importance of Eurasian integration to a wider audience.¹³ Although Russia is an obvious heavyweight in economic and military terms in comparison to its smaller allies, the decision-making systems of the Eurasian entities require co-operative behaviour.

The scepticism some Western countries have towards the EAEU and the CSTO is primarily founded in the assessment of their members' internal developments rather than the character of their multilateral interaction. From that angle, they represent unions of temporary autocracies that will at some point have to give way to more open and democratic systems of government. However, the idea of a relatively fast and straightforward transformation along Western lines has been challenged repeatedly in many parts of the world. It may well be that the EAEU/CSTO states will keep working on the gradual development of those multilateral structures for many decades to come without any fundamental change to their national political systems or the nature of their interaction. At some point, this gradual strengthening may make it impossible for external partners to ignore these entities.

Legal Grounds

Next to the OSCE, the Council of Europe (CoE), which Russia joined in February 1996,¹⁴ is the second most important regional institution in which Russia has full membership rights and whose role Russia could have an interest in enhancing. Although recent political developments connected with the Ukraine crisis have complicated Russia's participation in the CoE, membership has been significant and generally positive for Russia.

Membership of the CoE has required Russia to undertake quite a lot of legal adjustments, including a ban on the death penalty, which is still heavily criticized by conservative voices in the country. It is also now possible for Russian citizens to appeal against decisions of the Russian courts at the European Court of Human Rights (ECtHR). The Parliamentary Assembly of the CoE (PACE) opened an important new opportunity for members of the Russian parliament to join international debate.

The CoE is built on the idea that its members share common values and that these will help them to introduce similar mechanisms for the protection of their citizens' rights and similar rules for political processes at the national level. In practice, Russia and the West have rather drifted apart in this regard. This is reflected in the remarkable number of judgments the ECtHR has made

13 See the reports of the Centre for Integration Studies at the Eurasian Development Bank, at: <https://eabr.org/en/analytics/integration-research/cii-reports>.

14 Cf. Council of Europe and the Russian Federation, Council of Europe, Council of Europe Programme Office in Moscow, at: <https://www.coe.int/en/web/moscow/field-office>.

against the Russian Federation over the past years, with only Italy and Turkey having more.¹⁵

This record of ECtHR rulings obviously irritated the Russian state, which led to a decision enabling the Russian legal system to overrule ECtHR decisions.¹⁶ At the same time, Russia's official stance remains that it is interested in participation, though it believes that some ECtHR regulations require reform if they are going to work properly.¹⁷

The Russian delegation's voting rights in the PACE have been suspended as a result of the Russian parliament's role in the Crimea crisis in 2014.¹⁸ In protest against this decision, which remains in force, Russia cancelled its annual payment to the CoE in 2017.¹⁹

Prominent Russian voices have regularly characterized Russia's membership of the CoE as an unnecessary burden.²⁰ The CoE is different from most other multilateral structures as it can question Russia's political processes, while the ECtHR can object to decisions on legal cases, including cases that draw a lot of public attention. For Russian observers with only a casual interest in international organizations, the CoE is mostly considered an irritant, while those who wish to see the repeal of decisions taken by Russian courts consider it a key body, even if they had no previous general interest in international affairs.

Economic Rationale

The Russian economy represents less than two per cent of global GDP, while the United States accounts for 24 per cent, and China some 15 per cent.²¹ Unlike in the field of security or in terms of co-operation with its smaller neighbours, Russia has no leverage that would let it achieve any substantial results in the global economy without co-operation with others. The EAEU may help

15 Cf. European Court of Human Rights, *Violation by Article and by States (1959-2016)*, at: http://www.echr.coe.int/Documents/Stats_violation_1959_2016_ENG.pdf.

16 Cf. Vladimir Putin signs law allowing Russia to ignore international human rights rulings, in: *The Independent*, 15 December 2015.

17 Cf. The Ministry of Foreign Affairs of the Russian Federation, *Comment by the Information and Press Department on Foreign Minister Sergey Lavrov's participation in the 127th Session of the Committee of Ministers of the Council of Europe*, 17 May 2017, at: http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2759379.

18 Cf. Russian delegation suspended from the Council of Europe over Crimea, in: *The Guardian*, 14 April 2014.

19 Cf. Russia cancels payment to Council of Europe after claiming its delegates are being persecuted over Crimea, in: *The Independent*, 30 June 2017.

20 Cf., e.g., *Dolzha li Rossiya vyjti iz sostava Soveta Evropy?* [Should Russia Withdraw from the Council of Europe?], *Zvezda*, 28 April 2016, at: <https://tvzvezda.ru/schedule/programs/content/201509181148-ykon.htm/201604281306-7al6.htm>.

21 Cf. Alex Gray, *The world's 10 biggest economies in 2017*, World Economic Forum, 9 March 2017, at: <https://www.weforum.org/agenda/2017/03/worlds-biggest-economies-in-2017>.

to bring neighbouring countries together, but it does not bring any significant change to the Russian role in global economic interactions. The world's leading economic heavyweights have larger toolboxes at their disposal, but often they too understand the value of multilateralism in opening the way to clarifying rules and lowering barriers to trade and investment.

Russia joined the World Trade Organization (WTO) in 2012, after 20 years of negotiations and a long approximation process.²² The accession was long overdue, as the organization's membership was rapidly heading towards true globalization and had a membership roll nearly as long as that of the UN. By 2017, there had been eight complaints filed against Russia requiring WTO dispute settlement.²³ This puts Russia in the large group of countries in the middle in terms of the number of complaints filed against them, between the leading global economic powerhouses, which have the most complaints against them, and the least economically significant countries, which have no complaints against them. Russia is learning to use WTO mechanisms to its advantage and has filed four WTO complaints against the EU and two against Ukraine. In October 2014, the Russian Ministry for Economic Development, together with the Moscow-based Higher School of Economics and Sberbank, created a Centre for WTO Expertise.²⁴

Russia joined the WTO at a point when further progress towards lower trade barriers became problematic with the stalling of the Doha Round of negotiations. This could even be an asset for a newcomer, as it gives it the time needed to master the existing mechanisms and procedures. Much of the WTO negotiations naturally drive countries towards coalition-building. Taking part in coalitions and proposing new ones will be one of the skills Russian representatives will try to acquire.

Although almost all the countries of the world, with minor exceptions, have joined the WTO or are in the process of acceding, the internal debate on WTO membership continues in Russia. Lobbyists representing certain industries, as well as populist politicians, portray the organization as a globalist plot seeking to harm the Russian economy, which cannot defend itself with protectionist barriers and must respond to the complaints of the EU and other trade partners. This provides just a hint of the many ways multilateralism may get twisted in public debate.

Russia has been an active participant in the G20 forum of leading economies since its establishment in 1999 (summits have been held since 2008) and successfully held the chairmanship of the group in 2013. The G20 primarily deals with global macroeconomic stability and is the key mechanism that Russia can use to make its voice heard on matters where its own weight

22 Cf. World Trade Organization, Accessions, *Russian Federation*, at: https://www.wto.org/english/thewto_e/acc_e/a1_russie_e.htm.

23 Cf. World Trade Organization, *Map of disputes against WTO members*, at: https://www.wto.org/english/tratop_e/dispu_e/dispu_maps_e.htm.

24 About the Centre, see: Tsentr ekspertizy VTO [Centre for WTO Expertise], at: <http://www.wto.ru/2014/10/15/o-centre>.

is rather insignificant. The G20 has the advantage of appearing to the public as a club of world leaders rather than a faceless bureaucratic monster, which is how the WTO may appear. Given Russia's exclusion from the G8 in the course of the Ukraine crisis, the role of the G20 as a "club" becomes even more important. Apart from the leaders' performance at the summits, including above all their body language, the work done in the G20 passes without notice or interest on the part of the general public in Russia.

Since 1996, Russia has aspired to join the Organisation for Economic Co-operation and Development (OECD).²⁵ Negotiations were suspended in 2014 as a result of the Ukraine crisis.²⁶ However, the Russian government understands the importance of OECD standards for investors and insists that interest in a possible revival of the accession process is mutual.²⁷ A centre for OECD competency is supporting the process from within the Russian Presidential Academy.²⁸

While the idea of a pivot towards Asia remains a disputed notion among experts,²⁹ Russia is definitely determined to establish a more visible political and economic presence on the continent. In comparison to the dynamic economies of Asia, Russia has few assets to offer. In that most densely populated part of the world, Russia cannot impress its partners with its demographics, labour market, growth rates, the modernity of its cities, its technological development, or the high quality of its trade logistics infrastructure. Such limitations push the Russian government towards multilateral frameworks, even if these are loose and tend to be symbolic in nature. On the eve of the 2017 Asia-Pacific Economic Cooperation (APEC) summit, which was held in Vietnam, President Putin authored an article describing Russia's strong willingness to grasp Asia's economic potential.³⁰ Russia's involvement in APEC is also supported by a group of experts at a dedicated centre within the Presidential Academy.³¹ The forums developed by ASEAN – the East Asia Sum-

25 Cf. OECD, *The Russian Federation and the OECD*, at: <http://www.oecd.org/russia/therussianfederationandtheoecd.htm>.

26 Cf. DW, *OECD suspends Russia accession talks while Moscow vows "symmetrical" sanctions*, 13 March 2014, at: <http://www.dw.com/en/oecd-suspends-russia-accession-talks-while-moscow-vows-symmetrical-sanctions/a-17494773>.

27 Cf. Sputnik international, *OECD Wants Russia to Enter Despite Some States' Objections – Russian Minister*, 29 August 2017, at: <https://sputniknews.com/world/201708291056897566-russia-oecd-cooperation-membership>.

28 The Russian Presidential Academy of National Economy and Public Administration has an English language website at: <https://www.ranepa.ru/eng>.

29 Cf., e.g., Alexander Gabuev, *A Pivot to Nowhere: The Realities of Russia's Asia Policy*, Carnegie Moscow Center, 22 April 2016, at: <http://carnegie.ru/commentary/63408>.

30 Cf. Vladimir Putin, *Russia's APEC goals: Shared prosperity and harmonious development*, in: *The Globe and Mail*, 8 November 2017, at: <https://www.theglobeandmail.com/opinion/vladimir-putin-russias-apec-goals-shared-prosperity-and-harmonious-development/article36875042>.

31 The Russian APEC Study Center has an English-language website at: <http://apec-center.ru/en>.

mit (EAS) and the ASEAN Regional Forum (ARF) – have also ignited growing interest on the Russian side.³²

In making use of multilateral structures dealing with economic matters, Russia has shown its ability to give due regard to rules and procedures when they indeed help it to promote its interests and when it has acquired (or is able to acquire) the rights that make it a peer to other participants. It is also important that, even when interaction with multilateral institutions of this kind requires significant changes to Russian legislation and business practice, these organizations do not go as far as to criticize the essence of Russia's political system, which is something that has repeatedly caused trouble in Russia's relations with the EU.

Polycentric Elites

For many years, in terms of official policy as well as expert opinion, Russia has insisted that the world of the present and the future has to be considered multipolar or polycentric.³³ The counter-argument is to suggest that a multipolar world would be chaotic and dominated by rivalry.³⁴ Whatever the intentions of world leaders might be, the number of actors with global significance is indeed growing. Multilateral co-operation seems to be a natural solution for a world in which a significant number of states and non-state entities play an important role in global policy-shaping.

There has been no shortage of statements from the Russian Ministry of Foreign Affairs on the matters of multilateral co-operation, usually combining a point about Russia's constructive attitude with an expression of concern about the fact that Russia's special interests are not always respected. When the activities of multilateral institutions are interpreted as being driven by other great powers determined to reduce Russia's influence, this ignites concern and suspicion.

It is unlikely that most of the existing multilateral mechanisms will draw much public attention in the foreseeable future, and, as the contrary case of the WTO confirms, this can be beneficial given the complexity of issues discussed by diplomats and experts. The level of Russia's engagement in multilateral co-operation will be defined by the Russian elites. The consensus that this is a polycentric world tells us little about how people believe the

32 Cf. The Ministry of Foreign Affairs of the Russian Federation, *Foreign Minister Sergey Lavrov's opening remarks and answers to media questions at a news conference following a number of bilateral meetings and multilateral events on the sidelines of ASEAN, EAS and ARF, Vientiane, July 26, 2016*, 26 July 2016, at: http://www.mid.ru/en/press_service/minister_speeches/-/asset_publisher/7OvQR5KJWVmR/content/id/2370655.

33 Cf. Alexander Dynkin/Natalia Ivanova (eds), *Russia in a Polycentric World*, Moscow 2012.

34 Cf. *Condoleezza Rice attacks multi-polarity as "necessary evil"*, EurActiv, 1 July 2003, at: <https://www.euractiv.com/section/security/news/condoleezza-rice-attacks-multi-polarity-as-necessary-evil>.

world should be structured or about the intentions that key actors will demonstrate within it. Russia will play its part in shaping these important aspects of the world and its character in the future.

The most common view of the Russian elites singles out liberals, who are more inclined to use internationally accepted norms, rules, and frameworks as policy guidelines, and conservatives, who seek to minimize external constraints on the country's sovereignty. Neither of the two groups will disappear, and both will contribute to the formulation of Russia's policies. At the present moment, it appears that the liberal voices are strong when it comes to economic matters, while the conservatives have the upper hand on security. Although this has had a visible impact on Russia's role in multilateral institutions, the policy decisions that are ultimately made often escape the radicalism that can be found in both groups. The radical part of the liberal elite would probably prefer to make Russia's close interaction with key Western institutions a priority, which is clearly not the government's preference. The more radical conservatives would rather withdraw from most of the multilateral institutions, especially those that force Russia to respond to others' complaints, such as the Council of Europe and the WTO. This option is likewise disregarded by the government.

Although the elites do take part in the debate on Russia's present and future involvement in multilateral co-operation, this debate is often marked by sheer ignorance. With some positive exceptions, the level of expertise available for analysis of multilateral institutions is insufficient. The government acknowledges its need to boost levels of expertise, at least in some areas, but it will only be possible to assess the results in the longer run.

Conclusion

Russia is not shying away from multilateralism. A number of bitter disagreements that persist between Russia and the West do not reflect the whole spectrum of policies shaped by the existence of multilateral institutions. In many respects, Russia is making very rational choices on the use of multilateral mechanisms. When the Russian government knows that these mechanisms will not serve its interests (or will even contradict them) and that this will not change soon, they do not have much interest in making a contribution to their efficiency. When, on the contrary, multilateral structures can help Russia to secure its interests, be it through universally accepted common rules or forums for dialogue, it becomes interested and ready to participate.

In a number of cases, mainly those where Russia and the West are most deeply at odds with each other, the progress that could be achieved via multilateral co-operation is blocked by irreconcilable national interests. This should not be interpreted as a complete failure on the part of international organizations. Both national special interests and the ability to forge multilat-

eral consensus will remain parts of international politics, and Russia will make use of both sets of tools, depending on what serves its interests best.

The OSCE Participating States:
Domestic Developments and Multilateral Commitment

Mission Unaccomplished: Turkey after Erdoğan's Referendum

2017 has not been a good year for European-Turkish relations, nor has it been particularly propitious for Turkey itself. Divisions between Turkey, on the one side, and the European states and international organizations, on the other, have been widening, and positions hardening. The rhetoric on both sides has intensified, and more differences than commonalities are evident. The lowest points were the referendum to amend the Turkish constitution, the arbitrary imprisonment of persons who were also citizens of a European state, and the personal intervention of Turkish President Recep Tayyip Erdoğan in the German election campaign. Anyone who thought the Gezi Park protests had revealed fissures in the Turkish power structure or that Erdoğan had already passed the zenith of his power was mistaken. In the meantime, Erdoğan has again clearly sharpened the tone of his comments directed at the West, while tightening the reins domestically following the attempted coup in the summer of 2016.

Erdoğan's election as president of Turkey in 2014 and the 2017 referendum to amend the constitution and transform the political system into a presidential system were major political turning points. Both votes were observed by the OSCE, which delivered critical reports on each. In this contribution, I begin by considering the OSCE's criticisms of the two votes. I then analyse the strategies of repression and legitimation that Erdoğan is using to strengthen his grip on power. Finally, I argue that, despite clear evidence of authoritarian tendencies, it is nonetheless smarter for the West to avoid direct confrontation with Erdoğan or cutting Turkey loose, but rather to systematically cultivate the section of Turkish civil society that is well disposed towards Europe, while remaining critical of political developments in the country.

Turkish for Democracy

Recep Tayyip Erdoğan, who was prime minister of Turkey from 2003 until 2014, was elected as Turkey's head of state in August 2014 with 52.2 per cent of the votes cast. The office of president had previously been held by Abdullah Gül. Erdoğan received just under 69 per cent of votes cast by Turkish citizens living in Germany, though turnout among German Turks was

merely 8.15 per cent.¹ Given that Erdoğan was able to secure a relatively large proportion of the German Turkish vote, it can be assumed that his campaign was positively received in Germany. Indeed, with the noteworthy exception of the United Kingdom, Erdoğan generally received a large number of votes in Western European countries – a higher share than in Turkey itself.

The elections were relatively fair and democratic standards were respected, as confirmed by international monitors. In the words of the OSCE observers: “The campaign was characterized by a general respect for fundamental freedoms and contestants were generally able to campaign without hindrance.”² Nevertheless, a certain imbalance among the candidates arose from the fact that, as prime minister, Erdoğan enjoyed significantly more political visibility than his rivals. “While all three candidates actively campaigned, the campaign of the Prime Minister was the most visible. The misuse of administrative resources and the lack of a clear distinction between key institutional events and campaign activities granted him an undue advantage (...)”³ In 2014, Erdoğan had already used his power over the media to play to the gallery.

Erdoğan’s two opponents, Ekmeleddin İhsanoğlu, the joint candidate of the Kemalist Republican People’s Party (*Cumhuriyet Halk Partisi*, CHP) and the far-right Nationalist Movement Party (*Milliyetçi Hareket Partisi*, MHP), and Selahattin Demirtaş of the left-wing Peoples’ Democratic Party (*Halkların Demokratik Partisi*, HDP), criticized the unfair conditions under which the campaign was run. The national public broadcaster, TRT (*Türkiye Radyo ve Televizyon Kurumu*), granted Erdoğan far more time than his opponents to make statements relevant to the election. Erdoğan enjoyed a total of some 533 minutes of broadcast time to get his message across, while the CHP/MHP candidate had to make do with 23 minutes, and the HDP candidate with only 45 seconds. According to the OSCE: “The overall disproportionate television coverage, the main source of political information, in favour of the Prime Minister, including live broadcasting of his events and speeches, coupled with the limited amount of political advertising of the other two candidates, gave the Prime Minister a distinct advantage and limited pluralistic information on political alternatives for voters.”⁴

In contrast to his predecessors, Erdoğan has been more active in defining the role of the president and shaping his activities, and, in doing so, has occasionally exceeded his powers. According to its constitution, Turkey is still a parliamentary democracy in which the executive is the ultimate govern-

1 Cf. Nermin Abadan-Unat/Volkan Çıdam/Dilek Çınar/Zeynep Kadirbeyoğlu/Selcan Kaynak/Bahar Özay/Sercan Taş, *Voting Behaviour of Euro-Turks and Turkey's Presidential Elections of 2014*, December 2014, p. 18.

2 OSCE, Office for Democratic Institutions and Human Rights, *Republic of Turkey, Presidential Election, 10 August 2014, OSCE/ODIHR Limited Election Observation Mission, Final Report*, Warsaw, 18 November 2014, p. 1, available at: <http://www.osce.org/odihr/elections/turkey/126851>.

3 Ibid., p. 2.

4 Ibid., pp. 2-3.

mental authority, while the president possesses “merely” symbolic powers. Under Erdoğan, however, the balance of power has changed fundamentally. As president, he has acted more as a head of government and less as a politically neutral head of state.⁵ This is only possible because the prime ministers – Ahmet Davutoğlu until May 2016, Binali Yıldırım thereafter – were willing to subordinate themselves to Erdoğan, who informally picked and finally confirmed their cabinets. Since Erdoğan’s election, Turkey has effectively had a presidential system. Since not even Erdoğan could permanently contradict the spirit of the constitution, it was thus necessary to change the form of government.

Erdoğan’s plan to introduce a presidential system in Turkey can be considered a very calculating strategic move. If the change is accomplished in time for the next elections in 2019, the actions he currently performs as head of state that exceed his powers will no longer be in breach of the constitution. At the same time, he will be able to act with even more political independence from other political actors.⁶

The referendum on amending the Turkish constitution was held on 16th April 2017. Voters were asked to decide whether Law No. 6771, whose 18 points would change a total of 72 articles of the constitution, should be adopted to come into force at the next elections in November 2019. The referendum was as close as it could be, with 51 per cent voting “yes” and 49 “no”. Virtually all the interior Anatolian provinces were in favour of the amendments, while the coastal provinces, the European part of Turkey, and the areas with a majority Kurdish population were against. The result is all the more remarkable given how hard Erdoğan and his Justice and Development Party (*Adalet ve Kalkınma Partisi*, AK Parti, AKP)⁷ campaigned in favour of the amendment, even resorting to extortion and intimidation. The OSCE report on the constitutional referendum did not mince words, stating that the referendum “took place on an unlevel playing field and the two sides of the campaign did not have equal opportunities. Voters were not provided with impartial information about key aspects of the reform, and civil society organizations were not able to participate. Under the state of emergency put in place after the July 2016 failed coup attempt, fundamental freedoms essential to a genuinely democratic process were curtailed. The dismissal or detention of thousands of citizens negatively affected the political environment. One side’s dominance in the coverage and restrictions on the media reduced voters’ access to a plurality of views.”⁸

5 Cf. Emre Erdoğan, *Erdoğan’s Final Countdown to Absolute Power?* The German Marshall Fund of the United States, Analysis, 19 February 2015, available at: <http://www.gmfus.org/publications/Erdoğans-final-countdown-absolute-power>.

6 Cf. *ibid.*, p. 2.

7 The abbreviation AK also means “white” or “pure” in Turkish.

8 OSCE, Office for Democratic Institutions and Human Rights, *Republic of Turkey, Constitutional Referendum, 16 April 2017, OSCE/ODIHR Limited Referendum Observation Mission, Final Report*, Warsaw 22 June 2017, p. 1, available at: <https://www.osce.org/odihr/elections/turkey/324816>; the same statement was already made in: OSCE, Office for

The fact that the “yes” campaign had access to state resources and the implicit support of state institutions – above all the security forces – while the “no” campaign faced active opposition, including dirty tricks and even violence, sheds a troubling light on the political situation in the country. The OSCE, too, “observed the obstruction of efforts of several parties and civil society organizations to support the ‘No’ campaign. The campaign rhetoric was tarnished by a number of senior officials equating ‘No’ supporters with terrorist sympathizers. In numerous cases, ‘No’ supporters faced bans of their campaign activities, police interventions and violent scuffles at their events.”⁹

In view of the clear intervention by state institutions, it appears almost miraculous that Erdoğan won by such a narrow margin. In 2017, Erdoğan’s exercise of influence is significantly stronger than it was three years ago, and the autocratic character of his regime is becoming increasingly evident.

Erdoğan’s Radicalization

The rise of the AKP goes hand-in-hand with a series of reforms on a scale unique in Turkish history. Under the AKP, who were first elected to govern in 2002, Turkey moved gradually closer to the European Union (EU).¹⁰ The AKP’s greatest achievements include: abolishing the death penalty, banning torture, and extending freedom of speech, and the rights of minorities, women, and children.¹¹ In the light of these reforms, the European Commission agreed to officially commence negotiations on Turkey’s full membership in the EU on 3 October 2005.¹² One feature of the reform process initiated by the AKP was that representatives of Islamic-conservative and Kurdish circles were also included in Turkey’s new more moderate and pro-European direction. Despite the AKP’s embrace of “European values”, the party’s plans were driven by the desire for a new ethical order in society, one that has its origins in the Ottoman period. To bring about this renewal, it was necessary to break those Kemalists who had suppressed the renaissance of political Islam ever since the founding of the Turkish republic. The AKP

Democratic Institutions and Human Rights/Parliamentary Assembly of the Council of Europe, *International Referendum Observation Mission, Republic of Turkey – Constitutional Referendum, 16 April 2017, Statement of Preliminary Findings and Conclusions*, p. 1, available at: <https://www.osce.org/odihr/elections/turkey/311721>.

9 OSCE/ODIHR *Limited Referendum Observation Mission, Final Report*, cited above (Note 8), p. 2.

10 Cf. Olaf Leïße (ed.), *Die Türkei im Wandel. Innen- und außenpolitische Dynamiken* [Turkey Transformed. Shifts in Domestic and Foreign Policy], Baden-Baden 2013.

11 Cf. Asiye Öztürk, *Der innenpolitische Kontext des außenpolitischen Wandels der Türkei* [The Domestic Context of Turkey’s Foreign Policy Transformation], Deutsches Institut für Entwicklungspolitik, Discussion Paper 5/2009, p. 12.

12 Cf. Olaf Leïße, The Permanent Candidate: Turkey’s Europeanization under the AKP Government, in: Annette Freyberg-Inan/Mehmet Bardakci/Olaf Leïße (eds), *Growing Together, Growing Apart: Turkey and the European Union Today*, Baden-Baden 2016, pp. 35-53.

therefore took aim at one of the foundational principles of Kemalism, seeking to reform Turkey's commitment to secularism.

This plan was justified by the government in the name of a more pluralistic approach to policy-making. AKP leaders claimed that their intended reform of Kemalism did not seek to abolish secular principles directly, but merely to loosen their application, in order to make Turkey's political system more democratic. In the academic literature and among the population as a whole, the AKP's strategy was perceived as progressive and modern. The effects of this modernization were felt, above all, in the economy. The AKP was also wise enough to distance itself from earlier Islamic movements, learning from their failure.¹³ To achieve political success in Turkey, the AKP needed to adopt a more moderate posture and, in contrast to precursors such as Necmettin Erbakan's banned Welfare Party (*Refah Partisi*) in the 1990s, assume the role of a centrist party.

From a European point of view, however, by the time of Erdoğan's election to the presidency in 2014, at the latest, the party could no longer be considered moderate or centrist. Erdoğan and the AKP are increasingly pursuing a programme consisting of a mixture of neo-Ottoman nostalgia, conservative Islamic morals, and nationalism. During this period, Erdoğan has also come to assume a far more central position. More than any of his predecessors, he knows how to portray himself as the guarantor of the stability of "the people and the nation". Erdoğan personally embodies the fusion of state and nation into a single entity, with him at the centre as the highest representative of the state. By seeking to transform the political system into a presidential system in 2019, he shows he is willing to undermine the current structure of the Turkish state just to maintain and expand his own power. At the same time, Erdoğan and the AKP are also showing increasingly authoritarian tendencies. This kind of high-handed government is naturally also concerned with public recognition and support. Domestically, the government takes a hard line in pursuing its agenda, using surveillance, repression, and even violence. In the following, I focus on four means used by the regime to cement its hold on power.

Media and Press Freedom

The Turkish media is dominated by corporate interests, and corporate inter-linkages play an extremely important role in news reporting.¹⁴ When the AKP came to power following the 2002 elections they initially enjoyed the support of most of the media. Yet this changed after the 2004 elections, after

13 Cf. E. Fuat Keyman/Sebnem Gumuscu, *Democracy, Identity and Foreign Policy in Turkey. Hegemony through Transformation*, Basingstoke 2014, p. 41.

14 Cf. Dilek Kurban/Ceren Sözeri, *Caught in the Wheels of Power: The Political, Legal and Economic Constraints on Independent Media and Freedom of the Press in Turkey*, TESEV Democratization Program Media Studies Series 3, Istanbul 2012, p. 49.

which a number of media company owners and politicians attempted to put the government in a bad light. Turkey's largest media organization, the Doğan Media Group, was particularly critical of the AKP's reform plans. The zenith of the Doğan Media Group's power came in 2008 during the struggle over the government's attempt to lift Turkey's ban on the wearing of headscarves in public institutions.¹⁵ A year later, an enormous fine was imposed on the Doğan Media Group with the aim of severely restricting the group's criticism of the government.¹⁶ This and further repressive measures limited the freedom of journalists to perform their work and led to greater self-censorship.¹⁷ Self-censorship can be traced back to both the state and to corporate interests. The media companies are interested in maintaining good relations with the state, which leads to reporting that is pro-government.¹⁸ Journalists are also scared of losing their jobs or being publicly discredited and socially ostracized.¹⁹

Discussions on press freedom in Turkey reached their peak during the Gezi Park protests, drawing national and international attention. At the start of the unrest, the protests were largely ignored by the Turkish media. During the first protests in Istanbul's central Taksim Square, CNN Türk, which belongs to the Doğan Group, ignored the events, broadcasting instead a documentary about penguins.²⁰ This failure on the part of the media led to penguins becoming a symbol of the protest movement.²¹

In addition, journalists and other people in the public sphere were publicly discredited for their participation in the Gezi protests.²² Following the protests, 384 journalists lost their jobs.²³ Can Dündar, one of Turkey's most prominent journalists, spoke after his firing: "Everyone knows why; I'm not the first, and I won't be the last."²⁴ In late 2014, 24 people, including three journalists, were arrested during raids. Most of those arrested had a connection with Fethullah Gülen and his movement – exactly one year after the cor-

15 Cf. *ibid.*, p. 50.

16 Cf. Sebnem Arsu/Sabina Tavernise, Turkish Media Group Is Fined \$2.5 Billion, in: *The New York Times*, 9 September 2009, at: <http://www.nytimes.com/2009/09/10/world/europe/10istanbul.html>.

17 Cf. Kurban/Sözeri, cited above (Note 14), p. 51.

18 Cf. *ibid.*, pp. 51-52.

19 Cf. Friedrich Ebert Stiftung, *Media Barometer. Turkey 2014. A home grown analysis of the media landscape in Turkey*, Istanbul 2014, p. 17.

20 Cf. Kerem Oktem, Why Turkey's mainstream media chose to show penguins rather than protests, in: *The Guardian*, 9 June 2013, at: <http://www.theguardian.com/commentisfree/2013/jun/09/turkey-mainstream-media-penguins-protests>.

21 Cf. Pelin Turgut, As Turkey's Protests Continue, Attention Falls on Failures of Turkish Media, in: *Time*, 6 June 2013, <http://world.time.com/2013/06/06/as-turkeys-protests-continue-attention-falls-on-failures-of-turkish-media/>.

22 Cf. Turkish actor threatened over his Gezi Park support, in: *Hürriyet Daily News*, 10 June 2013, at: <http://www.hurriyetdailynews.com/turkish-actor-threatened-over-his-gezi-park-support.aspx?pageID=238&nID=48568&NewsCatID=341>.

23 Cf. Friedrich Ebert Stiftung, cited above (Note 19), p. 16.

24 Cited in: Serkan Ocak, Ve Can Dündar da gitti [And Can Dündar Left too], in: *Radikal*, 2 August 2013, at: http://www.radikal.com.tr/turkiye/ve_can_dundar_da_gitti-1144521 (author's translation).

ruption scandal that had discredited Turkey's government in 2013, which Erdoğan had blamed on Gülen. After the July 2016 coup attempt, the security forces got even tougher. More than 100 journalists were arrested and 150 media outlets closed down. Many journalists had to leave the country, including Can Dündar, who moved to Germany. At the time of writing, 43 journalists remain in custody, including Deniz Yücel and the translator Meşale Tolu. This is the highest number of journalists in prison in any country worldwide. The World Press Freedom Index of Reporters without Borders now placed Turkey 155th of 180 countries – and falling.²⁵

These acts indicate that politics in Turkey are moving in an undemocratic direction. In a democracy, where power stems from the people, the public media are an indispensable means of opinion forming among the citizens. Restrictions on reporting deny the Turkish people precisely this right to independently form their own opinions.

Restricting the Right to Demonstrate and Security Policy

As well as press freedom, the right to demonstrate is also being strictly restricted and controlled in Turkey. Following the Gezi protests, a comprehensive package of security measures was adopted in February 2015, granting the police enhanced powers. The police are now permitted to shoot on armed demonstrators at their own discretion, with the definition of “armed” including the carrying of rocks. This also endangers peaceful demonstrators who might find themselves in the line of fire.²⁶ The new security laws largely target demonstrators, expanding the powers of the police by, among other things, allowing controversial methods of investigation. For instance, the police may now detain demonstrators for up to 48 hours. A law banning masks at demos is also planned, with infringement carrying a penalty of up to five years' imprisonment.

After the 2016 coup attempt, basic rights were suspended. Over 150,000 state employees lost their jobs, and 15 universities were immediately closed. Some 55,000 people are still held on remand, and the state plans to extend the permissible length of pre-trial custody to seven years. Demonstrations in opposition to this tough line are met with the concentrated and arbitrary application of state power. Despite these repressive measures, demonstrators have not allowed themselves to be deterred entirely. On 8 March 2017, over 10,000 women took to the streets in Istanbul to mark International Women's Day. At the demo, organized by a feminist group, women criticized the dominant patriarchal structures via anti-Erdoğan slogans.

25 Cf. Reporters without Borders, *2017 World Press Freedom Index*, at: <https://rsf.org/en/ranking>.

26 Cf. Mustafa Akyol, The No-More-Mr-Nice-Guy law, in: *Hürriyet Daily News*, 25 February 2015, at: <http://www.hurriyetdailynews.com/the-no-more-mr-nice-guy-law.aspx?pageID=449&nID=78807&NewsCatID=411>.

In November 2014 at a meeting on the subject of “women and justice”, Recep Tayyip Erdoğan stated the following: “You cannot put women and men on an equal footing. It is against nature.”²⁷ As this quote makes clear, Erdoğan is not in favour of promoting equality. He also made it clear that the nature of this event would not stop him from publically propounding his conservative view of women. Erdoğan is more interested in promoting the idea that women and men have specific roles. On International Women’s Day 2008, he called upon Turkish women to have at least three children each – for the benefit of the nation. In July 2014, Bülent Arınç, along with Erdoğan one of the founders of the AKP, caused a media furor when he stated that women should not laugh loudly in public – an example of what he called the decline of public decency in Turkey.²⁸

In 2012, the AKP had also taken it upon itself to seek to tighten up Turkey’s abortion law. Yet this idea was quickly dropped on account of harsh criticism. During the public discussion around this issue, Erdoğan equated abortion with murder, and, by calling it treason, made his already questionable plan to ban abortion in all cases even more incomprehensible and his line of argumentation even more incoherent. His argument was that abortion is treason because it reduces population growth, thereby damaging the country as a whole. Those who supported Erdoğan’s position included the then Health Minister Recep Akdağ, who argued that abortions should only be carried out when the pregnancy endangered the health of the mother. Akdağ was thus also against allowing the termination of pregnancies resulting from rape, arguing that, if the mother did not want the resulting child, it should be raised by the state. It is worth noting that this debate is being held almost entirely among men, with leading AKP politicians among those calling most vehemently for more restrictive abortion laws. Nor does Erdoğan place much faith in contraception, which he has called the products of foreign enemies seeking to damage Turkey.²⁹

Given such statements, it is hardly surprising that Turkey fell to 130th of 144 countries in the 2016 Global Gender Gap Report.³⁰ The government seeks to subject every area of life to the discipline of conservative Islamic gender segregation. Student halls of residence are now strictly segregated by sex, and Erdoğan has announced that he plans to take action against cohabiting students. Tattoos, piercings, and dyed hair have been banned from class-

27 Cited in: BBC News, *Turkey president Erdogan: Women are not equal to men*, 24 November 2014, at: <http://www.bbc.com/news/world-europe-30183711>.

28 Cf. The Guardian, *Turkish deputy prime minister says women should not laugh out loud*, 29 July 2014, at: <https://www.theguardian.com/world/2014/jul/29/turkish-minister-women-laugh-loud-bulent-arinc>.

29 Cf. Çiğdem Akyol, *Der bekümmerte Bruder* [The Troubled Brother], in: *Die Tageszeitung*, 25 November 2014, at: <http://www.taz.de/15027795/>.

30 Cf. World Economic Forum, *The Global Gender Gap Report 2016*, Geneva 2016, at: http://www3.weforum.org/docs/GGGR16/WEF_Global_Gender_Gap_Report_2016.pdf.

rooms, and, as if to compensate, girls are now permitted to wear hijab from the fifth year of school. Conservative circles are also calling ever louder for the abolition of mixed-sex education.

These examples of how the AKP sees the role of women should make clear that they are perceived as anything but equal. This view of women is not based on modern, Western thinking, but on a traditional Muslim approach, one that, thanks to the policies of the AKP, is having a deep effect on Turkish life and society. Women's freedoms are being restricted, while motherhood is held up as the key contribution a woman can make to the well-being of the nation. At the same time, the state has taken steps to reduce the number of women in work, despite Turkey's currently booming economy, which should actually lead to more women joining the workforce. The fact that such views are not only represented in Erdoğan's ideology and the political programme of the AKP, but are also being turned into specific policies that influence the everyday life of the Turkish people, is yet more evidence of the repressive nature of the government. The civil rights and political freedoms of a large part of the population are being restricted in the name of the conservative Islamic norms and values of the political elite, which are being enforced using the power of the state.³¹ The AKP's view of women is heavily influenced by a value system that is totally incompatible with modern conceptions of equality.

AKP Infrastructure Projects and Their Effect on Voters

Major building projects are a favourite concern of autocrats, as they are a direct expression of political power and serve to immortalize their rule. Erdoğan is no exception and has supported numerous major infrastructure projects that demonstrate Turkey's economic boom for all to see. When a passenger rail tunnel under the Bosphorus, built as part of the "Marmaray" project, was opened, Erdoğan personally drove one of the first trains to pass through, and this was, of course, widely reported in the media. He also had his own official residence, the Presidential Complex (formerly White Palace) built in a protected area in Ankara, despite court rulings forbidding this. This building is many times larger than Buckingham Palace in London or the Élysée Palace in Paris. Above all, it is larger than the parliament building in Ankara and is an embodiment of Erdoğan's rule. Moreover, by ignoring the rulings of the courts, Erdoğan made evident that he was the real power in Turkey. He also broke with the tradition, extant since Atatürk's time, that the president should live in the Çankaya district of Ankara. Critics consider this a

31 Cf. Leah Gilbert/Payam Mohseni, *Beyond Authoritarianism: The Conceptualization of Hybrid Regimes*, in: *Studies in Comparative International Development*, September 2011, pp. 270-297.

further effort to distance himself from Atatürk's legacy and to establish a "new Turkey".

Other major projects include the construction of a third bridge across the Bosphorus, an enormous mosque in Istanbul, and a huge airport, credited as the world's largest. Erdoğan's construction projects underline the supposed benefits of AKP policies for the Turkish economy. With these projects, the governing party is signalling that it is continuing to plan for the future, and that Turkey will continue to prosper in international comparisons. The party uses prestige projects of this kind to mobilize broad support among the electorate and, thus, gain legitimacy. Erdoğan and the AKP seek to appeal to voters who are interested in seeing Turkey prosper economically. They are creating jobs, claim to be working to solve the traffic problems that plague the city of Istanbul, which is bursting at the seams, and demonstrate a tangible ability to achieve political results. Additional legitimacy is created by linking such projects to Erdoğan's cult of personality charismatic character – he has made these infrastructure projects his personal responsibility and has publicized their benefits. However, megaprojects are not only a means of symbolizing Turkey's growing prosperity, they are also intended to demonstrate the superiority of the conservative Islamic ideology. A gigantic mosque, visible from every district of Istanbul, stands as a visible symbol of the major role religion plays in Turkish society.

Turkey's Relations with Europe

Under Erdoğan, Turkey's domestic politics have become more unpredictable than ever. On the one hand, society has become more pluralistic: The military and Islamists, conservatives and modernizers, Kemalists and liberals, Alevis and Sunnis, Kurds and Armenians, feminists and imams, the courts and the bureaucracy are all vying for political influence and participation. On the other hand, the AKP and Erdoğan still dominate Turkish politics. The years-long struggle between the AKP and the Turkish armed forces – sometimes carried out in the open, sometimes invisible – is now largely over. Following a series of measures taken in the aftermath of the attempted coup d'état, which drastically reduced the army's privileges, the Turkish military and, with it, Kemalism, are in decline. As Erdoğan has cemented his hold on power, particularly since becoming president, his governing style has become increasingly authoritarian.³² His favourite methods, as already mentioned, include control of the media, restricting human rights, promoting Islamist and ultra-conservative values with regard to issues, such as women's rights, and manufacturing legitimacy by means of major infrastructure projects, which raise his prestige and associate his name with national development.

32 Cf. Johannes Gerschewski, The three pillars of stability: legitimation, repression and co-optation in autocratic regimes, in: *Democratization* 1/2013, pp. 13-38, here: p. 28.

Right now, Turkey finds itself further from the values of the European Union than ever. This has further reduced the likelihood of its joining the EU.³³ But where will the journey of a Turkey, that is increasingly self-confident and insistent on its sovereignty, end? Early on in his career, Erdoğan gave a speech that earned him a ten-month prison stretch in 1998 for “religious agitation”. He had spoken lines he claimed to be from a 1912 poem by the Turkish nationalist Ziya Gökalp, comparing democracy to a tram: “You ride it until you arrive at your destination, then you step off”.³⁴ As early as 1994, speaking to the newspaper *Milliyet*, he had said “Thank God almighty, I am a servant of Sharia.”³⁵

How should Europe react to Erdoğan’s transformation of Turkey into an authoritarian state? There is certainly no easy answer, though there are plenty of false ones. It should not be forgotten that, despite all the repressive mechanisms and application of political carrots and sticks, and despite the fact that Erdoğan has been in power now for almost 15 years, segments of Turkey’s civil society still look towards Europe. Islamic values may be spreading rapidly, but Europe’s secular influence remains. Breaking off relations with Turkey would only strengthen the hardliners in the country, those who support conservative values and Islamic rigorism. This cannot be the aim of the European states. Europe absolutely has to stop Turkey from drifting off towards the Middle East.

At the same time, Erdoğan is not the invulnerable macho figure he likes to present himself as. Turkey’s foreign relations are not prospering. The “Zero-Problems” policy Turkey has pursued with its neighbours, as introduced by the then Foreign Minister Ahmet Davutoğlu in 2009, has failed spectacularly. The attempt to achieve reconciliation with Armenia has faltered; Syria has collapsed into civil war; Iraq is breaking up; the Turkophone states are keeping their distance; and Turkey’s European neighbours remain wary. Turkey’s support for the Muslim Brotherhood in the Arab states frightens their rulers. Erdoğan’s recent attempt to ally himself with Russian President Vladimir Putin and his support for Qatar hint at a desire to play great power politics, but that ambition already appears to be exhausted with this step. Genuine political, social, and economic reforms come from the West, not from the East. Erdoğan therefore needs his connections with the West.

Minor inconveniences, such as the suspension of government loan guarantees, the tightening of credit lines offered by public development banks, and the issuing of official travel warnings to tourists and business travelers

33 Cf. Nathalie Tocci, *Europeanization in Turkey: Trigger or Anchor for Reform*, in: *South European Society and Politics* 1/2005, pp. 71-81; Heinz Kramer, *Ist der türkische Beitrittsprozess am Ende? [Is Turkey’s Accession Process Dead?]* In: Olaf Leiß (ed.), *Die Türkei im Wandel. Innen- und außenpolitische Dynamiken [Turkey Is Changing. Domestic and Foreign Policy Dynamics]*, Baden-Baden 2013, pp. 75-100.

34 Cited in: Cüneyt M. Serdar, *Turkey’s disintegrating democracy*, in: *Los Angeles Times*, 28 March 2008, at: <http://www.latimes.com/opinion/la-oe-serdar28mar28-story.html>.

35 Cited in: *ibid.*

can and should make clear to Erdoğan that the West is deeply concerned by developments in Turkey. The hope that things might change after Erdoğan should, nonetheless, not lead to the severing of all ties. Turkey's deputy prime minister, Mehmet Şimşek, who is responsible for economic issues, has proposed a way to resolve the impasse over Turkey's possible accession to the EU: "If Turkey does everything necessary to become a member, it is ultimately unimportant whether we really join or not. We can be like Norway or Switzerland."³⁶ This has to be the aim of European policy – to encourage the open, prosperous, pluralistic section of Turkish society that welcomes debate and is flexible with regard to both domestic and foreign policy. Then maybe Turkey really can become the Switzerland of the East.

36 Cited in: Christian Geinitz, Sanktionsdrohungen lassen die Türkei kalt [Threats of Sanctions Leave Turkey Cold], in: *Frankfurter Allgemeine Zeitung*, 8 September 2017 (author's translation), at: <http://www.faz.net/aktuell/wirtschaft/tuerkei-von-sanktionsdrohungen-unbeeindruckt-15188200.html>.

Pariah State No More: Belarus' International Actorness against the Backdrop of the Ukraine Conflict

The Ukraine conflict has been raising fears and concerns in countries across the region, both about the possible spillover of instability and as a result of the emergence of a new revisionist Russian posture, which appears to pose an existential threat to the survival and sovereignty of states in the region. In Belarus, these concerns have evolved together with an unprecedented enhancement of the country's international and diplomatic *actorness*, which has emerged as a result of Belarus' efforts to promote and host diplomatic negotiations on Ukraine since July 2014.

By mid-2017, over 60 meetings had been held in various formats, including regular meetings of the Trilateral Contact Group (TCG), comprised of senior representatives of Ukraine, the Russian Federation, and the OSCE Chairperson-in-Office and established to facilitate a diplomatic resolution of the Ukraine crisis, and occasional bilateral talks such as those held in August 2017 between the US Special Representative for Ukraine Negotiations, Kurt Volker, and the Assistant to the President of Russia, Vladislav Surkov. Two of these sessions were particularly important. The first, known as Minsk I, took place in September 2014 and brought together Ukraine, Russia, and the leaders of the self-proclaimed Donetsk and Lugansk People's Republics (the DPR and the LPR), with the OSCE represented by Heidi Tagliavini. The second, Minsk II, took place in February 2015 in the so-called Normandy Format, consisting of representatives of France, Germany, Russia, and Ukraine. The Belarusian leadership also offered to provide the necessary infrastructure for further talks. In 2017, Belarus' international presence has been further strengthened by its hosting, for the first time, of the annual session of the OSCE Parliamentary Assembly. At the opening meeting of the event, the Belarusian president, Alyaksandr Lukashenka, presented the idea of a global security conference – the “Helsinki 2” initiative.

Each of these initiatives would have seemed highly improbable just four years ago, and it was hard to imagine that Western actors would one day be praising the Belarusian authorities for their international engagement. In the period prior to the Ukraine crisis, Belarus' relations and political contacts with the West had been limited, and sanctions were often a cornerstone of the policies of the Western actors. EU sanctions, for instance, in force since

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2004, were at some point considered “one of the most complete CFSP [the EU’s Common Foreign and Security Policy] sanctions regimes in force”.¹ The US has not had an ambassador in Minsk since 2008.²

Belarus’ Position on the Ukraine Conflict

UN Secretary General Ban Ki-moon referred to Belarus’ position on the Ukraine conflict as a “wise policy”.³ Belarus’ own interpretation of its approach was illustrated by a metaphor used by the Minister of Foreign Affairs, Uladzimir Makey: When two brothers fight, the third must reconcile them.⁴ This position, as argued below, has not been easy to maintain, as it entailed striking a balance between Belarus’ alliance obligations towards Russia on the one hand and its pro-Ukraine position, which earned Belarus the appreciation of Ukraine and the West, on the other.

That Belarus’ position is informed by its close alliance with Russia was manifest in Belarus’ vote against UN General Assembly Resolution No. 68/39 condemning the annexation of Crimea on 27 March 2014. The Belarusian leadership has also backed up several key arguments within Moscow’s official narrative on Ukraine, including the claim that Russia had no option other than to support the rights of the Russian-speaking population in Crimea in the face of threats associated with the prospect of Ukraine’s joining NATO and increasing restrictions on the use of the Russian language in Ukraine.⁵

At the same time, the Belarusian approach diverges from Moscow on a number of points. In contrast to Russian diplomats and politicians, who stigmatize Ukraine’s leadership as a “junta” and as a group of ultranationalist radicals who, controlled by the US, lack legitimate and legal authority, Belarus has demonstrated openness towards the Ukrainian leadership from the start. The Belarusian president met Ukraine’s interim president Oleksandr Turchinov as early as March 2014 and attended the inauguration of President Petro Poroshenko in Kyiv in June 2014. Furthermore, while Moscow regarded the referenda in eastern Ukraine as legitimate expressions of popular

1 Clara Portela, *The European Union and Belarus: Sanctions and partnership?* In: *Comparative European Politics* 4/2011, pp. 486-505, here. p. 487.

2 The US has recently increased the number of staff serving at its embassy in Minsk, including by the appointment and accreditation of Colonel Michael C. VanDeVelde as Defence Attaché.

3 BelTA (Belarusian Telegraph Agency), *UN Secretary General praises Belarus’ role in handling Ukraine conflict*, 22 September 2014, at: <http://eng.belta.by/politics/view/un-secretary-general-praises-belarus-role-in-handling-ukraine-conflict-6819-2014>.

4 Cf. Ministry of Foreign Affairs of the Republic of Belarus, *Intervyu Ministra inostrannykh del Belarusi V. Makeya ispanskomu izdaniyu “El Pais” (7 iyulya 2017 g., g.Minsk)* [Interview with Minister for Foreign Affairs U. Makey in the Spanish publication “El Pais”, (7 July 2017, Minsk)], at: <http://mfa.gov.by/press/smi/afe7d554109e0bfd.html>.

5 Cf. Alena Vyotskaya Guedes Vieira, *Ukraine’s Crisis and Russia’s Closest Allies: A Reinforced Intra-Alliance Security Dilemma at Work*, in: *The International Spectator*, 4/2014, pp. 97-111.

will that justified major constitutional change, the Belarusian leadership has emphasized the importance of Ukraine's territorial integrity, sovereignty, and independence, stressing that the option of a loose federation would be a destabilizing factor for Ukraine and the region alike. In addition, Belarus adopted a relatively cautious approach towards the separatist movements in Donetsk and Luhansk: While consistently condemning radicalism in Ukraine, the official Belarusian narrative has avoided mentioning the DPR and the LPR. In parallel, Belarus has opted to maintain and strengthen economic co-operation with Ukraine and co-operation on military technology. This includes continuing to export oil products to Kyiv, which is critical to Ukraine's efforts to maintain its military capabilities and a stable fuel market.

Belarus' Rapprochement with the West: Pariah State No More

Belarus' efforts to de-escalate the Ukraine conflict are transforming the state's image as an international pariah and "Europe's last dictatorship". Western actors such as former US Secretary of State John Kerry have expressed their appreciation of Belarusian "leadership in supporting a peaceful resolution to the crisis in Ukraine and its commitment to good relations with all the countries".⁶ The European Council similarly maintained that it "values Belarus' constructive role in the region".⁷ This appreciation of Belarusian efforts has enabled a fundamental shift in Belarus' relations with the West.

In February 2016, following five years of sanctions, the EU lifted most of its restrictive measures against Belarus (they had already been suspended in October 2015), while maintaining the arms embargo and sanctions on four members of the security services suspected of being involved in political disappearances in 1999-2000. The lifted measures included visa bans and asset freezes targeting 170 individuals, including the Belarusian president. The EU's decision was facilitated by the release of political prisoners in Belarus in August 2015, including Mikalai Statkevich, a presidential candidate in 2010. In 2016, the EU increased its bilateral assistance to Belarus, with roughly half of the financing earmarked for the support of private sector development.⁸ In 2015, the US Department of the Treasury suspended sanctions against nine Belarusian companies, including *Belnaftekhim*, the state petrochemical company and Belarus' largest oil refiner. Since then, these sanctions relief measures have been renewed every six months, with the most re-

6 U.S. Embassy in Belarus, *Statement by Secretary Kerry on the Occasion of the National Day of the Republic of Belarus (July 3)*, at: <https://by.usembassy.gov/statement-secretary-kerry-occasion-national-day-republic-belarus-july-3>.

7 European Council/Council of the European Union, *Council Conclusions on Belarus*, 15 February 2016, at: <http://www.consilium.europa.eu/en/press/press-releases/2016/02/15-fac-belarus-conclusions>.

8 Cf. European Commission, *New EU support to private sector development and strengthening institutions in Belarus*, Brussels, 19 September 2016, at: http://europa.eu/rapid/press-release_MEMO-16-3107_en.htm.

cent general licence covering the period from April 2017 to the end of October 2017. Restrictive measures against members of the political and secret service elite, including the Belarusian president, have remained in place.⁹

When the riot police brutally dispersed peaceful protesters in Minsk in March 2017, an action that was accompanied by a wave of detentions, both the US and the EU voiced concern and condemned the crackdown. A European Parliament resolution of 6 April 2017 recalled that the EU sanctions had been lifted “as a gesture of goodwill to encourage Belarus to improve its human rights, democracy and rule of law record”, indicating that new restrictive measures would be considered if the Belarusian authorities failed to conduct an impartial investigation into possible arbitrary detentions and infringements of the protesters’ human rights.¹⁰ However, no further sanctions were introduced against Belarus by either the US or the EU.

Domestically, the demonstrations have once again shown that internal dissent, this time stemming from the so-called “social parasite tax” (requiring unemployed citizens who work less than 183 days a year to pay a 230 euro tax), could be mobilized in Belarus. The authorities’ reaction was hardly surprising; the Ukraine conflict has served as a reminder of how rapidly internal destabilization can put an end to a political regime. Meanwhile, the Belarusian leadership was facing a new reality, with the dangers to its regime no longer stemming exclusively from the political liberalization promoted by the West but also from the possibility of Moscow’s rapid exploitation of unrest. This explains in part the Belarusian authorities’ relatively restrained response in March 2017, which avoided long-term detentions and even harsher measures, contrary to the habitual behaviour of the regime. Fines and short prison sentences for the detained protesters were sufficient to send a signal that Russia had no basis on which to interfere and that the Belarusian authorities had the situation under control, while avoiding the possible deterioration of its relationship with the West. Indeed, the rapprochement between Belarus and the West has continued. In July 2017 alone, the Belarusian authorities received a US Congressional delegation (led by Senator Roger Wicker) and four further delegations, including a British Parliamentary delegation, a delegation consisting of senior representatives of the French and German foreign ministries, a delegation with the Latvian Minister for Foreign Affairs, Edgars Rinkēvičs, and a delegation from the European Parliament, led by Bogdan Zdrojewski. This final visit was the result of negotiations on the participation of members of Belarus’ House of Representatives in the Euronest Parliamentary Assembly, the interparliamentary forum of the EU’s Eastern Part-

9 Cf. The White House, Letter from the President – National Emergencies Act, 13 June 2017, at: <https://www.whitehouse.gov/briefings-statements/letter-president-national-emergencies-act>.

10 European Parliament Resolution of 6 April 2017 on the situation in Belarus, Strasbourg, 6 April 2017, at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2017-0126&format=XML&language=EN>.

nership. Thus far, members of the Belarusian opposition have been considered the only legitimate representatives of the country.¹¹

To be sure, this was not the first time there had been rapprochement with the West and the lifting of sanctions. Back in 2008, for instance, Belarus' relations with the West had been warming,¹² at least until this thaw was interrupted by mass arrests following the December 2010 presidential elections and Western actors introduced stricter sanctions, such as those imposed by the EU in January and June 2011. The crucial difference in Belarus-Western rapprochement in the new, post-2014 context resides in the new meaning ascribed to it by Minsk, namely as a means of guaranteeing Belarusian sovereignty. In other words, the government in Minsk has started to see Belarus' independence as having been "strengthened as a result of our efforts to develop trade and humanitarian relations with the European and American partners".¹³ This perception is shared by Western actors: US sanctions relief has been "designed to support Belarus' economic independence", to "increase Belarus' political independence, and to support its sovereignty and territorial integrity".¹⁴ The ensuing pattern of interaction between Belarus and the West is thus fundamentally different from that which had prevailed previously, when Belarus used the conditions imposed by the EU and the US to extract benefits from Moscow.¹⁵

Belarus' sovereignty could no longer be taken for granted: The events in Ukraine, and especially Crimea, were completely unexpected, and the possibility that they could be repeated in Belarus could not be ignored. In 2015, Belarus undertook a mass mobilization of its reservists and amended the laws "On Defence" and "On Martial Law", while the new Military Doctrine adopted in 2016 speaks of "internal armed conflict" in reference to the possibility of a Donbas-type scenario.¹⁶ The authorities are now supporting a policy of na-

11 Cf. Grigory Ioffe, Belarus Gains New Friends, While Lukashenka Retains His Popularity Region-Wide, in: *Eurasia Daily Monitor* 99/2016, at: <https://jamestown.org/program/belarus-gains-new-friends-while-lukashenka-retains-his-popularity-region-wide>.

12 Cf. Alena Vysotskaya Guedes Vieira, *Opening the European Commission's Delegation in Minsk: Do EU-Belarus relations need a rethink?* The Finnish Institute of International Affairs Briefing Paper 18, 7 April 2008, at: https://www.files.ethz.ch/isn/55765/20080407_Opening_the_European_Commission.pdf; Elena Kropacheva, Presidential Election in Belarus in 2010: The Winner Takes It All? In: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2011*, Baden-Baden 2012, pp. 87-105.

13 Ministry of Foreign Affairs of the Republic of Belarus, cited above (Note 4; author's translation).

14 U.S. Embassy in Belarus, *Deputy Assistant Secretary of State for Europe and Eurasia Bridget Brink Remarks to the Press*, 19 October 2016, at: <https://by.usembassy.gov/deputy-assistant-secretary-state-europe-eurasia-bridget-brink-remarks-press-3>.

15 Cf. Alena Vysotskaya Guedes Vieira, The Many Patterns of Europeanization: European Union Relations with Russia, Ukraine and Belarus, in: Teresa Cierco (ed), *The European Union Neighbourhood: Challenges and Opportunities*, Farnham 2013, pp. 57-82.

16 Cf. Arseni Sivitski, Belarus's New Military Doctrine: What's the Message? *BelarusDigest*, 1 September 2016, at: <https://belarusdigest.com/story/belarus-new-military-doctrine-whats-the-message>; Siarhei Bohdan, Is Lukashenka Preparing for a War? *Bela-*

tional revival. The idea, broached by some Russian political actors, that Belarus should be part of the “Russian World” (or even Russia itself) and that ethnic Russians living in Belarus need protection has been vigorously rejected at the highest political level.

The rapprochement between Belarus and the West raised the question of whether Western actors might de-emphasize the issue of democratic reforms, which has thus far been a cornerstone of EU, US, OSCE, and Council of Europe engagement with the Belarusian leadership. There was a growing understanding among Western actors that Belarus needed to be rewarded for its efforts to prevent the escalation of the Ukraine conflict. A shift in priorities could be confirmed to the extent that sanctions had been lifted in spite of the lack of substantial progress in undertaking reforms.

Western actors committed to supporting democratic reforms in Belarus eventually faced a new dilemma. In order to maintain consistency in their engagement with the Belarusian authorities, they had to continue to call for democratic reforms and improvements to the human rights situation. This would require them to impose strict sanctions as often as necessary. However, this brought with it the danger that the Belarusian regime would, in its isolation, become ever more dependent on Russia, as had happened before. And the possibility of growing Russian influence over Belarus (or even its absorption by Moscow) would hardly be good news for Belarus, the region, or the West.

The Politics of the Russia-Belarus Alliance

The alliance between Russia and Belarus has become the subject of some controversy in the context of the Ukraine conflict.¹⁷ Differences in the allies’ interests have become more evident, and each side has developed concerns about the other’s reliability. The ensuing tension, known as the intra-alliance security dilemma, has reinforced both Russia’s “fear of abandonment” and Belarus’ “fear of entrapment”. The former refers to the fear of being deserted or losing support and is based on the perception of a risk that the partner will defect, taking into account the cost to the other ally of doing so. The fear of entrapment, in turn, refers to the possibility of being dragged, via one’s alliance commitments, into a conflict over interests held by an ally, even though one might not be a party to those interests.¹⁸

rusDigest, 5 February 2017, at: <https://belarusdigest.com/story/is-lukashenka-preparing-for-a-war>.

17 The alliance between Russia and Belarus is based upon a Treaty of Friendship, Good-Neighborliness and Cooperation (1995) and a Defence Pact (1997). In practical terms, it consists in a joint army group and a common air defence system. See: Alena Vieira, *The Politico-Military Alliance of Russia and Belarus: Re-Examining the Role of NATO and the EU in Light of the Intra-Alliance Security Dilemma*, in: *Europe-Asia Studies* 4/2014, pp. 557-577.

18 Cf. Glenn H. Snyder, *Alliance Politics*, Ithaca, NY, 1997.

One of the issues that testify to the complexity of the bilateral relationship concerns Russian plans to establish an airbase on Belarusian territory. Belarus' traditional importance to Russia as a strategic buffer and a means of reinforcing Russia's strategic depth has increased sharply following the redeployment of NATO and US aircraft in the region and plans to strengthen their military presence in the Baltic Sea region and Poland.¹⁹ Starting in 2013, Russia's fear of abandonment, reinforced by Belarus' rapprochement with the West, led the Russian leadership to push for the creation of the airbase. This included making public a draft agreement on the establishment of the base, which appeared on Russia's official government website on 8 September 2015.²⁰

For its part, Belarus' opposition to the airbase proposal is informed by its fear of entrapment, i.e. of being drawn into a conflict between Russia and the West, which has been reinforced by concerns over Belarus' own sovereignty. The draft agreement released in Russia in September 2015 has never been signed by Belarus; the Belarusian president claimed not to know anything about it.²¹ Belarus has since voiced its reservations, with the Belarusian minister for foreign affairs maintaining that the airbase does not make sense since "modern armaments allow Russia to react equally rapidly from its own territory", adding that Belarus "would like to avoid being a factor of tension/irritation in the region".²²

Another case of contentious alliance politics concerns the joint Russia-Belarus "Zapad 2017" military exercise. Planned to be held in Belarus on 14-20 September 2017, the drills raised NATO's and Ukraine's concerns about the possibility of Russian troops' remaining on Belarusian territory following the conclusion of the exercises. The Belarusian side has been especially eager to mitigate its Western neighbours' concerns and to ensure that the drills do not become a source of tension. As well as inviting military observers from NATO and non-NATO countries, the OSCE, and the Red Cross, Minsk began to provide advance briefings on the exercise to NATO and other Western countries, paralleling the provision of similar information by Russia.²³ The Belarusian president has personally reassured Kyiv that Belarus will not

19 In the case of armed conflict with NATO, Belarusian territory also becomes crucial to Russia as a means of establishing a land connection with its Kaliningrad exclave, closing the so-called Suwalki Gap, which is crucial in geostrategic terms as a means of separating the Baltic states from other NATO allies.

20 The draft did not specify the exact location of the base or the military units to be deployed. Cf. Yury Tsarik, *A Containing Ally: Belarus' Regional Role in the Context of the New Containment*, KKI Studies, T-2016/7, Institute for Foreign Affairs and Trade, Budapest, 2016, p. 12, at: http://old.csfps.by/files/files/07_kki-studies_blr_tsarik_20160919.pdf.

21 Cf. BBC, *Belarus "does not need" Russia air base – Lukashenko*, 7 October 2015, at: <http://www.bbc.com/news/world-europe-34463901>.

22 Cf. Ministry of Foreign Affairs of the Republic of Belarus, cited above (Note 4).

23 Cf. Brian Whitmore, *The Morning Vertical*, RFL/RL, at: <https://www.rferl.org/a/the-morning-vertical-august-17-2017/28681680.html>.

become a platform for aggression against Ukraine.²⁴ The Belarusian efforts seemed to bear fruit: On 19 July, after meeting his Belarusian counterpart, Latvian Foreign Minister Edgars Rinkēvičs announced that Riga no longer had any questions for Minsk concerning the forthcoming military exercise.²⁵

The intra-alliance security dilemma between Russia and Belarus also affects domestic policy and has an economic and an energy dimension, as these are the most sensitive areas of co-operation between Belarus and Russia. Cases in point are the sanctions Russia imposed on Ukraine in 2013 and the retaliatory sanctions on imports of certain food products from the EU and other Western countries in 2014.²⁶ Belarus has joined neither of these sanctions regimes. This was based on a desire to avoid a deterioration in political relations with Ukraine and the West and to take advantage of new opportunities to trade with both Ukraine and Russia.

The Belarusian leadership has been eager to mitigate Russia's fear of abandonment by restating its commitment to the alliance, reiterating that it would continue to be honoured even if the military situation escalated.²⁷ Belarusian diplomats have also been keen to emphasize that Minsk's position on Ukraine was not aimed at undermining Russia's security and that Belarus is not pursuing the goal of improving relations with the West at Russia's expense.²⁸ These declarations could not prevent Russia from retaliating, however, and measures imposed by Moscow since 2015 in particular have led to an abrupt reduction in the volume of oil exported to Belarus (which is critical for its economy), to trade bans and restrictions, and to the re-emergence of border controls between the parties.²⁹ Russia did not hesitate to adopt these measures against its Belarusian ally even though they undermined the single economic space of the Eurasian Economic Union (EAEU), a key foreign policy priority for Moscow since 2010. The new circumstances clearly indicated the need to seek a new approach to alliance management, but a solution

24 Cf. Egor Kucher, Poroshenko: Lukashenko zaveril, chto iz Belorussii ne budet agressii [Poroshenko: Lukashenko has assured me that there will be no aggression launched from Belarusian territory], in: *Izvestiya*, 21 July 2017. at: <https://iz.ru/622403/2017-07-21/poroshenko-lukashenko-zaveril-chto-iz-belorussii-ne-budet-agressii>.

25 Cf. Belarusian Television Channel CTV, *Latvia's Foreign Ministry: We have no questions to Belarus concerning Zapad-2017 military drills*, at: <http://en.ctv.by/en/1500492784-belarus-national-bank-decreases-refinancing-rate-by-12-per-annum>.

26 Cf. Alena Vysotskaya Guedes Vieira, Eurasian integration: elite perspectives before and after the Ukraine crisis, in: *Post-Soviet Affairs* 6/2016, pp. 566-580.

27 Cf. BelTA (Belarusian Telegraph Agency), *Belarus i Rossiya adekvatno reagiruyut na usilenie NATO u granits Soyuznogo gosudarstva – Lukashenko* [Belarus and Russia Respond Adequately to NATO Build-up at the Border of the Union State – Lukashenko], 7 June 2016, at: <http://www.belta.by/president/view/belarus-i-rossiya-adekvatno-reagirujut-na-usilenie-nato-u-granits-sojuznogo-gosudarstva-lukashenko-196423-2016>.

28 Cf. Ministry of Foreign Affairs of the Republic of Belarus, cited above (Note 4).

29 Cf. Alena Vieira, A Tale of Two Unions: Russia-Belarus Integration Experience and its Lessons for the Eurasian Economic Union, in: *Journal of Borderland Studies* 1/2017, pp. 41-53. In February 2017, Russia designated "border control zones" in the regions of Smolensk, Pskov, and Bryansk, which border Belarus. This move followed Belarus' decision in January 2017 to abolish short-term entrance visas for visitors from some 80 countries (including all EU member states, the US, and Japan).

has not been found. The nature of the Russia-Belarus alliance has been changing, as reflected in the readjustment of Belarus' role as Russia's "hybrid"³⁰, or even "containing"³¹, ally.

Towards a New Co-operation Space between the East and the West?

From 5 to 9 July 2017, Belarus hosted a session of the Parliamentary Assembly (PA) of the OSCE, which was attended by 700 delegates from 57 countries.³² This was the first time it had done so. As the Belarusian president Alexander Lukashenko confessed, he could have hardly imagined a session of the OSCE Parliamentary Assembly in Minsk "just three years ago".³³ In his opening address, the Belarusian president proffered his idea of a new Helsinki process, "Helsinki 2", a broad dialogue aimed at overcoming the existing differences in relations between the countries in the Euro-Atlantic and Eurasian region.³⁴ If the idea were to find support, Lukashenko suggested that the OSCE could announce, "as early as next year", "an enlarged OSCE meeting [...] and start preparations for the final summit".³⁵ Belarus could become the venue for the proposed comprehensive dialogue.

The ideas behind the Helsinki 2 initiative had previously been conveyed during the conferences and summits organized during Belarus' Chairmanship of the Central European Initiative (CEI), which Belarus also assumed for the first time in January 2017. The conferences and summits involved strengthening co-operation between individual integration initiatives and were accompanied by an appeal to the countries situated between Europe and Asia to take on more responsibility for fostering regional stability.³⁶ These proposals

30 Cf. Yevhen Magda in an interview with Vital Tsygankov: *Ukrainski palitolyag: Lukashjenka – heta hibrydny sayuznik Ukrainy* [Ukrainian political analyst: Lukashenko – a hybrid ally of Ukraine], Radio Svoboda, 17 August 2017, at: <https://www.svoboda.org/a/28682470.html>.

31 Cf. Tsarik, cited above (Note 20); Yevhen Magda in an interview with Vital Tsygankov, cited above (Note 30).

32 The Belarusian delegation (four out of six members) has voted in favour of the Minsk Declaration. The Declaration includes a condemnation of Russia's "hybrid aggression against Ukraine in Donbas" and urges Russia to "reverse the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol" and to "stop sponsoring terrorist activities in Ukraine through the inflow of fighters, money, and weapons". OSCE PA, Resolution on Restoration of the Sovereignty and Territorial Integrity of Ukraine, in: *Minsk Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-Sixth Annual Session, Minsk, 5 to 9 July 2017*, pp. 30-34, here: pp. 32-33, at: <https://www.oscepa.org/meetings/annual-sessions/2017-minsk-annual-session>.

33 Siarhei Bohdan, Belarus finally reaps tangible benefits from its neutrality policy, *BelarusDigest*, 25 July 2017, at: <http://belarusdigest.com/story/belarus-finally-receives-some-results-in-its-neutrality-policies>.

34 Cf. President of the Republic of Belarus, *Address to OSCE PA plenary session in Minsk*, 5 July 2017, at: http://president.gov.by/en/news_en/view/address-to-osce-pa-plenary-session-in-minsk-16623.

35 Ibid.

36 Cf. President of the Republic of Belarus, *Meeting with CEI ministers of foreign affairs*, 22 June 2017, at: http://president.gov.by/en/news_en/view/meeting-with-cei-ministers-of-foreign-affairs-16465.

in turn built upon the idea, actively promoted by the Belarusian leadership back in 2011, of the “integration of integrations”, which envisaged a specific role for Belarus in bringing the EAEU and the EU closer together.

The active role Belarus has played in these international forums attests to its aspiration to build upon its improved diplomatic standing and translate the official narrative that it is a source of stability and security in Europe into tangible policy. One issue with this, however, is the extent to which the Belarusian authorities are prepared to work towards gaining the legitimacy expected of an international norm entrepreneur. Belarus’ previous engagement with the West was largely a means for it to extract benefits from co-operation with Russia, and it was thus unnecessary for the Belarusian leadership to strive towards recognition from the West. But Belarus’ international aspirations and engagement now make Western recognition crucial. It may even become imperative for the Belarusian authorities to revise their position regarding citizens exercising their individual, civil, and political rights instead of merely restraining from persecuting the opposition or occasionally changing legislation. James Sherr has aptly summarized the paradox resulting from Belarus’ pursuit of its international ambitions in the absence of significant reform progress: “Belarus can build bridges to the West, but under its current regime it cannot go there”.³⁷ Indeed, the crackdown on peaceful protesters on 25 March 2017, the anniversary of the declaration of the short-lived 1918 Belarusian People’s Republic, served as a reminder that a fundamental political transformation of the Belarusian regime was not in sight.

Conclusions

Belarus’ position on the Ukraine conflict shows that the image it has had in the West as the “last dictatorship of Europe” and a “pariah state” is no longer accurate. A rapprochement has taken place between Belarus and the West as a consequence of the latter’s positive view of Belarusian diplomatic efforts on Ukraine. The Belarusian leadership has in turn started to assign a different meaning to its co-operation with the West, namely as a means of guaranteeing its own sovereignty. The dilemma arising for the Western actors in this respect has been how to reconcile their co-operation with a Belarus that is focused on guaranteeing its own sovereignty with the emphasis on human rights and political freedoms that has been a cornerstone of previous Western engagement with Belarus. Meanwhile, the Belarusian leadership has faced new dilemmas of its own. It has been more difficult for Belarus to strike a balance between its alliance obligations towards Russia and its pro-Ukraine position, as is apparent in tensions between the two allies over a number of issues, including Russia’s planned airbase in Belarus, the Zapad 2017 exer-

37 James Sherr, *The New East-West Discord. Russian Objectives, Western Interests*, Clingendael Report. December 2015.

cise, and growing disagreements over trade and energy matters. Furthermore, the launch of new proposals on global security co-operation, such as Helsinki 2, which testified to Belarus' international ambitions, eventually raised the question of the extent to which the Belarusian leadership was prepared to change in order to act as an international norm entrepreneur. With no substantial reform progress, Belarus' diplomatic activism remains only one of many necessary steps towards its international legitimacy and acceptance.

Uzbekistan after the Transfer of Power

Introduction

For the first time since independence in 1991, Uzbekistan has a new president. The transfer of power occurred after President Islam Karimov died in September 2016 as a result of a stroke. In early presidential elections, held three months later, on 4 December, the prime minister and acting president, Shavkat Mirziyoyev, was elected to succeed Karimov as head of state. This proved correct the many political observers who had predicted that a consensus among the elite in Uzbekistan would ensure a smooth transition of power. At the same time, however, and contrary to those prognoses, the transition appears to have been more than a mere formality. Since his appointment as acting president, Mirziyoyev has departed from well-trodden paths in Uzbekistan's politics. These actions clearly indicate an intention to revise a number of established practices in Uzbekistan's state-society relations, the economy, and foreign policy. The innovations can be summarized as a willingness, on the part of the state, to increasingly open itself up – both to the Uzbekistani society and to the external world. What these innovations certainly do not do is bring about a political transformation of Uzbekistan. They are unlikely to challenge the authoritarian nature of power. Nevertheless, Mirziyoyev's reform plans appear to be more than just decoration. This contribution aims to provide an overview of these new tendencies in Uzbekistan's domestic and foreign policy following the transfer of power.

The Transfer of Power

During President Karimov's final years, political observers considered certain influential figures to be possible successors. Speculation centred on Shavkat Mirziyoyev, the prime minister, and Rustam Azimov, the first deputy prime minister and minister of finance. After Karimov's death, one indirect and one direct indicator suggested who was going to be the successor: Observers noted that, in the Soviet Union, being charged with organizing the funeral for the deceased head of state was a sign that one was being designated as his chosen successor. This task was given to Mirziyoyev. The second – direct – indicator concerned the question of who would act as president until the holding of new elections. According to the constitution (Article 96), if the incumbent president is incapable of fulfilling his duties, the Chair of the Senate of the *Oliy Majlis* (parliament) is to serve as acting president and organize new elections within three months. In this case, however, Nigmatulla Yuldashev,

the Chairman of the Senate, pointing to his lack of experience in state governance, refused to take on these duties and asked the parliament to appoint Prime Minister Mirziyoyev as the acting president.¹ The decision to appoint Mirziyoyev as the acting president was the final and unequivocal indicator of the presidential succession. In the presidential elections, held on 4 December, Mirziyoyev received 88.6 per cent of votes, while the other three candidates received 2.4, 3.5, and 3.7 per cent, respectively.²

Karimov and His Legacy: Respect, Continuity, and Change

Karimov's personality remains the fundamental point of departure for official political discourse: He is regarded as the embodiment of an independent and stable Uzbekistan and someone whose work should be continued. Mirziyoyev issued a decree eternalizing Karimov in a number of ways.³ Many sites were named after him or renamed in his honour, including the Technical University in Tashkent, an automobile plant in Asaka, and the international airport in Tashkent, as were central streets throughout Uzbekistan. A memorial complex is to be constructed at Karimov's grave in Samarkand, which has already become a place of pilgrimage. The decree also envisages the construction of monuments to Karimov in Tashkent, Samarkand, and Karshi and the establishment of a museum, a charity fund, and a student scholarship in his name. The same decree also made Karimov's birthday an annual celebration and declared the day of his death to be the Memory Day of the First President.⁴

The official discourse of the state rests foundationally on the image of Karimov and supports the continuation of his policies.⁵ At the same time, however, Mirziyoyev has called for a break with old practices, demanding

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- 1 For a discussion of legal aspects of this transfer, see: Ferghana.news, *Kak pravilno izbrat prezidenta Uzbekistana, ili Budet li dovolen "dukh Yurtbashi"* [How to choose the President of Uzbekistan correctly, or Will the "spirit of Yurtbashi" be happy?], 26 September 2016, at: <http://www.ferghananews.com/articles/9106>.
 - 2 Cf. OSCE Office for Democratic Institutions and Human Rights, *Republic of Uzbekistan, Early Presidential Election, 4 December 2016, OSCE/ODIHR Observer Mission, Final Report*, Warsaw, 21 March 2017, p. 26, at: <http://www.osce.org/office-for-democratic-institutions-and-human-rights/elections/uzbekistan/306451>.
 - 3 Cf. Official Website of the President of Uzbekistan, *Ob uvekovechenii pamyati Pervogo Prezidenta Respubliki Uzbekistan Islama Abduganievicha Karimova* [On the perpetuation of the memory of the First President of the Republic of Uzbekistan Islam Abduganievich Karimov], 25 January 2017, at: <http://president.uz/ru/lists/view/200>.
 - 4 A monument to Karimov was also erected in the Turkmen city of Turkmenabad, while a square in Moscow was given Karimov's name, and a monument will also be erected there.
 - 5 For Mirziyoyev's speech after his appointment as acting president, cf. *Gazeta.uz*, *Tekst: Vystuplenie premer-ministra na zasedanii palat parlamenta* [Text: Prime Minister's speech at the session of the Chambers of Parliament], 9 September 2016, at: <https://www.gazeta.uz/ru/2016/09/09/speech>; for his inauguration speech, cf. Official Website of the President of Uzbekistan, *Svobodnoe, demokraticeskoe i protsvetayushchee gosudarstvo Uzbekistan my postroim vmeste s nashim muzhestvennym i blagorodnym narodom* [We will build a free, democratic and prosperous state of Uzbekistan together with our courageous and noble people], 14 December 2016, at: <http://president.uz/ru/lists/view/111>.

that the authorities abandon old working habits and start to work for the people.⁶ In particular, he has argued that the writing of exaggerated positive reports praising the government should stop, saying that “those days have passed”. Similarly, he called upon the media and television, in particular, to replace patriotic and jingoistic reporting with critical and analytical content.⁷ His regular meetings with members of government were often staged as public dressings-down, made available to a wide audience through media outlets and social networks.⁸ Mirziyoyev has been severely critical of almost every branch of the state and sector of the economy, revising established practices and initiating reforms.

Reforms

Since his appointment as acting president, Mirziyoyev has issued many decrees and orders on reforming various sectors of the state in Uzbekistan. In February 2017 he released a comprehensive policy document entitled “Strategy of Actions”,⁹ outlining priority directions for reform. This five-year-plan has five sections: 1. Improving the state administration, enhancing the role of parliament, and further developing civil society; 2. Ensuring rule of law and reforming the judicial and legal system; 3. Liberalizing the economy; 4. Developing the social sphere; and 5. Ensuring security, religious tolerance, and interethnic understanding, and conducting a constructive foreign policy. It is perhaps not necessary to elaborate on each of them. Instead, I will focus on a few points that seem to be particularly relevant or ambitious.

One of the first innovations concerns improving channels of communication between the state and society. Mirziyoyev declared 2017 to be the “Year of Dialogue with the People and Human Interests”. The annual announcement of such slogans is not new in Uzbekistan. It has been practised since the mid-1990s. What is new, however, is that the implementation of this slogan is genuinely producing a new pattern of state-society relations. At the end of September, while still acting president, Mirziyoyev created a “Vir-

6 Cf. Official Website of the President of Uzbekistan, *Kriticheskij analiz, zhestkaya distsiplina i personalnaya otvetstvennost dolzhny stat povsednevnoj normoj v deyatelnosti kazhdogo rukovoditelya* [Critical analysis, strict discipline, and personal responsibility should become an everyday norm in the activities of each leader], 15 January 2017, at: <http://president.uz/ru/lists/view/187>.

7 Cf. Kun.uz, “Ura-urachilik zamoni o’tdi”. *Prezident televidenie haqida* [“Those days have passed”. President about TV], 31 March 2017, at: <http://kun.uz/news/2017/03/31/ura-urachilik-zamoni-utdi-prezident-televidenie-akida>.

8 Cf. Ferghana.news, *Shavkat Mirziyev – podchinennym: “Tragediya moya v tom, chto ya vse o vas znayu!”* [Shavkat Mirziyoyev – subordinates: “My tragedy is that I know everything about you!”], 8 February 2017, at: <http://www.ferghananews.com/articles/9267>.

9 *Proekt ukaza Prezidenta Respubliki Uzbekistan “O Strategii Dejstvij po Dalnejshemu razvitiyu Respubliki Uzbekistan”* [Draft Decree of the President of the Republic of Uzbekistan, “On the Strategy of action for the further development of the Republic of Uzbekistan”], at: <http://strategy.regulation.gov.uz/ru/document/2>.

tual Reception Room” function on his official website, which enabled people to address him with their questions and problems. Later on, similar online interfaces were established for almost every state ministry, agency, and administrative unit. According to statistics displayed on the president’s website, by the end of June 2017, the online portal had received some 920,000 requests; ca. 863,000 of which (93 per cent) had been answered.¹⁰ In addition to the virtual receptions, Mirziyoyev ordered that “People’s Receptions” be created in cities and districts, where officials were instructed to talk directly with people and address their issues systematically.¹¹ Generally, there is a trend towards the digitalization of state services as well as greater visibility of and access to the authorities. Alongside the (virtual and physical) “receptions”, the establishment of the “International Press Club” (IPC), a non-governmental organization, in April 2017¹² created a platform for regular meetings between government officials, including ministers, the media and the public.¹³ The IPC is also used to hold press conferences during visits of foreign delegations¹⁴ and for public discussion of the latest events and reforms relating to Uzbekistan’s domestic and foreign policy.¹⁵ In early July, Foreign Minister Abdulaziz Kamilov used this platform to answer questions from Uzbek citizens residing in and outside Uzbekistan via a live teleconfer-

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- 10 Cf. *Virtualnaya priemnaya Prezidenta Respubliki Uzbekistan Shavkata Miromonovicha Mirzieeva* [Virtual Reception of the President of the Republic of Uzbekistan Shavkat Mironovich Mirziyoyev], at: <https://pm.gov.uz/ru>.
 - 11 Cf. *Gazeta.uz, Narodnye priemnye Prezidenta otkroyut v kazhdom gorode i rajone* [People’s Receptions of the President will be opened in every city and district], 28 December 2016, at: <https://www.gazeta.uz/ru/2016/12/28/decreed>.
 - 12 Cf. Dilshod Karimov, *Otkrylsya Mezhdunarodnyj press-klub* [The International Press Club was opened], *UzA – Uzbekistan National News Agency*, 7 April 2017, at: <http://uza.uz/ru/society/otkrylsya-mezhdunarodnyj-press-klub-07-04-2017>.
 - 13 These included press club discussions of foreign political issues with the minister of foreign affairs, cf. *Uzbekistan Today, International Press Club: open dialogue, frank answers to sharp questions*, 14 April 2017, at: http://ut.uz/en/other/theme_year/international-press-club-open-dialogue-frank-answers-to-sharp-questions/; there were also discussions with the minister of internal affairs of policing issues, cf. Nasimov.pro, “*A zhizn-to nalazhivaetsya!*” [“And life is getting better!”], 3 May 2017, at: <http://nasimov.pro/2017/05/a-zhizn-to-nalazhivaetsya>. Other meetings brought together relevant officials on topics such as higher education, the energy sector, sport, mass media, and telecommunications.
 - 14 For example, both the President of the EBRD, Suma Chakrabarti, and the UN High Commissioner for Human Rights, Zeid bin Ra’ad al-Husseini, spoke at the IPC during their visits to Uzbekistan; cf. *Novaya programma EBRR budet sootvetstvovat Strategii deystvij* [The new EBRD program will be in line with the Strategy for Action], in: *Uzbekistan Today*, 17 March 2017, at: http://www.ut.uz/ru/eshyo/theme_year/novaya-programma-ebrr-budet-sootvetstvovat-strategii-deystviy-/; and Anvar Samadov/Otabek Mirsagatov, *Verkhovnyj komissar OON po pravam cheloveka otvetil na voprosy zhurnalistov* [UN High Commissioner for Human Rights answered questions from journalists], *UzA – Uzbekistan National News Agency*, 11 May 2017, at: <http://uza.uz/ru/politics/verkhovnyj-komissar-oon-po-pravam-cheloveka-otvetil-na-vopro-11-05-2017>.
 - 15 Cf. Nasimov.pro, *Mezhdunarodnyj press-klub. “Mnogostoronnee sotrudnichestvo: kollektivnyj otvet na vyzovy sovremennosti”* [International Press Club. “Multilateral cooperation: a collective response to the challenges of our time”, 23 June 2017, at: <http://nasimov.pro/2017/06/mezhdunarodnyj-press-klub-mnogostoronnee-sotrudnichestvo-kollektivnyj-otvet-na-vyzovy-sovremennosti>.

ence.¹⁶ Such high visibility on the part of Uzbek officials and close interaction with the media and public are unprecedented in the history of state-society relations in Uzbekistan.

Another idea is the liberalization of the currency market, which is probably one of the most urgently necessary reforms in Uzbekistan. The lack of a free currency market is a chronic problem. Official exchange rates are set by the central bank on a weekly basis, yet heavy restrictions are placed on currency conversion, so that almost all exchange takes place on the black market.¹⁷ Black market exchange rates are twice as high as the official ones, which not only means that official economic figures do not reflect reality, but also, as a local economist explains, distorts economic reality itself, nurturing underground economic structures and substantially damaging the domestic investment climate.¹⁸ Moreover, because of heavy restrictions on currency conversion, foreign investors have faced systematic difficulties associated with the repatriation of their profits. Official plans¹⁹ to liberalize the currency market have, therefore, become one of the most discussed topics in the country. Of note, over the year, the government has gradually implemented the liberalization of the currency market. Since September 2016, the central bank has been raising the exchange rates faster than usual. Observers have considered that the official rate will have to be raised to at least the same level as the black market rate, as the latter effectively constitutes the real market price of the som.²⁰ In addition, the Central Bank increased its refinancing rate from nine to 14 per cent at the end of June, announcing that one goal of this was “to create the necessary conditions for transition to a market-based currency

16 Cf. *anons.uz*, *Abdulaziz Kamilov otvetil na voprosy grazhdan* [Abdulaziz Kamilov answered questions from citizens], 6 July 2017, at: <http://www.anons.uz/article/politics/19669/>.

17 Cf. Yulij Yusupov, *Chego nam zhdet ot liberalizatsii valyutnogo rynka?* [What can we expect from the liberalization of the foreign exchange market?], *Kommersant.uz*, 17 January 2017, at: <http://kommersant.uz/kejs/chego-nam-zhdet>.

18 Cf. Navruz Melibaev, *Vozmozhnaya ekonomicheskaya liberalizatsiya v Uzbekistane i realnoe oslablenie suma: kuda vedut mechty?* [Possible economic liberalization in Uzbekistan and a real weakening of the som: where do dreams lead?], *Central Asian Analytical Network*, 2 July 2017, at: <http://caa-network.org/archives/9569>.

19 Cf. *O dopolnitelnykh merakh po obespecheniyu uskorenno razvitiya predprinimatelskoj deyatelnosti, vsemernoj zashchite chastnoj sobstvennosti i kachestvennomu uluchsheniyu delovogo klimata, Ukaz Prezidenta Respubliki Uzbekistan* [On additional measures to ensure the accelerated development of entrepreneurial activity, the full protection of private property and a qualitative improvement of the business climate, Decree of the President of the Republic of Uzbekistan], *UzA – Uzbekistan National News Agency*, 5 October 2016, at: <http://uza.uz/ru/documents/o-dopolnitelnykh-merakh-po-obespecheniyu-uskorenno-razviti-05-10-2016>; *Postanovlenie Prezidenta Respubliki Uzbekistan, O prioritnykh napravleniyakh valyutnoj politiki* [Decree of the President of the Republic of Uzbekistan, On Priority Directions of the Currency Policy], 28 November 2016, at: <https://regulation.gov.uz/ru/documents/1086>.

20 Cf. Ozodlik, Yulij Yusupov: *Liberalizatsiya valyutnogo rynka, esli ee provodit gramotno, ne dolzhna okazatsya shokom dlya naselenia* [Yuli Yusupov: Liberalization of the currency market, if done correctly, should not be a shock for the population], 1 May 2017, at: <https://rus.ozodlik.org/a/28461538.html>.

system”.²¹ Finally, in early September 2017 Mirziyoyev issued a decree,²² which, among other things, provided for establishing foreign exchange rates “exclusively” in accordance with “the market mechanisms” as well as ensuring free currency exchange for juridical and physical persons.²³ Following the decree, the Central Bank set the market-based exchange rates, which resulted in an almost doubled value of the som against foreign currencies.²⁴ In fact, as earlier tendencies had already indicated, the official rates matched the black market rates (with a minor difference). Although this measure has not yet fully eliminated currency exchange on the black market, its role has been significantly reduced since then, as people have had legal opportunities (at official exchange offices) to sell their foreign currencies for market prices. In parallel to reforming the currency market, the government is also attempting to liberalize foreign trade in order to boost national exports. “Surrender requirements”, which oblige domestic private companies to sell foreign currency proceeds to the central bank, have gradually been removed. While initially, in February 2017, it was reduced from 50 to 25 per cent,²⁵ at the end of July it was removed altogether.²⁶ Furthermore, with another presidential de-

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- 21 The Central Bank of the Republic of Uzbekistan, *Pravlenie Tsentralnogo banka prinyalo reshenie o povyshenii stavki refinansirovaniya do 14% godovykh* [The board of the central bank decided to raise the refinancing rate to 14% per annum], 24 June 2017, at: <http://cbu.uz/ru/press-tsentr/press-relezy/2017/06/88241> (author's translation).
 - 22 Cf. Official Website of the President of Uzbekistan, *O pervoocherednykh merakh po liberalizatsii valyutnoj politiki. Ukaz Prezidenta Respubliki Uzbekistan ot 2 sentyabrya 2017 goda No. UP-5177* [On priority measures for the liberalization of currency policy. Decree of the President of the Republic of Uzbekistan of 2 September 2017 No. UP-5177], 3 September 2017, at: <http://prezident.uz/ru/lists/view?id=991>. The decree also provided that measures must be taken in order to prevent a possible significant rise of prices in the domestic consumer market as well as on socially vital products and services.
 - 23 Concerning physical persons, for the exchange of soms to a foreign currency, the decree retained the previous regulation. That is, individuals can purchase dollars, for instance, only in a non-cash form through a bank account. According to officials, this was a temporary measure and the state was preparing to allow individuals to buy foreign currency in cash as well.
 - 24 For instance, on 5 September, the new official exchange rate between the US dollar and the som was set as 1 US Dollar (USD) to 8100 Uzbekistan Som (UZS), while the previous official rate was 1:4210. Cf. *Gazeta.uz*, *TSB ustanovil kurs dollara na urovne 8100 sumov* [The Central Bank set the exchange rate of the dollar at 8100 som], 4 September 2017, at: <https://www.gazeta.uz/ru/2017/09/04/cbu>.
 - 25 Cf. *Kommersant.uz*, *Norma obyazatelnoj prodazhi valyutnoj vyruchki eksporterov snizhena s 50% do 25%* [The requirement of obligatory sale of foreign currency earnings of exporters is reduced from 50% to 25%], 3 February 2017, at: <http://kommersant.uz/news/norma-prodazhisnizhena>.
 - 26 Cf. Official Website of the President of Uzbekistan, *Postanovlenie Prezidenta Respubliki Uzbekistan No. PP-3157 ot 28 iyulya 2017 goda o dopolnitelnykh merakh po stimulirovaniyu otechestvennykh predpriyatij-eksporterov* [Resolution of the President of the Republic of Uzbekistan No. PP-3157 from 28 July 2017 on additional measures to stimulate domestic exporting enterprises], 28 July 2017, at: <http://prezident.uz/ru/lists/view?id=833>. The decree on currency market liberalization, which was discussed earlier above, also provided cancellation of the “surrender requirements” for exporters “irrespective of their form of ownership”; cf. Decree of the President of the Republic of Uzbekistan, On priority measures for the liberalization of currency policy, cited above (Note 22).

cree, the state monopoly on the export of fruit and vegetables²⁷ has been removed, allowing domestic private companies to directly carry out export operations.²⁸

The problem of corruption has been another priority within the new president's reform programme. Early in October 2016, Mirziyoyev initiated the elaboration of a law on fighting corruption, which was adopted by parliament in early January 2017.²⁹ Later in February, the president introduced a state anti-corruption programme for 2017-2018, and created an anti-corruption commission.³⁰ As already mentioned, Mirziyoyev's regular meetings with government officials often feature harsh criticisms of authorities (examples include the medical,³¹ banking,³² and court³³ systems as well as the public prosecutor's office³⁴) for abuse of office and corruption. Although this practice resonates considerably with the wider society, the same cabinet of ministers that is now subject to permanent criticism has been led by Mirziyoyev himself for the last 13 years. Moreover, many of the officials subjected to such criticism have, nonetheless, kept their posts or have been removed from one office while remaining within the government. Perhaps the most prominent exception to this so far is Rustam Azimov, the long-serving finance minister, a member of the elite, and one of the informal candidates to succeed Karimov. Mirziyoyev publicly discredited Azimov for the poor state of the financial system and gradually moved him away from the centre of power: He was dismissed from his posts of finance minister and deputy prime minister and appointed the head of "Uzbekinvest", the national export-import

27 As a result of Russian embargoes on food imports from the EU and other Western countries (as counter-sanctions because of the Ukraine crisis) and from Turkey (as a response to the shooting down of a Russian military jet), Uzbekistan has been significantly increasing its exports of food to Russia.

28 Cf. *Gazeta.uz*, "*Uzagroekspost*" lishen monopolii na eksport plodoovoshchnoj produktsii ["UzAgroExport" deprived of monopoly on export of fruit and vegetable products], 22 July 2017, at: <https://www.gazeta.uz/ru/2017/06/22/export>.

29 Cf. *Podrobno.uz*, *Prezident podpisal zakon o borbe s korruptsiej* [President signs law on fighting corruption], 4 January 2017, at: <http://podrobno.uz/cat/politic/prezident-podpisal-zakon-o-borbe-s-korruptsiej/>.

30 Cf. *Gazeta.uz*, *Prinyata Gosprogramma po protivodejstviyu korruptsii* [State Programme on combating corruption adopted], 6 February 2017, at: <https://www.gazeta.uz/ru/2017/02/06/corruption>.

31 Cf. *UzNews*, *Prezident: Nado zakanchivat s otkrytym vzyatochnichestvom v roddomakh* [President: It is necessary to end open bribery in maternity homes], 8 February 2017, at: <http://uznews.uz/article/3760>.

32 Cf. *Ozodlik*, *Mirziyayev nazval bankirov i finansistov "bezdelnikami i vzyatochnikami"* (audio) [Mirziyayev called bankers and financiers "idlers and bribe-takers" (audio)], May 31, 2017, at: <https://rus.ozodlik.org/a/28520198.html>.

33 Cf. *Podrobno.uz*, *Mirzieev rasskazal o korruptsii i nespravedlivosti v sudebnoj sisteme Uzbekistana* [Mirziyoyev spoke about corruption and injustice in the judicial system of Uzbekistan], 13 June 2017, at: <http://podrobno.uz/cat/politic/mirziyeev-rasskazal-o-korruptsii-i-nespravedlivosti-v-sudebnoj-sisteme-uzbekistana/>.

34 Cf. *Ozodlik*, *Shavkat Mirziyayev nazval prokurorov "samymi bolshimi vorami"* (video) [Shavkat Mirziyoyev called prosecutors "the biggest thieves" (video)], 4 August 2017, at: <https://rus.ozodlik.org/a/28658153.html>.

insurance company.³⁵ At the same time, Mirziyoyev rehabilitated a number of officials who had been removed during the Karimov era. Most notably, Abdulla Aripov, the former deputy prime minister and minister of telecommunication, who was dismissed after an international corruption scandal,³⁶ was first reinstated as deputy prime minister and then, after Mirziyoyev's election, appointed as prime minister.³⁷

The proposal with potentially the greatest prospect to enhance Uzbekistan's international image was the plan to reform the tourism sector. In early December 2016, Mirziyoyev issued a decree that, among other things, aimed to enhance the tourism infrastructure, create tax incentives for private companies operating in the sector, and simplify border-crossing procedures (creating "green zones") at airports for foreign tourists.³⁸ The most important part of this decree was the cancellation of the visa requirement for tourists (for 30 days) from 27 countries (mostly Western and European countries, including Australia, Canada, and the USA, as well as Japan, South Korea, Singapore, and others) from 1 April 2017. However, this did not lead to Uzbekistan opening up as had been hoped for. In early January 2017, Mirziyoyev issued another decree postponing the implementation of this measure until the start of 2021.³⁹ The official explanation for this was that recommendations by government bodies, including the State Committee for Tourism Development, the Foreign Ministry, the Ministry of Internal Affairs, and the State Customs Committee, had pointed to the lack of the necessary technical infrastructure and relevant security requirements.

Foreign Policy

"Continuity and change", the principle that has guided Uzbekistan's domestic policy in the post-Karimov period, is also being applied in the realm of foreign affairs. While the official discourse confirms Uzbekistan's fidelity to the

35 Cf. *Gazeta.uz*, *Rustam Azimov pokinul post vitse-premera* [Rustam Azimov leaves post of vice-premier], 6 June 2017, at: <https://www.gazeta.uz/ru/2017/06/06/rustam-azimov>.

36 The corruption scandal that erupted in September 2012 was associated with revelations that the Swedish mobile company "Teliasonera" allegedly made informal payments to an offshore company affiliated with Gulnara Karimova, the elder daughter of Islam Karimov, in order to enter the Uzbek market.

37 Cf. *Gazeta.uz*, *Abdulla Aripov vozglavil pravitelstvo Uzbekistana* [Abdullah Aripov becomes head of government of Uzbekistan], 14 December 2016, at: <https://www.gazeta.uz/ru/2016/12/14/pm>.

38 Cf. *O merakh po obespecheniyu uskorenno razvitiya turistskoj otrasli Respubliki Uzbekistan. Ukaz Prezidenta Respubliki Uzbekistan* [On Measures to Ensure the Accelerated Development of the Tourism Industry of the Republic of Uzbekistan. Decree of the President of the Republic of Uzbekistan], *UzA* – Uzbekistan National News Agency, 6 December 2016, at: <http://uza.uz/ru/documents/o-merakh-po-obespecheniyu-uskorenno-razvitiya-turistskoy-o-06-12-2016>.

39 Cf. *Ria Novosti*, *Uzbekistan otlozhit otmenu viz dlya turistov iz 27 stran do 2021 goda* [Uzbekistan postponed the abolition of visas for tourists from 27 countries until 2021], 9 January 2017, at: <https://ria.ru/world/20170109/1485275577.html>.

foreign policy principles established by Karimov,⁴⁰ Mirziyoyev's foreign policy practice contrasts clearly with that of his predecessor. Overall, Uzbekistan appears to be gradually shifting from its traditionally self-reliant and restrained foreign policy towards one that is more proactive and focuses on economic goals, such as stimulating foreign trade and attracting investment. The attempts to liberalize the domestic economy discussed above are closely linked to this more active foreign policy. At the same time, however, certain foreign policy decisions have also been made and signals given that run counter to Uzbekistan's traditional foreign policy orientation. Let us first turn to the regional level.

Significant changes are evident in the way Uzbekistan interacts with its most problematic neighbours in the region – Kyrgyzstan and Tajikistan. The key areas of concern between Uzbekistan and these countries are border security and the water-energy issue. Uzbekistan has maintained tight border controls with both countries since the late 1990s, establishing a visa requirement for travel from Tajikistan, and even mining some areas along the border with Tajikistan.⁴¹ For many years, the frontiers between these three countries have seen regular incidents with casualties among both civilians and border guards. The most recent serious incident occurred in late August 2016, when Uzbekistan deployed a dozen police officers to a disputed mountain on the Uzbek-Kyrgyz border and detained several Kyrgyz citizens.⁴²

As for the water-energy issue, Uzbekistan has consistently opposed Kyrgyz and Tajik projects for the construction of large hydroelectric power plants (HPPs) on trans-border rivers. Each step towards carrying out these projects was quickly followed by an official protest from Tashkent. Moreover, Uzbekistan has also been accused of putting pressure on these countries, especially Tajikistan, by imposing transport and energy blockades. For Uzbekistan, large HPPs used to represent an almost existential threat: Back in 2012, Karimov even warned that exacerbating the water situation in the region could ultimately lead to war.⁴³ The last official protest by Uzbekistan was made in July 2016, when Mirziyoyev, the prime minister at the time,

40 Cf. Mirziyoyev's speech after his appointment as acting president, *Tekst: Vystuplenie premer-ministra na zasedanii palat parlamenta*, cited above (Note 5); and Ministry of Foreign Affairs of the Republic of Uzbekistan, *Vystuplenie ministra inostrannykh del Respubliki Uzbekistan A.Kh. Kamilova na obshchikh debatakh 71-j sessii Generalnoj Assamblei OON*, [Address by A. Kh. Kamilov, Minister of Foreign Affairs of the Republic of Uzbekistan, at the General Debate of the 71st Session of the UN General Assembly], 24 September 2016, at: <http://www.mfa.uz/ru/about/speech/8514/?print=Y>.

41 Following incursions by militants into Kyrgyzstan and Uzbekistan from the territory of Tajikistan.

42 Cf. Nastoyashchee Vremja, *Uzbekistan obyavil, chto ubral so spornoj gory Ungar-Too sotrudnikov militsii* [Uzbekistan announced that it removed police officers from the disputed Mount Ungar-Too], 19 September 2016, at: <https://www.currenttime.tv/a/27999636.html>.

43 Cf. Ferghana.news, *Prezident Uzbekistana rezko vyskazalsya protiv stroitelstva Kambaratinskoj i Rogunskoj GES*, [President of Uzbekistan sharply opposed the construction of Kambarata and Rogun HPPs], at: <http://www.ferghananews.com/news.php?id=19412>.

criticized the agreement signed between Tajikistan and the Italian company Salini Impregilo on the construction of the Rogun HPP.⁴⁴

However, since Karimov's death, Uzbekistan's position on these disputes seems to have suddenly become much less confrontational and even cooperative.

In late October 2016, when the President of Tajikistan, Emomali Rakhmon, officially launched the construction of the Rogun HPP, Uzbekistan surprisingly responded with silence. In July 2017, commenting on the unusual silence, Foreign Minister Kamilov argued that Uzbekistan's position remained unchanged despite the absence of a reaction. He added that Uzbekistan was not against the construction of the Rogun HPP per se, but rather wanted the project to consider Uzbekistan's interests.⁴⁵ However, the latter statement appears to contradict sentiments expressed in the past, which tended to point to Uzbekistan's categorical disagreement with the construction of the Rogun HPP. In particular, back in 2014, Rustam Azimov, then vice-prime minister of Uzbekistan, stated directly that "Uzbekistan will never, under any circumstances, provide support for this project".⁴⁶ Some observers argued that Uzbekistan might be now considering the possibility of participating in Tajikistan and Kyrgyzstan's HPP projects as a stakeholder, although it has always rejected such proposals in the past. During his state visit to Kyrgyzstan in early September 2017, Mirziyoyev confirmed this possibility, stating that Uzbekistan will financially support the construction of the Kambarata Dam.⁴⁷ Moreover, Uzbekistan's regional engagement has made it possible to restart negotiations on the restoration of the Central Asian Unified Energy System. Uzbekistan has already reached a preliminary agreement with Turkmenistan on the transit of Turkmen electricity to Kazakhstan and Kyrgyzstan via the Uzbek power network, and negotiations on this matter with Tajikistan are now underway.⁴⁸

44 Cf. Ministry of Foreign Affairs of the Republic of Uzbekistan, *Press-reliz MID Respubliki Uzbekistan* [Press Release of the MFA of the Republic of Uzbekistan], 19 July 2016, at: <http://mfa.uz/ru/press/statements/2016/07/7920/>.

45 Cf. Radio Ozodi, *Abdulaziz Kamilov: Tashkent ne vozrazhaet protiv vozvedeniya Rogunskoy GES* [Abdulaziz Kamilov: Tashkent does not object to erection of Rogun HPP], 5 July 2017, at: <https://rus.ozodi.org/a/28597700.html>.

46 Radio Ozodi, *Azimov: "Uzbekistan nikogda i ni pri kakikh obstoitelstvakh ne predostavit podderzhku etomu projektu"*. [Azimov: "Uzbekistan will never, under any circumstances, provide support for this project".], 4 August 2014, at: <https://rus.ozodi.org/a/25479929.html> (author's translation).

47 Cf. *Ferghana.news*, *Kyrgyzstan i Uzbekistan dogovorilis po granitse i reshili vmeste stroit Kambaratinskuyu GES* [Kyrgyzstan and Uzbekistan agreed on the border and decided to build the Kambarata HPP together], 5 September 2017, at: <http://www.ferghananews.com/news/26833>.

48 The Central Asian Unified Energy System integrated 83 power stations of Turkmenistan, Uzbekistan, South Kazakhstan, Kyrgyzstan, and Tajikistan. The system was launched in the early 1990s in order to effectively distribute electricity among member states in accordance with states' seasonal needs. However, as a result of subsequent disagreements Turkmenistan and Uzbekistan left the system in 2003 and 2009 respectively. Because of its geographic location, Uzbekistan's position was central in this system, which is why, after its exit, the network practically ceased to operate. Cf. Aleksandr Shustov, *Stanet li*

Similarly, since October 2016, Uzbekistan has been conducting regular talks with Kyrgyzstan⁴⁹ and Tajikistan⁵⁰ on the question of disputed sections of the countries' shared borders. During October 2016, Kyrgyz and Uzbek delegations, consisting of representatives of neighbouring regions on both sides of the border,⁵¹ conducted an exchange of visits to Andijan⁵² and Osh,⁵³ respectively. In September and October 2017, the heads of state paid state visits to Bishkek and Tashkent respectively, during which the parties concluded a range of agreements, including ones concerning common borders. In Bishkek, Mirziyoyev and Atambayev signed an agreement "On state borders",⁵⁴ according to which, disputes over 85 per cent of common borders were resolved. Another agreement was reached a month later during Atambayev's state visit to Tashkent. The parties signed an agreement on the joint use of the Kasansay (Orto-Tokoy) water reservoir. The ownership of this facility had been constantly contested by Uzbekistan and Kyrgyzstan, which led to regular incidents between law enforcement forces of the states. The reservoir is located on Kyrgyz territory. However, it was built by Uzbekistan during Soviet times and since then has been used almost completely for the latter's irrigation needs. According to the new agreement, Kyrgyzstan will have control over the reservoir and provide its security, while Uzbekistan will be responsible for its functioning.⁵⁵ Following those visits, Uzbekistan simplified⁵⁶ the border-crossing process for Kyrgyzstani citizens visiting Uzbekistan by abolishing the requirement of an invitation letter and by making checkpoints work round the clock.⁵⁷

Uzbekistan energokhabom Srednej Azii [Will Uzbekistan become an energy hub of Central Asia?], Eurasia.expert, 7 June 2017, at: <http://eurasia.expert/stanet-li-uzbekistan-energokhabom-sredney-azii/>.

- 49 Cf. Radio Azattyk, *Kyrgyzstan i Uzbekistan vozobnovili peregovory po granitse* [Kyrgyzstan and Uzbekistan resumed negotiations on the border], 18 October 2016, at: <https://rus.azattyk.org/a/28060358.html>.
- 50 Cf. Ferghana.news, *Tajikistan i Uzbekistan vozobnovili obsuzhdenie voprosa o delimitatsii i demarkatsii obshchej granitsy* [Tajikistan and Uzbekistan resumed discussions on the issue of delimitation and demarcation of their common border], 21 November 2016, at: <http://www.ferghananews.com/news/25629>.
- 51 Batken, Jalalabad, and Osh in Kyrgyzstan; and Andijan, Namangan, and Fergana in Uzbekistan.
- 52 Cf. kloop, *Vstrecha v Andizhane: Kak Kyrgyzstan i Uzbekistan pytayutsya podruzhitsya* [Meeting in Andijan: How Kyrgyzstan and Uzbekistan are trying to make friends], 4 October 2016, at: <https://kloop.kg/blog/2016/10/04/vstrecha-v-andizhane-kak-kyrgyzstan-i-uzbekistan-pytayutsya-podruzhitsya>.
- 53 Cf. Ferghana.news, *V Kyrgyzstane uzbekskoj delegatsii ustroili pyshnyj priem* [In Kyrgyzstan, the Uzbek delegation was given a magnificent reception], 27 October 2016, at: <http://www.ferghananews.com/news/25533>.
- 54 Cf. Ferghana.news, *Kyrgyzstan i Uzbekistan dogovorilis po granitse i reshili vmeste stroit Kambaratinskuyu GES*, cited above (Note 47).
- 55 Cf. Ozodlik, *Orto-Tokojskoe vodokhranilishche v KR perejdet v kyrgyzsko-uzbekskoe polzovanie* [Orto-Tokoy reservoir in Kyrgyzstan will be transferred to Kyrgyz-Uzbek use], 13 December 2017, at: <https://rus.ozodlik.org/a/28913511.html>.
- 56 Uzbekistan introduced restrictions on the border crossing in 2010 following the coup in Kyrgyzstan.
- 57 Cf. Aleksandra Titova, *Otkrytie KPP "Dostuk": Kyrgyzstan i Uzbekistan oslabili kontrol na granitse* [Opening of the "Dostuk" checkpoint: Kyrgyzstan and Uzbekistan have weak-

As for Tajikistan, although the visa regime is still in place, despite preliminary announcements of its impending cancellation, ongoing bilateral talks have led to “historic” results. In early April 2017, regular flights resumed between Tashkent and Dushanbe, following a 25-year suspension.⁵⁸ In the same month, Dushanbe hosted an exhibition of Uzbek industrial products⁵⁹ and a joint Tajik-Uzbek business forum⁶⁰ for the first time in the history of the two countries’ bilateral relations, which go back to 1991. Other “historic” events included the organization of the “Days of Uzbek Culture” festival in Dushanbe⁶¹ and the broadcast of a documentary film on the long friendship between the Uzbek and Tajik peoples on Uzbek television.⁶² This is remarkable, given that relations between the states have been anything but friendly during the last twenty years. This cultural rapprochement thus marks a sudden ideological about-turn in Uzbekistan’s stance toward Tajikistan. In mid-October, the same range of events took place in Uzbekistan: Tashkent hosted an exhibition of Tajik national products, a bilateral business forum, and the “Days of Tajik Culture”.⁶³

Uzbekistan’s emerging regional engagement also concerns two other neighbours – Kazakhstan and Turkmenistan. Although relations with these countries have not changed substantially, as both are traditionally among Uzbekistan’s closer partners in the region, they have intensified. For example, between March and May 2017, Mirziyoyev visited both Kazakhstan and Turkmenistan twice (one official visit and one working visit in each case). These were the first countries Mirziyoyev visited as President of Uzbekistan. Whether accidentally or not, the order of the visits – first to Turkmenistan, then to Kazakhstan – corresponded to the order Mirziyoyev made in his speech in parliament back in September 2016, in which he listed “Turkmeni-

ened control at the border], kloop, 6 September 2017, at: <https://kloop.kg/blog/2017/09/06/otkrytie-kpp-dostuk-kyrgyzstan-i-uzbekistan-oslabili-kontrol-na-granitse/>.

58 Cf. *Gazeta.uz*, *Sostoyalsya pervyy aviarejs iz Tashkenta v Dushanbe* [The first flight from Tashkent to Dushanbe took place], 11 April 2017, at: <https://www.gazeta.uz/ru/2017/04/11/dushanbe>.

59 Cf. *Avesta.tj*, *V Dushanbe otkryvaetsya vystavka-yarmarka promyshlennykh tovarov Uzbekistana* [Exhibition of industrial goods from Uzbekistan opens in Dushanbe], 17 April 2017, at: <http://avesta.tj/2017/04/17/v-dushanbe-otkryvaetsya-vystavka-yarmarka-promyshlennykh-tovarov-uzbekistana>.

60 Cf. *Ferghana.news*, *V Dushanbe pervyye proshel biznes-forum predstavitelej delovykh krugov Uzbekistana i Tajikistana* [First business forum of representatives of business circles of Uzbekistan and Tajikistan was held in Dushanbe], 19 April 2016, at: <http://www.ferghananews.com/news/26295>.

61 Cf. *Radio Ozodi*, *V Tajikistane startovali Dni kultury Uzbekistana* [Days of culture of Uzbekistan open in Tajikistan], 10 May 2017, at: <https://rus.ozodi.org/a/28477706.html>.

62 Cf. *Radio Ozodi*, *V Tashkente vospeli “ispytannuyu vremenem” družbu s Tajikistanom* [Tashkent praises “proven” friendship with Tajikistan], 9 July 2017, at: <https://rus.ozodi.org/a/28604073.html>.

63 Cf. *Gazeta.uz*, *Foto, video: Vystavka produktsii Tajikistana v Tashkente* [Photo, video: Exhibition of products of Tajikistan in Tashkent], 11 October 2017, at: <https://www.gazeta.uz/ru/2017/10/11/exhibition>; cf. *Avesta.tj*, *Dni tajikskoj kultury uzbekskie zriteli prinyali s vostorgom* [Days of Tajik culture were received with enthusiasm by Uzbek spectators], 14 October 2017, at: <http://avesta.tj/2017/10/14/dni-tadzhikskoj-kultury-uzbekskie-zriteli-prinyali-s-vostorgom>.

stan, Kazakhstan, Kyrgyzstan, and Tajikistan” as Uzbekistan’s “closest neighbours”. The visits to Turkmenistan⁶⁴ and Kazakhstan⁶⁵ had two structural similarities: In both cases, strategic partnership agreements were signed (in Kazakhstan’s case deepening an existing partnership) and new trans-border routes were opened up. During Mirziyoyev’s visit to Turkmenistan, the two presidents officially opened a new railway line and road connecting the border cities of Farab in Uzbekistan and Turkmenabad in Turkmenistan. However, it should be noted that the construction of these routes had been underway for several years as a part of a transnational rail project concluded in 2011, which aimed to construct a transport corridor between Uzbekistan and Oman. The meeting in Kazakhstan, for its part, was accompanied by the opening of a new rapid rail connection between Almaty and Tashkent.⁶⁶ In addition, in mid-July, a section of the M-39 highway that reduces the distance between two Uzbek regions by passing through Kazakh territory was reopened after a ten-year break.⁶⁷ Another package of agreements in different spheres was concluded during the state visit of President Nursultan Nazarbaev to Uzbekistan in mid-September 2017.⁶⁸

The overview of Uzbekistan’s regional interaction indicates several core directions. First of all, Uzbekistan is demonstrating a willingness to discuss and resolve existing problems in bilateral relations, such as delimitation of borders and the water-energy issue. Second, Tashkent is pushing for more transport and economic connectivity in the region via facilitating trade⁶⁹ and trans-border interaction. Moreover, in order to maintain the dialogue on com-

64 Cf. Official Website of the President of the Republic of Uzbekistan, *Uzbekistan–Turkmenistan: dobrososedskie i bratskie otnosheniya ukrepyayutsya* [Uzbekistan-Turkmenistan: good-neighboring and fraternal relations strengthened], 7 March 2017, at: <http://president.uz/ru/lists/view/301>.

65 Cf. Official Website of the President of the Republic of Uzbekistan, *Uzbekistan – Kazakhstan: novyy etap sotrudnichestva, osnovannogo na istoricheskoy družbe i strategicheskoy partnerstve* [Uzbekistan-Kazakhstan: a new stage of co-operation based on historical friendship and strategic partnership], 23 March 2017, at: <http://president.uz/ru/lists/view/345>.

66 Cf. Tengri News, *Zapushchen novyy skorostnoy poezd soobshcheniem Almaty – Tashkent* [New high-speed train launched between Almaty and Tashkent], 22 March 2017, at: https://tengrinews.kz/kazakhstan_news/zapuschen-novyy-skorostnoy-poezd-soobshcheniem-almaty-314609.

67 Cf. *Gazeta.uz*, *Uchastok avtodorogi M-39 cherez Kazakhstan otkryt* [The section of the M-39 highway through Kazakhstan has reopened], 11 July 2017, at: <https://www.gazeta.uz/ru/2017/07/11/m39>.

68 Cf. *Gazeta.uz*, *Uzbekistan i Kazakhstan podpisali ryad dokumentov* [Uzbekistan and Kazakhstan signed a number of documents], 16 September 2017, at: <https://www.gazeta.uz/ru/2017/09/16/talks>.

69 In the first half of 2017, Uzbekistan’s trade turnover with Central Asian countries reportedly increased by 13 per cent. In particular, trade turnover with Kyrgyzstan increased by 69 per cent, with Tajikistan by 22 per cent, and with Kazakhstan by eleven per cent. Cf. Jahon, *Tsentrálnaya Aziya – glavnyy prioritet vneshney politiki Uzbekistana* [Central Asia – the main priority of Uzbekistan’s foreign policy], 11 August 2017, at: <http://www.jahonnews.uz/ru/aktualno/124/37640/>.

mon regional issues, Uzbekistan is promoting the idea to hold regular meetings of the heads of state of Central Asian states.⁷⁰

Uzbekistan's relations with external actors beyond Central Asia also show some new features. After Kazakhstan, Mirziyoyev officially visited Russia and China – traditionally Uzbekistan's most important partners outside the region. Contracts signed with Russian and Chinese companies on trade and investment projects during these visits were reportedly worth 16 billion⁷¹ and ten billion US dollars,⁷² respectively. Of course, these countries are Uzbekistan's biggest trading partners, and such agreements are, thus, nothing exceptional. However, new tendencies can also be observed, especially, with regard to economic co-operation with Russia. Some observers have pointed out that a significant portion of the contracts signed in Russia concern companies owned by Russian oligarchs of Uzbek origin. In particular, contracts on oil imports and the establishment of a new mining industry were signed with companies belonging to Alisher Usmanov and Iskander Makhmudov, respectively. Observers argue that, unlike Karimov, who did not favour co-operation with Uzbek oligarchs, Mirziyoyev, is specifically seeking to encourage them to invest in Uzbekistan, as attracting foreign investment is one of his principal interests.⁷³ Another new tendency concerns Uzbekistan's stance towards its labour migrants, for whom Russia remains the number one destination. In the official Uzbekistani discourse, labour migrants have tended to have a negative image, and the problems they face have generally been ignored. Back in 2013, Karimov called them loafers who discredit the Uzbek nation. However, under Mirziyoyev, the Uzbek authorities seem to have changed their position: Instead of condemning and ignoring, they are starting to facilitate the migration process. Specifically, the governments of Uzbekistan and Russia have signed agreements to co-operate on labour migration, envisaging the joint organization of recruitment processes

70 Cf. Official Website of the President of the Republic of Uzbekistan, *Vystuplenie Prezidenta Respubliki Uzbekistan Shavkata Mirziyoyeva na mezhdunarodnoj konferentsii "Zentralnaya Aziya: odno proshloe i obshchee budushchee, sotrudnichestvo radi ustojchivogo razvitiya i vzaimnogo protsvetaniya" v Samarkande* [Speech of the President of the Republic of Uzbekistan Shavkat Mirziyoyev at the international conference "Central Asia: one past and common future, co-operation for sustainable development and mutual prosperity" in Samarkand], 10 November 2017, at: <http://www.prezident.uz/ru/lists/view/1227>.

71 Cf. TVC.ru, *Rossiya i Uzbekistan podpisali 55 soglashenij na \$16 mlrd* [Russia and Uzbekistan signed 55 agreements for \$16 billion], 5 April 2017, at: <http://www.tvc.ru/news/show/id/113467>.

72 Cf. Gazeta.uz, *Uzbekistan i Kitaj podpisali ryad dokumentov* [Uzbekistan and China signed a number of documents], 13 May 2017, at: <https://www.gazeta.uz/ru/2017/05/13/china-docs>.

73 Cf. Ozodlik, *Uzbekskie milliardery v Rossii khotyat vlozhit kapital v ekonomiku svoej maloj rodiny* [Uzbek billionaires in Russia want to invest in the economy of their small homeland], 6 April 2017, at: <https://rus.ozodlik.org/a/28413517.html>; UzMetronom.com, *Oligarkh zachastil na istoricheskuyu rodinu* [Oligarch often visited his historical homeland], 3 October 2016, at: http://www.uzmetronom.com/2016/10/03/oligarkh_zachastil_na_istoricheskuyu_rodinu.html.

and the opening of agencies in both Russia and Uzbekistan for that purpose.⁷⁴ The intensification of economic relations with Russia has led to discussions on whether Uzbekistan will eventually join the Eurasian Economic Union (EAEU). Under the current circumstances, at least, this looks improbable. A number of observers have claimed that the EAEU was never mentioned during Mirziyoyev's visit to Moscow, which suggests that Uzbekistan retains its traditional preference for bilateralism or, at most, the Commonwealth of Independent States (CIS) format.⁷⁵ Likewise, Uzbekistan's principle of non-membership of military blocs seems to be intact: At a press conference in Tashkent, Foreign Minister Kamilov ruled out the possibility of a return to the Collective Security Treaty Organization (CSTO), citing precisely that principle of foreign policy.⁷⁶ Yet in early October 2017, Uzbekistan and Russia conducted joint military exercises in Uzbekistan, something that has not occurred since 2005.⁷⁷ Although this does not violate Uzbekistan's position towards military blocs, it is, nevertheless, a remarkable shift in Uzbekistan's policy towards Russia.

Another remarkable development in Uzbekistan's foreign policy is its improving relations with Turkey. After the initial promising start of co-operation in early 1990s, bilateral relations gradually started to worsen from the end of the 1990s. Tashkent substantially reduced the level of political, economic, and cultural links with Turkey for harbouring some leaders of the Uzbek political opposition, such as Muhammad Salih, as well as alleged support of underground Islamists in Uzbekistan.⁷⁸ In the post-Karimov epoch, however, the parties have increasingly improved their relations. Uzbekistan simplified the visa regime with Turkey and reached an agreement about launching a new airline connection between Samarkand and Istanbul. Mirziyoyev's two-day state visit to Turkey in October 2017 resulted in signing a number of agreements on trade and investments.⁷⁹

74 Cf. RIA Novosti, *Mirziev utverdil soglasenie o sotrudnichestve s Rossiej po migratsii* [Mirziyoyev approves agreement on co-operation with Russia on migration], 20 June 2017, at: <https://ria.ru/world/20170620/1496888794.html>.

75 Cf. Gazeta.ru, *Uzbekistan ne speshit v Evrazijskij soyuz* [Uzbekistan is in no hurry to join the Eurasian Union], 5 April 2017, at: <https://www.gazeta.ru/business/2017/04/05/10612535.shtml>.

76 Cf. Gazeta.uz, *"Vopros o vozobnovlenii chlenstva v ODKB ne stoit" – Abdulaziz Kamilov* ["The question of renewing membership of the CSTO is not worth raising" – Abdulaziz Kamilov], 5 July 2017, at: <https://www.gazeta.uz/ru/2017/07/05/odkb>.

77 Cf. Toshkul Beknazarov/Okil Gulyamov, *Sovmestnye ucheniya Booruzhennykh Sil Uzbekistana i Rossii zaversheny* [Joint exercises of the Armed Forces of Uzbekistan and Russia are completed], UZA – Uzbekistan National News Agency, 6 October 2017, at: <http://uza.uz/ru/society/sovmentnye-ucheniya-vooruzhennykh-vil-uzbekistana-i-rossii-z-06-10-2017>.

78 Among others, Uzbekistan unilaterally cancelled the visa-free regime, shut down Turkish schools and pushed out Turkish business. Cf. Petr Bologov, *Drug vtorogo urovnya. Udastsya li Turtsii stat strategicheskim partnerom Uzbekistana* [Friend of the second level. Will Turkey succeed in becoming a strategic partner of Uzbekistan], Ferghana. News, 26 October 2017, at: <http://www.ferghananews.com/articles/9608>.

79 Cf. Anvar Samadov/Sarvar Urmanov, *Gosudarstvennyj vizit Prezidenta Uzbekistana v Turtsiyu byl plodotvornym* [The state visit of the President of Uzbekistan to Turkey was

Uzbekistan is becoming more active in its collaboration with Afghanistan as well. In May 2017, a new official post was created – the President’s Special Representative for Afghanistan.⁸⁰ Later, during an official visit of the President of Afghanistan, Ashraf Ghani, to Uzbekistan in early December, the parties signed a range of agreements on trade, energy, and transport and agreed to open an Afghan consulate in Termez.⁸¹

Turning to the West, Uzbekistan is attempting to improve its relations primarily in the economic sphere.⁸² Declaring goals for economic liberalization is apparently making it easier for Uzbekistan to reach out to Western institutions, with whom relations have been either effectively suspended or held at a minimum level since the early 2000s. The International Monetary Fund (IMF), for instance has expressed its willingness to support ongoing economic reforms in Uzbekistan,⁸³ and the European Bank for Reconstruction and Development (EBRD) has declared its intention to revive its financial co-operation with Uzbekistan.⁸⁴ Mirziyoyev met with the heads of the IMF and the World Bank, took part in the US-Uzbekistan business forum and made his first-ever speech at the United Nations General Assembly, during his visit to the US in September 2017.⁸⁵

A number of signals are being given in the political sphere as well. After Mirziyoyev’s election, several hundred stateless persons living in Uzbekistan were given Uzbek passports.⁸⁶ Previously, stateless persons were

fruitful], Uza – Uzbekistan National News Agency, 26 October 2017, at: <http://uza.uz/ru/politics/gosudarstvennyy-vizit-prezidenta-uzbekistana-v-turtsiyu-byt--26-10-2017>.

80 Cf. Afghanistan.ru, *V Uzbekistane pervyye naznacheniye spetspredstavitel’ prezidenta po Afganistanu* [In Uzbekistan, a special representative of the president for Afghanistan was appointed for the first time], 26 May 2017, at: <http://afghanistan.ru/doc/110495.html>.

81 Cf. Uza – Uzbekistan National News Agency, *Novaya stranitsa v otnosheniyakh Uzbekistana i Afganistana* [A new page in relations between Uzbekistan and Afghanistan], 5 December 2017, at: <http://uza.uz/ru/politics/novaya-stranitsa-v-otnosheniyakh-uzbekistana-i-afganistana-05-12-2017>.

82 In December 2016, the EU endorsed the so-called “textile protocol”, which required Uzbekistan’s commitment to combat child labour in the cotton harvest. The signing of the document allows Uzbek textile products to be exported to the EU at a reduced rate of duty. Cf. Kommersant.uz, *Evrosoyuz snizit poshliny na import tekstilya iz Uzbekistana* [European Union to reduce duties on the import of textiles from Uzbekistan], 15 December 2016, at: <http://kommersant.uz/news/textile>. It is difficult to situate this event within developments occurring since the change of leadership, as the relevant negotiations have been ongoing for several years.

83 Cf. Gazeta.uz, *MVF gotov podderzhat valyutnyuyu reformu v Uzbekistane – Kristin Lagard* [IMF ready to support currency reform in Uzbekistan – Christine Lagarde], 14 July 2017, at: <https://www.gazeta.uz/ru/2017/07/14/imf>.

84 Cf. Ozodlik, *EBRD “rezko uvelichivaet” obem investitsij v Uzbekistan* [EBRD “sharply increases” the volume of investments in Uzbekistan], 16 March 2017, at: <https://rus.ozodlik.org/a/28372772.html>.

85 Cf. Uzbekistan Today, *Itogi vizita Prezidenta Respubliki Uzbekistan Shavkata Mirzieva v SSHA* [Results of the visit of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the USA], 23 September 2017, at: <http://ut.uz/ru/politika/itogi-vizita-prezidenta-respubliki-uzbekistan-shavkata-mirziyeva-v-ssha/>.

86 Cf. Gazeta.uz, *Bolee 800 lits prinyaty v grazhdanstvo s dekabrya* [More than 800 people have been granted citizenship since December], 21 September 2017, at: <https://www.gazeta.uz/ru/2017/09/21/citizenship>.

granted citizenship only in extremely rare cases, and many had open applications stretching back 20 years or more. In addition, a number of political prisoners were freed,⁸⁷ and thousands of citizens were removed from the “black list”.⁸⁸ The authorities also decided to abolish exit visas from 1 January 2019.⁸⁹ Uzbekistan is one of the few countries in the world (the others include North Korea) to require exit visas, which complicates and restricts foreign travel for Uzbek citizens. Some steps have also been taken to reach out to human rights organizations. In May 2017, the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, visited Uzbekistan, becoming the first holder of this office to do so.⁹⁰ In October 2017, the OSCE held its annual Central Asia media conference in Tashkent. The topic this year was “Open journalism in Central Asia”.⁹¹ This was the first time the conference has been held in Tashkent since 2002. Finally, the BBC and Human Rights Watch (HRW) are both reportedly in discussions with the Uzbek government regarding the possibility of their returning to Uzbekistan.⁹²

Conclusion

While the reforms that have been undertaken do not target the essence of power in Uzbekistan – its authoritarian nature – nevertheless, the transfer of power has generated a number of new tendencies. Although Mirziyoyev refers to Karimov and claims to be continuing his politics, many initiatives and reforms now being promoted challenge the policies of the Karimov era, either via genuine innovation or by re-examining established practices. In the

87 Cf. *Ferghana.news*, *V Uzbekistane osvobozhden eshche odin politzaklyuchennyj – Solizhon Abdurakhmanov* [Another political prisoner is released in Uzbekistan – Solizhon Abdurakhmanov], 4 October 2017, at: <http://www.ferghananews.com/articles/9575>. Along with this, however, in September and October 2017 Uzbek security forces arrested two journalists. Their fate is uncertain yet.

88 Cf. *Ozodlik*, *V Uzbekistane bolee 4 tysyach musulman isklyucheny iz “chernogo spiska”* [More than 4 thousand Muslims are excluded from the “black list” in Uzbekistan], 27 July 2017, at: <https://rus.ozodlik.org/a/28641677.html>. The “black list” was created by the security services and contained individuals suspected of sympathy with religious extremist ideas or membership in religious extremist groups.

89 Cf. *Uzbekistan24*, *V Uzbekistane s 1 yanvarya 2019 goda poyavyatsya biometricheskie pasporta dlya vyezda za granitsu* [From January 1, 2019 biometric passports will appear in Uzbekistan for traveling abroad], 16 August 2017, at: <http://www.uzbekistan24.uz/ru/novosti/17/1137/>.

90 Cf. United Nations in Uzbekistan, *UN Human Rights Chief pays first-ever visit to Uzbekistan*, 16 May 2017, at: <http://www.un.uz/eng/news/display/211>.

91 Cf. OSCE, OSCE Representative on Freedom of the Media, *Discussing media freedom in Central Asia, OSCE media freedom representative called for release of all imprisoned journalists*, Tashkent, 19 October 2017, at: <https://www.osce.org/fom/351046>.

92 *Ozodlik*, *Uzbekskaya redaktsiya Bi-Bi-Si vozvrashchaetsya v Uzbekistan* [The Uzbek editorial office of the BBC returns to Uzbekistan], 6 July 2017, at: <https://rus.ozodlik.org/a/28598246.html>. Later, in September, a HRW delegation visited Uzbekistan. Cf. *UzA – Uzbekistan National News Agency*, *Delegatsiya “Human Rights Watch” v Uzbekistane* [Delegation of “Human Rights Watch” in Uzbekistan], 4 September 2017, at: <http://uza.uz/ru/society/delegatsiya-human-rights-watch-v-uzbekistane-04-09-2017>.

sphere of domestic policy, this has meant the intensification of state-society interaction, increased public visibility and accountability of authorities, and their engagement in discussions with the media and public. Uzbekistan also took an important step towards economic liberalization via adopting a market-based currency policy and removing a number of barriers for domestic exporters. Important steps were also taken in the human rights dimension. There have also been tentative indications of domestic social activism, as evidenced by open discussions and critical articles on social networks and in the media. As for foreign policy, the most evident practical change so far has occurred in Uzbekistan's active regional engagement, especially its rapprochement with Tajikistan and Kyrgyzstan. In essence, it appears to be moving from its traditional self-reliant isolationist position to a proactive one. Uzbekistan is demonstrating its readiness to discuss and solve long standing mutual problems and is seeking to enhance intra-regional ties, especially in trade, transport, and energy. Indeed, changes in Uzbekistan's domestic and foreign policy are underway. However, the extent to which it will retain its thrust for reforms and pursue their consistent implementation remains to be seen.

II.

Responsibilities, Instruments, Mechanisms,
and Procedures

Conflict Prevention and Dispute Settlement

Civilians in a War Zone: The OSCE in Eastern Ukraine

The past year has tested the ability of a civilian mission to operate in a war zone. Because of the lack of progress in the implementation of the Minsk Agreements, diplomatic initiatives have been overshadowed by military developments. As a result, civilians and the OSCE Special Monitoring Mission (SMM) to Ukraine have been caught in the crossfire. One mission member was even killed. This contribution outlines the political and operational challenges that the OSCE faces in dealing with the conflict in and around Ukraine, particularly in the Donbas region.

Defusing Conflicts, Building Trust

The Austrian Chairmanship of the OSCE, which began on 1 January 2017, identified “defusing armed conflicts” and “building trust” as two of its three main priorities (the third being “fighting radicalisation and violent extremism”). The largest armed conflict in the OSCE area, with a major effect on security and co-operation, is the crisis in and around Ukraine. As a result, the Chairmanship made this its highest priority.

The importance of this was demonstrated by the fact that the Chairman-in-Office, Austrian Foreign Minister Sebastian Kurz, travelled to Ukraine immediately upon taking office, on 3 and 4 January. He visited Dnipro and then travelled by military helicopter to Mariupol, and then visited the Contact Line at Pyshevyk. While there, he met with Ukrainian government officials, SMM monitors, humanitarian workers, and local people.

His main conclusion was that the OSCE needed to increase its presence on the ground: to increase the number of monitors (from 700 to 1,000); open more forward patrol bases; and make more effective use of technology. This would enlarge the Mission’s footprint and enhance 24/7 monitoring.

The Austrians realistically calculated that a political settlement to the crisis was not likely during the year of their Chairmanship. They therefore decided to focus the most attention on improving the well-being of the people most affected by the conflict.

Increased “Disconnectivity”

In the first few months of 2017, the distance between communities living on either side of the line of contact increased. In late January, a group of Ukrainian war veterans blocked railway lines vital to carrying coal from Don-

etsk and Luhansk to the rest of Ukraine. The cheap anthracite coal, mined exclusively in the east, is important for Ukraine's power generation and steel industry. Trainloads of coal had been moving from east to west despite the war. But three of the four junctions were blocked in early 2017. This resulted in economic hardships for both sides.

In retaliation, the leaders of so-called "Donetsk People's Republic" (DPR) and "Lugansk People's Republic" (LPR) issued a statement on 27 February warning that if the blockade was not lifted before 1 March, enterprises under Ukrainian jurisdiction (of which they listed around forty¹) would become subject to "external management". On the same day, the "head of state" of the DPR, Alexander Zakharchenko, signed a "decree" declaring the line of contact to be a "state border" between the DPR and Ukraine. Less than two weeks earlier, on 18 February, Russian President Vladimir Putin had issued an executive order on recognition in the Russian Federation of documents and vehicle registration certificates issued in territories of certain areas of Donetsk and Luhansk. This looked like a creeping policy of "borderization" that was reminiscent of tactics used in other parts of the post-Soviet space, such as South Ossetia.

The worsening political climate was accompanied by a dangerous increase in violence. On 19 January, the Chief Monitor of the SMM, Ambassador Ertuğrul Apakan, warned the OSCE Permanent Council that the security situation in the Donetsk and Luhansk regions was deteriorating. The Chairmanship's Special Representative, Ambassador Martin Sajdik, warned of "a dangerous downward spiral". The SMM reported a notable increase in the use of weapons proscribed by the Minsk Agreements, including multiple launch rocket systems and other artillery. Just over a week later, fighting further intensified around the Avdiivka-Yasynuvata-Donetsk airport. On 1 February, the SMM recorded over ten thousand explosions (the highest number ever recorded by the SMM in a twenty-four hour period), more than nine thousand of which were around Avdiivka and Yasynuvata. The Chief Monitor called for an immediate ceasefire.

Despite the fighting and a bitterly cold winter, civilians tried to get on with their lives. But this became increasingly difficult. Gas, water, and electricity were often cut off as a result of shelling. Almost daily, the SMM reported several thousand people queuing to cross the few entry and exit points. In many cases, pensioners had to wait for hours in freezing conditions to pick up their state pensions. Others struggled with heavy packs across the partly destroyed bridge at Stanytsia Luhanska.

The situation on the ground was a far cry from that envisaged by the Minsk Agreements, which had called for a full restoration of socio-economic relations. It was also the opposite of the type of economic connectivity that the OSCE was trying to promote: This was "disconnectivity".

1 One of these assets was the Park Inn Hotel where the SMM had its headquarters in Donetsk.

Civilians were increasingly caught in the crossfire. In the first half of 2017, the number of civilian casualties – whether caused directly by the fighting or by contact with mines, unexploded ordnance, or improvised explosive devices – was twice as high as in the first six months of 2016. The Mission had to follow up reports of civilian casualties or damage to civilian housing on an almost daily basis. Monitors were repeatedly asked by tired and angry civilians on both sides of the line of contact – “When is this going to end?” Mediators were asking themselves the same question.

Political Impasse

Over the past year, there has been little progress in the settlement process. The Normandy Group (consisting of France, Germany, the Russian Federation, and Ukraine) discussed a “road map” to implement the Minsk Agreements, but it did not materialize. Even some basics have not been adhered to. Most seriously, many of the ceasefire violations that took place on a daily basis were caused by weapons that were proscribed by the Minsk Agreements and should have been withdrawn in 2015. Furthermore, the sides failed to disengage despite a framework decision on disengagement (starting in Zolote, Stanytsia Luhanska, and Petrivske) to which they had agreed on 21 September 2016. And they failed to clear mines, or even to provide the SMM with maps of areas suspected or confirmed to be contaminated by mines – despite repeated requests by the Chief Monitor.

The basic dilemma was that the Ukrainian government said there would be no progress on greater local elections or greater self-government for certain areas of Donetsk and Luhansk until there was security and full control over the state border, whereas the Russian Federation and the “leaders” of “certain areas of the Donetsk and Luhansk oblasts” insisted on constitutional reform, greater decentralization, and a special status for the latter regions as a prerequisite for stability.

Not being part of the Normandy Format, the Austrian Chairmanship had limited political influence on the settlement process. Chairman-in-Office Kurz visited Kyiv and Moscow for high-level consultations in January and there were regular contacts at various levels between the Chairmanship and all countries of the Normandy Group as well as other key players, such as the United States.

The Trilateral Contact Group (TCG), chaired by Ambassador Sajdik, met regularly in Minsk. Indeed, it is the only inclusive consultative body dealing with the crisis. The TCG made several attempts at brokering seasonal ceasefires (for example at the beginning of the school year in September 2016, around Christmas, and during the harvest period in the summer of 2017). But these were short-lived. Intense negotiations were held on prisoner exchanges. And efforts were made to ensure sustainable operation of the

water system (which supplies more than two million people on both sides of the line of contact) and to keep fighting away from critical infrastructure. But the parties demonstrated little political will to resolve such issues. Meetings were typified by acrimonious exchanges and accusations. As a result, there was little progress in any of the TCG's four working groups (on security, humanitarian, economic, and political issues).

In the absence of political or diplomatic progress, military dynamics filled the vacuum on the ground.

More Eyes and Ears?

As a result, instead of monitoring a ceasefire and verifying the withdrawal of weapons, the SMM measured non-compliance.

To increase the scope and effectiveness of its monitoring activities, the SMM sought an increase in its budget. After several weeks of negotiations, the SMM's budget was approved by a decision of the Permanent Council on 16 March 2017. The budget of 105.5 million euros represented an increase of almost seven per cent over the previous year. Securing a budget increase of this magnitude was a significant achievement, considering the climate of austerity prevailing among most participating States, and the heated debates that occurred over the regular OSCE unified budget. But it showed the importance that participating States attach to the work of the SMM.

These resources enabled the Mission to grow its footprint, to raise the number of monitors deployed, and to acquire more technology, including additional cameras (such as thermal cameras for night-time monitoring), more short- and medium-range UAVs, acoustic sensors (for the first time), and even long-range UAVs.

The last-mentioned, which are extremely expensive, were hotly debated in the budget process, since several countries were eager to have such assets to increase transparency in areas which are hard for ground patrols to access (such as close to the Russian-Ukrainian border), while others questioned whether the benefits justified the costs.

The SMM's first experience with long-range UAVs (using an Austrian company) had been a learning experience, since the UAVs could not be flown in certain types of weather (including fog and freezing temperatures) and several were shot down, causing the supplier to terminate the contract due to excessive risk. A formula was therefore created in the 2017/18 budget to earmark a certain amount of money to enable a tender to be issued. Once a supplier was identified, voluntary contributions had to be secured to make up the difference (which included a risk-sharing agreement with the supplier).

The budget was also designed to strengthen the Mission's administrative backbone. Rapid growth in the number of monitors over the previous three years had not been accompanied by a corresponding increase in vital

support functions. More administrative posts were, therefore, created, and several technical support posts were established to enable the Mission to handle the vast increase in the volume of information that was it collecting or receiving (such as satellite imagery). These “technical monitors”, as they were known, were organized into a new Technical Monitoring Centre that included an information Management Cell, camera monitors, and an operations room. Even by United Nations or European Union standards, the SMM was becoming a cutting-edge peace operation.

The underlying logic of the Mission’s work was to see and be seen. This required a combination of technical solutions (particularly in hard-to-access areas and for monitoring at night) as well as monitors. As the Chief Monitor often said, “the most important thing is to be present”.

In that spirit, and in an effort to reduce the number of blind spots, the Mission sought to open new forward patrol bases, after renovations were carried out to abide by new (more stringent) security standards. One was opened in Popasna at the end of June, while two others in Shchastya and Stanytsia Luhanska were scheduled to be reopened in autumn 2017. Forward patrol bases provide enhanced access to the security zone, enable night-time monitoring, improve contact with the local population, and reduce travel times to border areas.

It should be recalled that roughly 400 kilometres of the Ukraine border are not controlled by the government. SMM patrols regularly try to access crossing points on these areas of the frontier. The OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk monitors border crossing points at these two locations. The 19 permanent international staff members observe the crossing points around the clock. But they have no executive power to search vehicles. All efforts to increase the area of operations of this mission have been stymied by the Russian Federation.

Increased Obstruction

Unfortunately, the investment in more monitors and technology did not reduce the levels of violence; it merely improved the Mission’s ability to measure non-compliance. Throughout the first few weeks of 2017, the Mission reported hundreds, sometimes thousands, of ceasefire violations every day.

Increasingly, the SMM itself came under attack. Several times a week, patrols were subjected to harassment, shouted at, and even came under fire. Some were forced to return to base after shelling in their vicinity. The SMM’s short- and medium-range UAVs were shot at and electronically jammed. In a security briefing to participating States in March, Deputy Chief Monitor Alexander Hug warned of the danger of “unmanageable risks” to the monitors.

The Mission was also the subject of a misinformation campaign – mostly in non-government controlled areas – in which it was accused of spying for and assisting the Ukrainian authorities, as well as failing to stop the fighting or improve the lives of people in the Donbas.

There were also increased incidents of SMM patrols being denied access – particularly in non-government controlled areas. This was a major handicap to the Mission’s work. As the Chief Monitor warned, the purpose of the SMM’s monitoring is not just to establish facts: “It is to verify compliance or non-compliance. But without access, the SMM cannot verify, and the sides have no confidence in the process.”²

Loss of Innocence

On 23 April, an incident occurred that shook the Mission and the whole OSCE community to its core. On that morning, an SMM patrol consisting of two armoured vehicles was driving on a secondary road near the village of Pryshyb (34 km north-west of Luhansk). The SMM had previously used this road, which is close to the line of contact in territory controlled by the LPR. At 11:17 a.m., one of the SMM vehicles was severely damaged as a result of an explosion. An American paramedic, Joseph Stone, was killed in the blast. This was the first time that someone working for the OSCE had been killed in action.³ The two other mission members in the vehicle – a woman from Germany and a man from the Czech Republic – were injured and evacuated.

As a result of this tragic incident, it was decided that – until further notice – both foot and mobile patrols would only use concrete or asphalt roads that had previously been cleared. This created some difficulties, making access to some of the SMM’s remote cameras and some border areas harder, reducing the number of inspection visits to stored weapons that are only accessible via soft and unpaved roads, and limiting the use of mini and mid-range UAVs (which require soft landing sites).

More generally, the challenge was to take steps to increase the safety of mission members without jeopardizing the ability of the Mission to implement its mandate. For example, despite the increased security precautions, the Mission only slightly reduced the number of patrols in the east (to around 45 patrols per day). At the same time, there was a freeze on deploying new monitors until after an investigation into the incident.

An internal investigation was launched almost immediately by the OSCE’s Office of Internal Oversight (OIO). Furthermore, on 27 April, the Permanent Council called for a “swift, thorough and impartial investigation”

2 Cited in: OSCE Chairmanship/OSCE Special Monitoring Mission in Ukraine, *No alternative but to reduce risk of military escalation in eastern Ukraine, say OSCE Chair’s Special Representative Sajdik and Chief Monitor Apakan*, Vienna, 5 April 2017, at: <http://www.osce.org/chairmanship/309976>.

3 Joseph Stone was posthumously awarded the OSCE medal.

into the incident. The next day, the Chairmanship tasked the Secretary General with putting together an independent team of experts to conduct a forensic post-blast scene investigation. Because the Secretariat lacks expertise in this field, and to ensure the independence of the investigation, the Secretariat asked the International Humanitarian Fact-Finding Commission (IHFFC) to carry out the investigation.

The death of Joseph Stone caused some states to question whether the OSCE was reaching the limits of what a civilian peace operation could do in a war zone. Yet there was no call to pull SMM monitors out of the east. And morale within the Mission remained high.

Some may have pointed to the shortcomings of the SMM, but there were no viable alternatives: A UN peacekeeping operation would probably be vetoed by the Russians, an EU mission would probably not be granted access to areas not under government control, while no OSCE presence would mean the end of any international presence in the region. Therefore, the priority was to keep the monitors safe while maintaining the presence of the SMM in the region.

Despite this tragic incident and a unanimous call from the participating States to respect the SMM's mandate for safe and secure access throughout Ukraine, condemning threats to SMM monitors and damage to SMM assets, threats against the monitors continued. Indeed, they increased. On average, a patrol was shouted at or shot at, surrounded by armed men (often drunk), or was denied access once every three days. In one incident, on 5 May, a (female) mission member was sexually harassed. Most incidents occurred in non-government controlled areas. Furthermore, the Mission's UAVs continued to be regularly shot at or jammed.

The Chairmanship, and many participating States, described such behaviour as "unacceptable", regularly called on the sides to guarantee the safety of the monitors, and warned that those responsible would be held accountable.

But when the Mission reported such incidents to the Joint Centre for Control and Co-ordination (JCCC), there was almost never any follow-up or consequences for the perpetrators. This was symptomatic of a lack of accountability by the sides.

Lack of Accountability

The JCCC appeared like a mushroom in late September 2014 when several dozen Russian officers arrived in eastern Ukraine wearing "OSCE" armbands – despite the fact that they did not work for the Organization.

The Centre quickly developed into a bilateral initiative between the Ukrainian and Russian general staffs. It consists of approximately 75 officers

from both sides, with its headquarters in Soledar in the Donetsk region. The Russian officers rotate every three months.

The JCCC has twenty offices with observer groups as well as observation posts in the Luhansk and Donetsk regions. Russian and Ukrainian observation groups remain co-located in twelve locations. But they almost never conduct joint patrols, nor do they share information.

The OSCE is not part of the JCCC, but it has deployed a team of six liaison officers at JCCC headquarters since April 2016. There are also regular visits and contacts (particularly phone calls and video conferences) between the senior management of the SMM and the senior officers of the Centre.

The JCCC's role is not always clear, as it does not have a mandate or terms of reference. Nonetheless, the 2015 Addendum to the Package of Measures for the Implementation of the Minsk Agreements delegates it the tasks of assisting in ensuring a complete ceasefire along the line of contact, sharing information with the OSCE SMM, responding rapidly to impediments to monitoring and verification by the SMM, and providing security for the OSCE monitors. And yet, in three years, the JCCC has not followed up a single ceasefire violation, nor has it taken action to follow up incidents against the SMM.

Pursuant to a TCG decision of 3 March 2016, the JCCC will carry out the overall co-ordination of demining work and compliance with ceasefire during mine clearance. It should also facilitate prohibition of live-firing exercises. Again, there has been no visible progress on either count.

Indeed, compared to joint military commissions in other parts of the world – including Colombia, Nepal, and South Sudan – the JCCC has several major drawbacks. These include no terms of reference, frequent rotation of members, almost no link to the political process, no participation of the “rebel” groups (and therefore no buy-in), a lack of commonly agreed data or records, and a fundamental lack of trust and communication.

One area where the JCCC has been useful is in facilitating repairs to essential infrastructure close to the line of contact. Working closely with the SMM, the JCCC has often brokered local ceasefires that enable the SMM to carry out mirror patrols. Mirror patrols involve monitors conducting simultaneous patrols on both sides of the line of contact, following an agreement with the Ukrainian and Russian representatives in the JCCC and the sides on the ground. Such patrols are designed to open “windows of silence” during which repairs to critical infrastructure – electricity wires, gas and water pipelines – can be made. Mirror patrols strengthen repair workers' feeling of security and increase the sides' confidence that the windows of silence are not a cover for forward movement or the construction of defensive positions.

A good example occurred in early February 2017, when intense shelling had damaged the power lines supplying electricity to the Donetsk water filtration station and the Avdiivka coke coal plant that provides the city with heating. In freezing temperatures, the city's population of about 22,000 were

about to be evacuated because of a lack of heat or water. The SMM intervened, conducting intensive negotiations under dangerous conditions to enable workers to reach the heavily mined area on the contact line. Repairs were interrupted by renewed violence several times. “It was like Groundhog Day”, recalled Deputy Chief Monitor Alexander Hug. “Our monitors would work all day to enable the repairs, just to wake up the next morning with the news that the power lines had been shelled again”.⁴ After five days of relentless efforts and intense on-the-spot mediation, power was restored and a humanitarian emergency was averted.⁵ Similarly, in July 2017, the JCCC and the SMM worked closely together with demining teams and the utility company to repair and carry out maintenance work on high voltage lines between Mykhailivka and Almanza on non-government controlled territory. These lines had been knocked out for three years. The repair of the line improved the quality of electricity supply to over 150,000 people. Such mirror patrols are an unsung yet highly valuable aspect of the SMM’s work.

Disaster Risk Reduction

The mirror patrols were part of a bigger effort to reduce the vulnerability of critical infrastructure. The SMM regularly reported on potential ecological hazards, particularly those close to the line of contact. For example, on 24 February, a shell hit the chlorine storage area at the Donetsk Filtration Centre, where seven or eight large (900 kg) chlorine gas bottles are stored. If even one of those bottles had exploded, toxic gas would have been released with deadly effects for thousands of people within a radius of several kilometres.

Fighting was also reported – in this highly industrialized region – close to chemical factories, steel works, and power stations. Damage to any of these facilities could unleash a humanitarian and ecological disaster on both sides of the line of contact. Ways were therefore discussed to keep the sides away from such sites, for example by creating “safe zones”.

A longer-term, slow-burning problem is the fate of the region’s closed coal mines. Rising ground water in abandoned mines can poison ground water and rivers, cause explosions (due to methane gas), or even trigger earthquakes.

These issues were regularly discussed in the TCG, but petty squabbles meant that little progress was made in addressing them. Nevertheless, given the seriousness of the problem and the fact that pollution or a disaster would affect people on both sides, the Austrian Chairmanship persisted in pushing for action to prevent a disaster, and address the long-term economic, eco-

4 Interview with the author, 6 July 2017.

5 Cf. OSCE, *OSCE mirror patrols: Windows of hope in Eastern Ukraine*, 12 April 2017, at: <http://www.osce.org/stories/osce-mirror-patrols-windows-of-hope-eastern-ukraine>.

logical and humanitarian consequences of this – quite literally – toxic situation.

Conclusion: No Peace to Keep

In conclusion, Austria's Chairmanship of the OSCE has highlighted both the limitations and the possibilities of the Organization's engagement in Ukraine.

On the one hand, the lack of progress in implementing the Minsk Agreements and the lack of accountability from the sides resulted in the continuation of a low-intensity conflict throughout the year. This made it difficult to improve the overall mood within the OSCE area, exacerbated hardships for the people in the east of Ukraine, and created a risky environment for OSCE monitors.

On the other hand, the Austrian Chairmanship kept the issue high on the OSCE's agenda. It called a number of special Permanent Council meetings to address urgent issues, it sought to maintain strong, consensus-based support for the SMM (particularly in adopting a budget and after the tragic incident of 23 April), and it worked with the Mission and the Secretariat to enhance the SMM's technical monitoring capabilities. The Austrian Chairmanship has also put a sharper focus on the human cost of the conflict by highlighting the plight of civilians and seeking to prevent an ecological disaster.

Furthermore, the Mission's daily unbiased reporting – even under increasingly difficult conditions – continued to provide the international community with a unique source of information about this largely forgotten conflict. It could also be argued that the SMM helped to contain the conflict. And its presence ensured all sides that someone was watching.

But that is not enough. What will it take for the parties to stop shooting, withdraw their weapons, and disengage? The Minsk Agreements are designed to stabilize the situation, but they are not the basis of a peace process. What is the vision for sustainable peace in the region? And how can this relate to a broader strategy of improving trust and co-operation between Russia and Ukraine, and more broadly between Russia and the West?

In short, the SMM is doing a good job at what it can do – particularly when one considers how dramatically the security situation has deteriorated since the mandate was adopted in March 2014. But until there is peace to monitor, the SMM will continue to monitor non-compliance rather than a ceasefire – in a high-risk environment. How long will participating States be willing to accept the risks and costs of a civilian operation in a war zone?

Furthermore, the longer the crisis goes on, the more innocent civilians will be killed and injured. Critical infrastructure will be under threat. And there will be a gaping wound in the side of Ukraine, and the heart of Europe.

It is therefore essential that all those with influence and an interest in peace intensify their efforts to stop the fighting and address the issues that

triggered this conflict in the first place. And it is essential that the parties engage constructively. Otherwise there will be no security or co-operation in Europe.

Ukraine: The Country that Cannot Be Won, but Must Not Be Lost

Since late 2013/early 2014, a highly visible conflict has been going on in Ukraine. It started as a domestic dispute concerning the long-term politico-economic orientation of the country, namely whether Ukraine should turn to the West or to the East, should align its policy with Moscow or with Brussels and Washington. This was not the first time that Ukraine had faced this choice. Under different conditions, the same question had emerged a decade earlier when the Orange Revolution made it possible for the will of the Ukrainian people to be expressed and reflected in the result of a presidential election. Then, however, it was not as clear as it is nowadays that the choice was between two models. Russia had not yet used force to curtail the sovereignty of former Soviet republics, had not yet created “independent” states from *de facto* states, and had not yet annexed territory to the Russian Federation that legally belonged to another sovereign state. It had stopped short of those extreme ways of curtailing the territorial integrity of sovereign states in the former Soviet space and satisfied itself with curtailing their political independence.

Ukraine is the second most populous successor state of the Soviet Union and the third largest in terms of territory. It is adjacent to three former Soviet republics and four members of the European Union (EU) and NATO. Ukraine is not the only country in such a dual-periphery situation between East and West. Belarus and Moldova are in the same situation. Russia, Ukraine, and Belarus have one further shared feature: They are the three Slavonic successor states of the former Soviet Union. The three states of the Southern Caucasus, which belong to the EU’s Eastern Partnership, as do Ukraine, Belarus, and Moldova, are further from the new East-West divide and belong to a different cultural and linguistic sphere. They are not adjacent to the EU and only two of them, Azerbaijan and Georgia, are neighbours of the Russian Federation. Armenia is neither a neighbour of the EU nor of Russia. All three Southern Caucasian states are neighbours of NATO member Turkey (Azerbaijan via its exclave of Nakhchivan). Ukraine is the largest and most populous of the Eastern Partnership countries. With a land area of more than 600,000 square kilometres, a population of 44 million (counting Crimea in both cases), it has to be considered a mid-sized European power, even if it lacks some other attributes of powerful states. The three Slavic republics also have a longer history of belonging together in one shape or form than in the case of Russia and any of the other former Soviet republics.

Soon it will be three centuries since Voltaire wrote the following in his book on the king of Sweden, Charles XII: “Ukrania has always aspired to

freedom; but being hedged in by Russia, the dominions of the Grand-Seignior, and Poland, it has been obliged to seek for a protector (who is, of course, a master) in one of those States.”¹ One would be tempted to ask what has changed beyond the name of the potential protectors since the early 18th century.

States that do not find themselves among the great powers of the world may choose different ways to provide for their security and international relations. They may seek the protection of a great power and, although they would pay “rent” in the form of reduced sovereignty, they would also enjoy benefits. They may also seek the protection of a group of countries constituting an alliance or some other form of integration. They may also decide not to align their policy with a dominant state and try to keep their international relations in ostensible balance. This is what neutral and non-aligned countries do, although states belonging to the latter category may combine the two, seeking integration in one area and not in others (see e.g. the non-aligned members of the EU, who occasionally also align their policy with NATO despite not being members). Some former Soviet Republics also chose to declare neutrality, thereby reassuring Moscow, while also attempting to retain some autonomy in their international affairs. Other newly independent states have achieved the same by means of a “multi-vectoral foreign policy”. Since the early 20th century, choosing which great power to align oneself with has also meant taking a decision about which socio-political and economic model to follow. There have been cases where states merely paid lip service to a model of this kind and attempted to pursue their own pathways nonetheless. It is sufficient to mention the hesitant, if not outright reluctant association of Turkey with democracy, Greece with responsible economic management, or Hungary and Poland with democratic values, to illustrate this point.

This paper will make an attempt to present the current situation of Ukraine four years since the beginning of the conflict, including current prospects and some of the potential long-term international repercussions.

Ukraine: Four Years After

After the departure of President Viktor Yanukovich from power, his office, and the country, the new authorities energetically started to implement major changes. Three elections were held: presidential in May 2014, legislative in October 2014, and local in October 2015. The three taken together resulted in new authorities with full formal legitimacy. Understandably, the new legitimate organs could not operate on the entire territory of Ukraine, as Crimea had been annexed by Russia in 2014, while the south-east of the country, the

¹ Voltaire, *History of Charles XII, King of Sweden*, originally written in 1727-28, and published in 1731. English translation published in 1908, p. 156, at: https://archive.org/stream/voltareshistory00vultuoft/voltareshistory00vultuoft_djvu.txt.

Donetsk and Luhansk regions, is under the control of Ukrainian separatists backed by the Russian Federation. When the territorial integrity of a state is challenged, it should be the primary task of the authorities to seek its restoration. However, this was simply beyond reach in the case of Crimea, while, in the separatist areas of the Donbas, it was not possible to establish a constitutional order equally acceptable to various actors, including the states of Ukraine and Russia and the separatists.

Ever since I have been observing the development of independent Ukraine, I have had the impression of a country that is unable to deal with the many problems it faces. Ukraine has been unable to establish the necessary structures, generate lasting popular support for vital national projects, and demonstrate the necessary national unity. This was understandable in the first years following the gaining of independence, as the problems Ukraine faced were massive, overwhelming, and required urgent resolution. However, this can hardly remain true more than 26 years after independence. During the last quarter of a century, Kyiv has shifted patronage again and again in order to guarantee its economic survival. But this external dependence disguises a domestic situation that is one of state capture, where an oligarchic class lives in symbiosis with the political establishment, and there are significant overlaps between the two. This is the new Ukrainian normal. However, the conflict with Russia since 2014 may simplify Ukraine's options. Ukraine's population may not support a return to Russia's orbit, even if Moscow would certainly welcome such a development, and there are those within the political establishment who might support such a course, whether as a result of their convictions or because they believe they would benefit from Russia's concrete "support".

Although the conflict has overshadowed many other aspects of Ukraine's development since 2014, it is essential to take a brief look at some other changes that have taken place in the country to see whether the situation is sustainable in light of economic fundamentals and the state of society. If we accept that Ukraine's dependence on external actors and the volatility that this causes are due to long-term socio-economic mismanagement, then it is necessary to consider the possibility of economic transformation.

Before the conflict broke out, Ukraine had gone through a fairly sustained period of rapid economic growth, although this was partly due to various subsidies and the dominance of state-owned enterprises. Due to low productivity and energy efficiency, the success was also dependent upon external financing and preferential trade with the Russian Federation. As a result of those factors, Ukraine did not embark upon major economic modernization, but rather took advantage of the windfall and distributed it within the society and among members of the establishment. However, already by 2012-2013, the situation started to deteriorate. In 2013, Ukraine had a current account deficit of 9.2 per cent and a budget deficit of 6.7 per cent that could not be cut due to the distorted economic structure and low productivity. In this situation,

the readiness of Russia to provide a loan of 15 billion US dollars by buying Ukrainian state bonds in return for Kyiv's remaining aligned with Moscow rather than turning to the EU was key, and the first instalment of three billion dollars was transferred to the Ukrainian central bank. It is important to call attention to one similarity between Ukraine and Russia: Both states were facing obvious economic difficulties, including slowing GDP growth, before the outbreak of conflict between them and the introduction of sanctions and counter-sanctions between the West and Moscow. However, both states tend to attribute problems to the sanctions in a way that is not strictly supported by evidence in every case. This matters less than the false image it generates that economic and other problems can be attributed to external factors.

The political crisis in Ukraine, the annexation of Crimea, and the high-intensity military conflict in the south-east of Ukraine resulted in a massive decline in economic output and capital withdrawal in 2014. The central bank of Ukraine moved to a free-floating exchange-rate system, which resulted in the devaluation of the national currency, the hryvnia, several times. This raised Ukraine's export competitiveness and, thus, slowed down the further deterioration of trade balance. It has also made imports more expensive, which helped to reduce imports of consumer goods, although it has also resulted in shortages of products necessary for modernization of the economy. Furthermore, foreign currency reserves declined from 25 billion US dollars to just 15 billion, which was sufficient to finance only two months of imports.

These factors increased Ukraine's dependence upon its new partners: Western states, the EU, and international financial institutions. The International Monetary Fund (IMF) approved various credit arrangements in both 2014 and 2015.² However, Kyiv was not able to fully benefit from the IMF's readiness to provide assistance, as it did not meet some of the IMF's conditions, which ranged from the classic macro-economic (improving export competitiveness, reducing subsidies, introducing budget constraints, eliminating losses in the energy sector, and stabilizing the banking system) to some broader legal and social conditions (including strengthening the rule of law, the judiciary, and the tax authority; combating corruption and money laundering more effectively; reforming public procurement; and improving the business environment). Ukraine also had to reach agreement with the private owners of 19 billion US dollars of Ukraine's eurobonds in order to remain eligible for further IMF credits. A deal was reached in August 2015, when the creditors accepted a 20 per cent cut and rescheduling of repayment from 2015/2016 to 2019 and beyond. The IMF used a novel approach in this case,

2 Cf. International Monetary Fund, *Press Release: IMF Executive Board Approves 2-Year US\$17.01 Billion Stand-By Arrangement for Ukraine, US\$3.19 Billion for Immediate Disbursement*, Press Release No. 14/189, 30 April 2014, at: <http://www.imf.org/external/np/sec/pr/2014/pr14189.htm>; International Monetary Fund, *Press Release: IMF Executive Board Approves 4-Year US\$17.5 Billion Extended Fund Facility for Ukraine, US\$5 for Immediate Disbursement*, Press Release No. 15/107, 11 March 2015, at: <http://www.imf.org/external/np/sec/pr/2015/pr15107.htm>.

approving a multi-year stabilization loan of 40 billion US dollars, which included expected contributions from other donors, among them the World Bank, in addition to the IMF's own resources of USD 17.5 billion.³

Later, when Ukraine proved outright reluctant to address some of the matters listed above, including the institutions to fight corruption effectively, various options were considered, even the eventual termination of co-operation with the IMF. As noted by one expert, without IMF funds, the Ukrainian National Bank's reserves will be critically low and the budget deficit might not be covered. When the exchange rate reacts, and the hryvnia is devaluated, the cost of imports, including the cost of natural gas, will increase sharply. Moreover, Ukraine will have to keep paying its debts without a fresh injection of cash. Hence, Ukraine simply cannot afford to break with international financial institutions (IFIs) although it remains hesitant, if not outright reluctant, to meet all their expectations. Hence, the ambiguous relations between Ukraine and IFIs will continue, as the IMF is also aware, due to pressure from its key contributors that it cannot break from Kyiv.

During the toughest years for Ukraine, it was, as it always is, the people who had to bear most of the hardship.⁴ In 2014, Ukraine's GDP contracted by 6.6 per cent, shrinking by a further 9.8 per cent in 2015. The marketization of energy prices hit the poorest Ukrainians, including the many pensioners, the hardest.⁵ However, recent reforms, including a combination of domestic and international efforts, have been partly successful in alleviating the situation. The domestic reforms centred on austerity measures, but also built on the strengths that the Ukrainian economy had retained over the last few decades. These include Ukraine's national industrial capacity and the cheap and skilled labour force.⁶ Due to the recent steep reduction in Ukraine's trade with Russia, the EU has increased its share in Ukraine's foreign trade and, for three consecutive years, has been Ukraine's number one trading partner. For its part, Ukraine was the EU's 27th largest trading partner and the total value of trade both ways was close to 30 billion euros in 2016. Although the EU exports more to Ukraine than it imports, trade relations are not badly imbal-

3 Cf. Anders Aslund, *Things Are Looking Up for Ukraine: Debt Deal Reached*, Atlantic Council, 27 August 2015, at: <http://www.atlanticcouncil.org/blogs/ukrainealert/things-are-looking-up-for-ukraine-debt-deal-reached>.

4 Cf. International Monetary Fund, IMF News, IMF Country Focus, *Ukraine Receives IMF Support But Must Accelerate Reforms*, 4 April 2017, at: <https://www.imf.org/en/News/Articles/2017/04/03/na040417-ukraine-receives-imf-support-but-must-accelerate-reforms>.

5 Although average pensions are low in Ukraine (approximately 60 euros per month), the retirement age is also low (60 years for men and 58 for women in 2017) and there are several categories of employees that benefit from exceptionally early retirement (law enforcement agencies, military officers). This burdens the social system, a matter Ukraine is addressing as part of its economic reform agenda, with the pensionable age planned to rise to 62 for men and 60 for women by 2021. Still, as of 2017, twelve per cent of Ukraine's GDP was spent on pensions, and this is not sustainable, particularly given the rapid decline of the population.

6 For an overview of this, see: Tadeusz A. Olszański, *A Quarter-Century of Independent Ukraine*, OSW Studies Number 64, Warsaw, November 2017, pp. 117-119, at: https://www.osw.waw.pl/sites/default/files/prace_quarter_ukraine_net.pdf.

anced.⁷ The international support has entailed continuing forms of assistance and credit in various forms, including credit guarantees to make Ukraine a more favourable debtor, as well as the introduction of a broader array of measures, including the facilitation by the EU of an accord between Navtogaz and Gazprom on gas transit and Russian gas exports, and a deal on visa-free travel of Ukrainian citizens to the EU, reciprocating a similar visa waiver for EU citizens on Ukraine's part that has already been in place for several years.⁸ The most important arrangement, however, was the Deep and Comprehensive Free Trade Agreement (DCFTA), which entered into force in 2016 and means that virtually all trade between Ukraine and the EU is now duty free.⁹ By these means, Ukraine has become more closely linked than ever with the West, notably with the EU, which provides better prospects for the country's economic future.

The concrete macro-economic transformation can be regarded as largely successful, though incomplete. Ukraine's GDP had already started to grow during 2016, albeit slowly, and it is expected that this trend will continue, with accelerating growth rates in the years to come. However, there are factors in the broader socio-economic environment that may interfere with the process. The single most important problem is that Ukraine, under the current leadership, cannot wave goodbye to corruption. A very large part of the political establishment was socialized in a corrupt environment and has no reason to break with the tradition. The president once even said "that the high level of corruption in his country can be explained by Soviet mentality".¹⁰ It is tempting to ask in this context how come Georgia, another successor state of the Soviet Union, was ranked 133th on Transparency International's Corruption Perceptions Index in 2004 yet 46th in 2017. Ukraine, by contrast to Georgia, has largely maintained its position. In the last three years it was 142nd in 2014, 130th in 2015, 131st in 2016, and 130th in 2017.¹¹ With between 168 and 180 states on the list, this is far from reassuring and is one of the worst performances in Europe, ahead of only the worst-ranked European country in 2017, the Russian Federation. Politicians, investors, and experts have called attention to this on many occasions. The then US vice-president,

7 Cf. European Union, Directorate General for Trade, *European Union, Trade in Goods with Ukraine*, at: http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113459.pdf.

8 The accord finally entered into force in June 2017 and was celebrated joyously in Ukraine, although it only established visa-free travel for stays up to 90 days in the Schengen area and only with biometric passports.

9 Under DCFTA rules, as of 1 January 2016, Ukraine abolished 99.1 per cent of customs duties on EU products, while the EU did the same with respect to 98.1 per cent of Ukrainian products.

10 Vesti.ru, *Poroshenko: korrupciya na Ukraine rodom iz sovetskogo proshlogo* [Poroshenko: corruption in Ukraine comes from the Soviet past], 28 July 2017, at: <http://www.vesti.ru/doc.html?id=2903981> (author's translation). The article reports on an interview given by President Poroshenko to the French newspaper *Le Figaro*.

11 Details of the most recent (2017) Corruption Perception Index are available at: https://www.transparency.org/news/feature/corruption_perceptions_index_2017; for results from previous years, see: <https://www.transparency.org/research/cpi/overview>.

Joseph Biden, used every opportunity to address it. When he addressed the Ukrainian parliament, the *Verkhovna Rada*, he elaborated on it extensively. Vice-President Biden pointed out that “you cannot name me a single democracy in the world where the cancer of corruption is prevalent. You cannot name me one. They are thoroughly inconsistent. And it’s not enough to set up a new anti-corruption bureau and establish a special prosecutor fighting corruption.”¹² As usual, the US has “put its money where its mouth is” and has allocated some 190 million dollars to help fight the corruption Biden was discussing. When the US vice-president returned to Kyiv on his last trip in January 2017, he elaborated on the same issue again. The matter has both an internal and an international aspect. In the long run, corruption creates distortions in the economy, services become over-priced while quality falls. The public authorities act for their own benefit, the legislative branch does not serve the public interest (MPs are either corrupt or can be corrupted), and the judiciary does not provide remedy but rather contributes to injustice in cases affected by corruption. Beyond the domestic repercussions, it weakens a state’s international resilience. This is particularly dangerous in a situation when the main foreign rival is deeply familiar with the Ukraine, well connected with members of the establishment, and not hesitant to use various methods to increase its influence in Ukrainian politics, having demonstrated its routine reliance on corrupt means in several other interstate relations.

Corruption remains the single most controversial issue on the Ukrainian political agenda. Since spring 2014, various initiatives have been undertaken, ranging from the naive to the sophisticated. It started with the vague idea of then Prime Minister Arseniy Yatsenyuk to appoint a deputy minister in every ministry, specifically responsible for addressing corruption. A later measure made it mandatory for MPs to declare their wealth, which ended up providing some anecdotal evidence about the state of affairs in Ukrainian politics.¹³ More recently, controversy surrounded the National Anti-Corruption Bureau of Ukraine (NABU), the Specialized Anti-Corruption Prosecutor’s Office (SAPO), and the High Anti-Corruption Court (HACC). Such special institutions were found necessary by the world at large, including international institutions, as it was the general assumption that law enforcement agencies and the normal courts were intertwined with corruption and political dependencies. As NABU and SAPO started to attempt to clean up the law enforcement agencies and the judiciary, the latter sought top-level political support

12 The White House, Office of the Vice President, *Remarks by Vice President Joe Biden to The Ukrainian Rada*, The Rada, Kyiv, Ukraine, 9 December 2015, at: <https://obamawhitehouse.archives.gov/the-press-office/2015/12/09/remarks-vice-president-joe-biden-ukrainian-rada>.

13 Ukrainian society was shocked when, in October 2016, MPs declared large stocks of cash, real estate, fleets of luxury cars, Swiss watches, and fur coats, while the average salary in the country was around 200 US dollars per month. Cf. Alessandra Prentice, *Ukrainians shocked as politicians declare vast wealth*, Reuters, 31 October 2016, at: <https://www.reuters.com/article/us-ukraine-crisis-corruption/ukrainians-shocked-as-politicians-declare-vast-wealth-idUSKBN12V1EN>.

to abolish the anti-corruption institutions, regardless of the fact that, in the longer run, this unresolved issue may well damage Ukraine's efforts to gain greater international support and, ultimately, to become part of the Western community. The IMF closely monitored the process and called the Ukrainian authorities' attention to the position elaborated by the Venice Commission and to the dangers entailed in delaying the start of work of the Court. This was a reflection of the fact that the independence of the judiciary and other law enforcement agencies remained highly questionable. The European Commission expressed its doubts concerning the bill as well. The IMF's two most important financial contributors were, thus, on the same side.

State of the Conflicts on Ukraine's Territory

The Minsk II agreement of February 2015 created the foundation for the devolution of power in the areas where the so-called Donetsk and Lugansk People's Republics claim authority. The draft law, based on Minsk II, states that "specific arrangements for self-government in some parts of Donetsk and Luhansk oblast's [sic!] shall be set forth in a separate law".¹⁴ Many believed this rule had been imposed on Ukraine from outside and, thus, it was found objectionable by certain "patriotic" forces in the country. Other forces, including Russia-backed separatists were also dissatisfied with the legislation, as it clearly stated that the elections for local governments must be held according to the constitution of Ukraine and with international monitoring, including by the OSCE and the Council of Europe.¹⁵ This also presents a problem for Ukraine, as the law states that elections can only be held when there is sufficient security in the area. Although the security situation has improved in the Donetsk and Luhansk area and the conflict has moved from high to low intensity since the signing of the Minsk II accord, the situation is far from settled and hence elections cannot be held. Who should provide security is also an open question. Kyiv, which is the official sovereign power in Donetsk and Luhansk, the separatists who control the territory, or the Russian Federation, which backs the latter with a wide range of support, includ-

14 Law of Ukraine on amending the Constitution of Ukraine (as to decentralization of power), Draft Introduced by the President of Ukraine, in: European Commission for Democracy through Law, Draft Law on Amending the Constitution of Ukraine as to Decentralization of Power, Introduced by the President of Ukraine to the Verkhovna Rada on 1 July 2015, Strasbourg, 7 July 2015, Opinion No. 803/2015, CDL-REF(2015)022, pp. 2-8. Her: p. 8. at: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2015\)022-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2015)022-e).

15 Cf. Zakon Ukraini, *Pro osoblivij porjadok misceвого samovrjaduvannja v okremich rajonach Doneckoji ta Luganskoji oblastej (Vidomosti Verhovnoji Radi (VVR))* [Law of Ukraine On the Special Procedure of Local Self-Government in Some Districts of Donetsk and Lugansk Oblasts (Bulletin of the Verkhovna Rada (VVR))], 2014, No. 45, item 2043), article 10, para 4, at: <http://zakon3.rada.gov.ua/laws/show/1680-18>.

ing denied¹⁶ military assistance? The situation is perfectly suited for a “blame game”.

A further problem is presented by the fact that times are becoming less favourable for such a highly controversial decision as the devolution of power to the territories that Kyiv does not de facto control. Elections will be held in Ukraine in 2019 (and not earlier), as President Poroshenko announced.¹⁷ Radical Ukrainian forces are highly unlikely to accept any concessions, arguing that the government is “selling out” the country. For the shrinking power bloc in Kyiv that continues to be dependent upon Russia, both of these conditions present problems. A settlement of this kind may be unlikely for another reason: Would it be in Kyiv’s interest if the conflict in south-eastern Ukraine were to become “frozen”? What would Kyiv’s leverage be, if it were no longer at the centre of a geostrategic conflict?¹⁸

In spite of the importance of the conflict for Ukraine’s international visibility and the value it has in generating support and legitimacy for the government in fighting an external adversary, its resolute position has not always been supported by its partners. The Obama administration indicated occasionally that it would have been satisfied with breaking the deadlock on the devolution of power.¹⁹ It is not clear whether this was in order to achieve a more constructive relationship with Moscow, a partner whose co-operation was necessary in areas of great importance, ranging from local conflicts (Syria, Iran, North Korea) to nuclear weapons, space exploration, and combating terrorism. It could also have been more directly related to the conflicts in Ukraine, based on the hope that Russia would recognize that its support for the separatists in the Donbas could never achieve more than a stalemate and would, thus, seek a compromise that would weaken Kyiv’s political inde-

16 Military intelligence services have regularly taken photographs of armaments and equipment being handed over to the separatists at the Russian border close to the Donetsk-Luhansk area, and Russia has gradually weakened its denials of a Russian military presence. Moscow has shifted from the absurd claim that, if there were Russian military personnel in the Donbass, they were simply there on holiday to the recent statement of the Russian President who said in his annual press conference that “there is no Russian army on the territory of Donbass but there are certain militia formations that are self-sufficient and ready to repel any large-scale actions against Donbass.” President of Russia, *Vladimir Putin’s annual news conference*, 14 December 2017, at: <http://en.kremlin.ru/events/president/transcripts/56378>. It is not too difficult to regard those words as indirect recognition of a Russian military presence.

17 Cf. Interfax-Ukraine, Poroshenko says next election in Ukraine to be held in 2019, in: *Kyiv Post*, 30 June 2017, at: <https://www.kyivpost.com/ukraine-politics/poroshenko-says-next-election-ukraine-held-2019.html>.

18 Cf. Gábor Stier, *Ukrajna a háborúra alapoza legitimációját* [Ukraine bases its legitimacy on war], in: *Magyar Nemzet*, 30 December 2017, at: <https://mno.hu/moszkvater/ukrajna-a-haborura-alapoza-legitimaciojat-2436837>.

19 Memorably, then US Vice-President Joseph Biden, after extensively addressing Russian “actions” in the Donbas in his address to the Verkhovna Rada, said the following: “Constitutional reform that includes judicial reform and decentralization does not compromise your sovereignty.” *Remarks by Vice President Joe Biden to The Ukrainian Rada*, cited above (Note 12).

pendence without endangering its territorial integrity.²⁰ It is also possible that Washington persuaded Kyiv to take a more conciliatory stance to eliminate Russia's ability to claim that it is not contributing to conflict settlement due to Ukraine's rigidity. With this, responsibility for the stalemate would move to Russia. Nonetheless, in spite of all efforts, Ukraine has not yet passed the legislation necessary for the devolution of power in Donbas and the holding of elections.

For Russia, the Ukraine conflict also provides domestic legitimacy. The Russian leadership has used the conflict to gain popular support. Moscow does its best to hide the costs – both financial and human – of its activity in Ukraine. This demonstrates that the Russian leadership is aware that popular support is not unconditional and guaranteed forever.²¹ Whether gaining domestic legitimacy or achieving the international status it aspires to is more important for Russia is an open question. What is certain is that Russia wishes to continue to generate the impression that it will protect ethnic Russians in other countries. Either way, Russia may also be reluctant to seek to resolve the crisis in the Donetsk and Luhansk areas. This is complemented by the fact that Moscow may not be interested in contributing to any impression that the leadership in Kyiv has achieved a breakthrough. In sum, neither Ukraine nor Russia is interested in the resolution of the conflict in the Donetsk and Luhansk areas in the foreseeable future.²² Even in the long run, conflict settlement could take place only under conditions that are largely unacceptable to the other state party.

The conflict over Crimea is frozen without resolution, as both Ukraine, which lost this territory, and a good portion of the wider world are of the view that the annexation of the territory was unacceptable and should be reversed. The Russian Federation claims to represent a principled position: The territory changed hands, a referendum was held, the upper house of the Russian Duma approved it, and the matter is, thereby, closed. Vladimir Putin has reiterated this view several times in front of both international and domestic audiences, most often using language that makes clear Moscow's determination on the matter: "As for Crimea, we believe the issue has been closed for good. This is a historical decision of the people living in Crimea, and Russia

20 There were passing references to this option also in the Ukrainian press contrasting Crimea with Donbas emphasizing the importance of the former as a showcase for Russia while the Donetsk-Luhansk area is not and consequently Russia gradually reduces the resources allocated to the latter and also its commitment. Cf. Alya Shandra, *Russia set to cut funding of proxy „republics” in Donbas in favor of Crimea – media*, Euromaidan Press, 25 September 2017, at: <http://euromaidanpress.com/2017/09/25/russia-mulls-cutting-funds-for-proxy-republics-in-donbas-in-favor-of-crimea>. It is difficult to see conclusive evidence supporting this view.

21 This is demonstrated by the effort the Russian authorities have made to avoid holding funerals for Russian soldiers killed during combat in the Donetsk-Luhansk area and paying (extra) compensation for families in return for their not speaking up about this.

22 The interests of the external actors will be briefly presented in the section on "International Repercussions" below.

will never discuss the issue with anyone.”²³ For a domestic audience, the Crimea matter was de-emphasized so as to make it clear there was no pending issue there: “The people of Crimea made their own decision, I am sure we will get over this. Some people believe that it is better for Ukraine to develop as an independent state. So be it. If people believe so, this should be done and supported. It is absolutely pointless and counterproductive to try and suppress this opinion.”²⁴ This statement is a demonstration of the Russian president’s mental difficulty with accepting Ukraine’s independent statehood 26 years after the end of the Soviet Union. Projecting this view may resonate well with some strata of the population. However, it gives backwind to those who can imagine there was a reversal of history.

It remains to be seen whether Russia’s clear determination to decouple the conflicts related to Crimea and in the Donetsk-Luhansk area will be successful. The Russian Federation has created a situation where the settling of the situation in the Donetsk-Luhansk area may be so welcome to some in the world that they would be tempted to live with the transfer of Crimea. Whether the situation will mature in a way that will test this assumption remains to be seen. However, a formal tit-for-tat is out of question, as that would give recognition to a territorial gain resulting from aggression. We can assume that the Russian sovereign control over Crimea will remain a source of sanctions and contribute to the periodic deterioration of relations. Furthermore, the sanctions for the occupation and annexation of Crimea are separate from the ones imposed due to Russian meddling in Donetsk and Luhansk, which makes it possible to lift some and apply other EU and US sanctions.

Understandably, decoupling the two sets of sanctions would be unacceptable both for Ukraine and internationally. Russia committed a sudden and gross violation of international law with the annexation of Crimea and the fact that it had some reasons for it (first and foremost the danger that the new Ukrainian government, under external influence, would have eventually terminated the stationing of the Black Sea Fleet in Crimea)²⁵ did not make the occupation “less illegal or more legal” and more acceptable. Ukraine, shrewdly and in order to avoid providing Moscow with a good excuse to occupy Crimea, did not put this matter high on the agenda when the temporary authorities were formed in Kyiv after the departure of President Yanukovich from the country. It merely opened “consultations” with Russia on the status of the Russian Black Sea fleet. However, concerning the likely outcome, the writing was on the wall.

23 President of Russia, *Joint press conference with Prime Minister of Greece Alexis Tsipras*, 27 May 2016, at: <http://en.kremlin.ru/events/president/news/52024>.

24 President of Russia, *Vladimir Putin’s annual news conference*, cited above (Note 16).

25 Understandably, this matter was never high on the agenda of the Western media. Furthermore, the new Ukrainian leadership was quite careful in managing it. Rather than starting with highly visible, symbolic, and abrupt measures, it initiated consultations with the Russian Federation on the Black Sea fleet not long before it lost the territory, which rendered the discussions superfluous.

Although casualty levels have declined since Minsk II was signed (according to the UN “only” 98 people died in Donbas between January and November 2017), the overall human loss of more than ten thousand people is staggering. The Russian Federation won Crimea, but lost a lot in this conflict. It has lost, first of all, the sympathy of the Ukrainian people and consolidated Western support for Kyiv. Furthermore, it contributed to forging a Western unity that it wanted to undermine by driving wedges and creating divisions. The fact that the West faces many other, often lasting and severe, problems does not make Moscow a winner. With the conflict in Ukraine, Russia demonstrated that it is ready to embark upon risky endeavours to make the point that it is a great power whose views cannot be ignored. It has also achieved a lot in terms of indoctrinating the country’s population about Russia’s international standing. However, great power status will not help compensate for various other weaknesses of Russia in the long run. It is only a matter of time until the population also draws this conclusion and reacts accordingly.

The fact that Russia has lost a lot in the Ukraine conflict does not make Kyiv the winner. Irrespective of official statements to the contrary, Ukraine has irrevocably lost a part of its territory. It is largely impossible to imagine a scenario under which Crimea would return to Ukrainian rule. The Ukrainian attitude to the part of the Donbas controlled by the separatists is inconclusive. There are forces that would like to win the hearts and minds of the people in those areas to regain them for Ukraine. They base their position on the fact that not every Donbas inhabitant supports the separatist forces – which is a solid view grounded in fact. However, there are others that would abandon that part of Ukraine, interpreting the situation as simply part of a territorial contest with Russia that they have lost. Such views, which would suggest that Ukraine does not care about the people over there, are to the detriment of Ukraine. Meanwhile, Russia has begun creating close links with the Donbas to connect the Donetsk and Luhansk area with “mother Russia”. A series of measures were taken during 2017, including the introduction of the Russian ruble as the official currency, the recognition of various documents issued by the Donetsk and Luhansk authorities, such as birth and wedding certificates and diplomas, and the lowering of the transit fees for coal and steel exported to Russia. Those two tendencies taken together have resulted in a greater-than-necessary loss for Ukraine.

International Repercussions

With four EU and NATO members and three former Soviet Republics in its neighbourhood, Ukraine is a country in a dual periphery position. The country thus finds itself within the sphere of influence of two powerful neighbours. The Russian Federation is of the view that the former Soviet space is its privileged sphere of influence. The European Union regards Ukraine as

part of a “shared neighbourhood”, together with other states of the Eastern Partnership. However, it faces difficulties in demonstrating that this neighbourhood should properly be considered as “shared”.

Russia’s position is clear. Moscow has made statements that indicate that it would like to have an “exclusive” sphere without rivals. It has drawn “red lines” around the area of the former Soviet Union and has punished actors that sought to cross them. Georgia, for instance, lost 20 per cent of its territory in this process following a war that it mistakenly launched following massive and serial provocations by Russia. Ukraine also faced consequences when it sought to leave Russia’s orbit. Russia interfered in its domestic affairs, including the 2004 elections, when President Putin directly advocated one candidate and participated in his election rallies. Although later Russian “involvement” became less direct, the use of Ukraine’s external dependence continued.

The EU’s relations with its Eastern neighbours are different, as the means it can apply to anchor partners in its orbit are less direct and rely on a different set of sources of influence. It relies more on its attractions, first and foremost its rich economic resources and its declared values, including democracy and human rights. Tools of direct coercion, so important in Russia’s arsenal, are largely absent.

Both powerful entities have taken steps that would raise doubts about the credibility of their readiness to “share” the neighbourhood. Again, Russia’s attempt to gain influence is clearer, as it has relied more openly on measures of coercion. The EU less so, although the same cannot be said about the West more broadly, which tends to apply camouflaged methods of coercion in crucial moments. The reluctance to share gained a new dimension with efforts on both sides to claim a monopoly over Ukraine’s future by consolidating their economic influence via the founding of the Eurasian (Economic) Union (EAEU) by Russia and the offering of DCFTA to Georgia, Moldova, and Ukraine by the EU. It is the widespread and well-founded view that both arrangements constrain the economic sovereignty of states that join them.

If we take a look at the states in this *shared* or, more realistically, *contested* neighbourhood, it is clear why Ukraine has a special role in it. Ukraine is the largest of the six states that belong to this group; it is associated with the history of the Russian empire as “the cradle of Russian civilization”, due to the Kievan Rus, and it is one of the relatively few successor states of the former Soviet Union to produce high value-added industrial products. Ukraine’s geostrategic significance is also based on its location as a connecting element and buffer zone between Russia and East-Central Europe, including Moldova and Transnistria. It is clear that Moscow would like to avoid Ukraine becoming a Western bridgehead that would diminish the Russian Federation’s “exclusive” sphere of influence.

However, the four years that have passed since Yanukovych's fall in 2014 have only brought partial clarity as far as Kyiv's current and future orientation is concerned. The Ukraine crisis has become a protracted conflict and thus an important factor in the deeply damaged relations between Russia and the West. The last four years for Ukraine's international relations have demonstrated the following:

- The reorientation of Ukraine is real and ongoing. The Russian Federation has lost Ukraine, as a large majority in the country now regard Russia as an aggressor, with good reason. The fact that a large part of Ukraine's population is not satisfied with its own government and the country's situation does not make Russia a more attractive partner. Whether the leaders of the Russian state will find the strength to take a fresh look to the situation or will try to pursue the partially failed policy further is an open question.
- The vague formulations that encourage the Russian leadership to draw the conclusion that the "main lesson in Ukraine for Russia [...] is *the need to attentively observe, deeply analyze and try and understand Ukraine* which [...] will be an important neighbor for Russia"²⁶ is not going to be sufficient to open a new chapter in Russian-Ukrainian relations. Furthermore, it does not seem that the Russian establishment has already reached a point where it is fundamentally reconsidering the foundations of its Ukraine policy. And even if it were to reconsider, under the current conditions it would be extremely difficult to find partners in Kyiv.
- With Ukraine's lasting distancing and alienation, Russia has gained an opportunity to form its own national civic identity that identifies it with the people that live on the territory of Russia. This could help to bring about a new phase in the development of the former Soviet Union area as a whole. However, such a major change is unlikely if we extrapolate from the trends in Russian politics over the last 20 years or so.
- Ukraine has largely reorientated its international relations and is focusing its attention on the West. 1. Compared to the years following the Orange Revolution, Kyiv's current pro-Western orientation is significantly stronger and longer lasting. There are two reasons for this: Russia has occupied a part of Ukraine's territory and backs the separatists in the south-east of the country. Instead of giving "verbal reassurances" to pro-Russian forces as Russia did in 2004, including to presidential candidate, Viktor Yanukovych, a decade later, Russia appeared as an imperialist power that claimed and occupied a part of Ukraine's territory. This has pushed Kyiv towards the West. 2. The political shift is more

26 Dmitry Trenin, To Understand Ukraine, in: *Russia in Global Affairs* 4/2017 (emphasis in the original), at: <http://eng.globalaffairs.ru/print/number/To-Understand-Ukraine-19268>.

organic than it was in the past and is underlined by an economic re-orientation that provides prospects for Ukraine.

- Russia will continue to make attempts to influence Ukrainian politics via proxies in the establishment, corruption, and the remnants of its economic leverage. It is uncertain whether it will find the adequate means in the delicate situation that it has largely created.
- The Western commitment to backing Ukraine is long-lived, but it usually takes into consideration the international realities. It is establishing organic links with Kyiv, yet avoiding symbolic gestures that Russia could regard as provocative. Offering the prospect of EU and/or NATO membership to Kyiv would be the ultimate provocation.²⁷ Moreover, as things stand, Ukraine is currently not an attractive candidate for either organization. It is, therefore, not realistic to assume that Ukraine will become a member of either the EU or NATO. Kyiv will have to live with this ambiguity for a long time to come. The EU appears extremely cautious in its policy towards Ukraine, at least in comparison to the US, which is more willing to test Moscow's limits. This was adequately demonstrated when, after long hesitation, the Trump administration agreed to sell lethal, though defensive weapons to Ukraine in late 2017.
- The deep divide between Moscow and Kyiv also means that other states on the territory of the former Soviet Union will have to reconsider their positions, options, and policies. It is apparent that some states, above all Belarus and Kazakhstan and, to some extent, also Armenia have understood this. The former two have put themselves on the map as parties in various conflict mitigation and mediation efforts that matter to Russia. Armenia, a state that is fully dependent upon Moscow, is developing a pro-Western vector, albeit one that remains extremely weak. These are just some of the spillover effects of the conflict between Ukraine and Russia.

Conclusions

A lasting interstate conflict is always a negative sum game. People lose their lives, livelihoods, wealth, development potential, and years of GDP. However, history is not a neat process, and epochal changes always have a price tag.

The current conflict centring around Ukraine is a high intensity phase of a nation choosing its future. This is a fundamental choice between socio-economic systems that offer very different values and prospects for the country and its people. As a country, Ukraine did not prove its strengths during its

27 Cf. Poroshenko: Ukraina budet v NATO i ES [Poroshenko: Ukraine will be in NATO and the EU], in: *Kapital*, 10 June 2017, at: <http://www.capital.ua/ru/news/93075-poroshenko-ukraina-budet-v-nato-i-ec>.

first quarter century of independence. Its poor performance, the dead weight of tradition, and various external push and pull effects have contributed to Ukraine's remaining an unsettled country. It failed to demonstrate a clear orientation or, rather, offered different orientations simultaneously, very much reflecting its dual periphery position and the different expectations of different parts of the population.

Ukraine's search for a post-Soviet identity may prompt political processes in which other states also have to make their choice. It is apparent that under such conditions it is the Russian Federation that will face the most challenging task – that of reducing its paternalism in the post-Soviet space. Although Moscow will ultimately be unable to avoid answering this challenge, it can postpone it for quite some time. Longing for stability for domestic reasons, Moscow may be tempted to continue its familiar course, even though this offers only a temporary remedy. This will perpetuate the conflict.

Ukraine also has very difficult choice for three reasons: 1. The conflict will continue for quite some time and will divert attention and resources away from other priorities that may matter more in the long run. 2. Although Ukraine has achieved a lot in recent years, it has not done all that it should have. It has an image problem as a country that goes wherever the prevailing wind blows it and cannot make up its mind. Apparently there are also major forces in Ukraine that either do not understand the importance of addressing corruption or assume that facing this challenge can be deferred. 3. Ukraine will have to live without EU and NATO membership for a long time to come. This does not mean that the country will not be supported in its current transition. It does, however, mean that it will be able to rely less on external support than it sometimes optimistically declares.

The Ukraine conflict has brought to the surface concerns that will result in further divisions in the area of the former Soviet Union and a barely visible formation of new groups of forces and realignment of loyalties. It appears that, for the Russian Federation, keeping the other former Soviet Republics in line and in its orbit, is both a challenge and a liability – as it used to be for the Soviet Union to keep some of the East-Central European countries in line between the 1950s and the 1980s.

Compared to these historical challenges, the task of settling the current conflict(s) is less important, although it attracts the most attention among political analysts. The Crimea conflict has been closed for discussion without resolution. Thus, it can now be used as a point of reference by Russia, Kyiv, and the West to maintain the tension between Russia and the West. The conflict in the Donetsk-Luhansk area will require flexibility from Ukraine if it has to accept that it is not going to regain full sovereign control over the south-east of the country. At the same time, Kyiv will be unwilling to entirely relinquish responsibility for the region, while Russia will use the ambiguous status of the Donbas areas to blame Kyiv for any problem occurring over there, thereby gaining influence in Ukrainian politics. Avoiding further

human suffering and economic losses is a challenge that can only be faced jointly, but the parties may not be ready to live up to this responsibility.

Current Trends in Transdniestria: Breathing New Life into the Settlement Process

Introduction

The Moldova-Transdniestria political settlement process exhibited signs of renewed life during 2016-2017, with significant agreements reached near the end of 2017. Both the German and the Austrian OSCE Chairmanships devoted particular attention to efforts at resolving the conflict between Chişinău and Tiraspol. This led to a number of contacts and meetings at various levels, including successful 5+2 negotiating sessions. At the Hamburg OSCE Ministerial Meeting, a relatively substantive statement was agreed, which reaffirmed the basic principles of the OSCE's approach to resolving the conflict and laid out real and promising commitments for future settlement efforts. Given the extreme difficulty in sustaining any significant contacts, negotiations, or co-operation between the sides since the resumption of the 5+2 negotiating process in 2011, the Hamburg statement and the level and kind of activity since late 2015 might be seen as relatively encouraging.

However, during this same period, deep and bitter political and economic crises beset both Moldova proper and its Transdniestrian region, and posed significant challenges and impediments to further forward movement on the political settlement process. Fallout from the "theft of the century" – the misappropriation of some one billion dollars from three Moldovan banks in November 2014 – continued to spark political battles and economic uncertainty. A relatively stable parliamentary majority and government was established in Chişinău in early 2016, but the domination of the coalition's leading party by the country's richest oligarch led to charges of state capture and growing popular disillusionment with the ostensibly pro-Western coalition. A dubious decision by the constitutional court to restore a directly elected presidency (discussed below) led to a bitter presidential campaign, fought along overtly geopolitical lines, and the victory of Igor Dodon, leader of the Party of Socialists of the Republic of Moldova (PSRM), on an avowedly pro-Russian platform.

Meanwhile the Transdniestrian region sank ever deeper into economic crisis and political turmoil. For much of the period covered by this contribution, Transdniestrian enterprises were allowed to continue to benefit from trade preferences granted by the EU during the run-up to and entry into force of the Moldova-EU Association Agreement. However, at some point in 2017, Transdniestria faced the establishment of full Moldovan control over the region's external trade, including control over the Transdniestrian segment of the border with Ukraine. Ongoing economic difficulties on the left bank

(Transdnistria) led to the region's government and population becoming increasingly dependent on financial subsidies from Russia. Business and popular discontent with President Yevgeny Shevchuk produced an ongoing battle between Shevchuk and the Transdnistrian Supreme Soviet and led to his defeat in the December 2016 elections by the head of the legislature, Vadim Krasnoselsky.

While Dodon and Krasnoselsky held a highly publicized meeting in Bendery soon after their respective elections and apparently struck up a decent personal relationship, it was not at all clear that they would be able to sufficiently overcome the political and economic turmoil on both sides of the Dniester/Nistru River to induce real progress in the political settlement process. Dodon and his Socialist Party are in opposition to the government of Pavel Filip in Chişinău, which takes a somewhat harder line towards Tiraspol. Meanwhile, economically stressed Transdnistrian officials and elites remain extremely suspicious of Chişinău's ongoing attempts to assert real control over the border with Ukraine. The political and economic situations on both banks are extremely contentious, highly fluid, and ultimately disruptive of conflict resolution efforts.

Re-energizing the 5+2 Negotiations

As Germany prepared to assume the OSCE Chairmanship in late 2015, the political settlement process in Moldova, in general, and the 5+2 negotiations, in particular, were stagnant. Despite concerted efforts by the Serbian and Swiss Chairs, marked by the two-year tenure of a senior Serbian diplomat as Special Representative for the Transdnistrian Settlement Process, the political crisis that erupted in Moldova following the November 2014 elections and revelation of the massive bank scandal fully absorbed the attention and energy of Chişinău's political elites and effectively impeded engagement with Tiraspol. Frequent changes of government in Chişinău and ongoing political struggles within and outside the government made it difficult, if not impossible, for Chişinău to formulate a consistent approach and to field a fully empowered interlocutor for its 5+2 counterparts.

During 2016, the German Special Representative, Ambassador Cord Meier-Klodt, made at least seven trips to the region. The efforts of the German Chairmanship and the OSCE Mission to Moldova prepared the ground, brokering meetings with representatives of the parties and co-ordinating an April visit of mediators to Chişinău and Tiraspol. The result was the resumption of the 5+2 talks with a two-day negotiating session in Berlin in early June, where Moldovan and Transdnistrian representatives agreed to a set of actions in the areas of telecommunications, transportation, and education in

preparation for a conference of the participants in Bavaria in mid-July.¹ At the 5+2 meeting held in Berlin in June and the conference in Bad Reichenhall in July, the German Chairmanship promoted what it called a “results-based” approach to the settlement process, aimed at achieving “specific and attainable goals”.² While the presidential election campaigns on both sides of the Dniester/Nistru diverted considerable attention away from the Transdnistrian settlement process during the latter months of 2016, the German Chairmanship and the OSCE Mission to Moldova successfully maintained contacts between the sides, at the level of both chief negotiators and expert working groups.

Despite the ongoing political difficulties on both banks, the hard work of the Chairmanship and the Mission paid off at the Hamburg Ministerial Council. The Hamburg “Ministerial Statement on the Negotiations on the Transdnistrian Settlement Process in the ‘5+2’ Format” called for continuation of the political settlement negotiations in the existing format along the lines promoted by the Chairmanship during 2016, certainly a welcome result against a contentious geopolitical backdrop.³ However, perhaps even more important was the consensus achieved in the Ministerial Statement in support of the OSCE’s substantive approach to resolution of the Transdnistrian conflict since 1993:

a comprehensive, peaceful and sustainable settlement of the Transdnistrian conflict based on the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognized borders with a special status for Transdnistria that fully guarantees the human, political, economic and social rights of its population[...]⁴

The explicit endorsement of Moldova’s territorial integrity and a special political status for Transdnistria is especially important, given developments and controversies over conflicts, separatist movements, and entities in the former USSR during the preceding decade, particularly in Ukraine and Georgia. The Hamburg statement was, thus, not just an exhortation to continue the

1 Cf. OSCE, *Renewed Transdnistrian settlement talks provide impetus for real progress in the coming weeks, says OSCE Special Representative*, Berlin, 3 June 2016, at: <http://www.osce.org/cio/244651>; and OSCE, *Bavaria conference reinforces German OSCE Chairmanship’s emphasis on an outcomes-based Transdnistrian settlement process*, Bad Reichenhall, 14 July 2016, at: <http://www.osce.org/cio/253901>. Cf. also *Protocol of the Official Meeting of the Permanent Conference for Political Questions in the Framework of the Negotiating Process on the Transdnistrian Settlement*, 2-3 June 2016, Berlin, at: <http://www.osce.org/moldova/244656>.

2 OSCE, *OSCE Special Representative for Transdnistrian Settlement underscores need for result-oriented dialogue*, Chisinau, 12 October 2016, at: <http://www.osce.org/cio/274101>.

3 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Hamburg 2016, *Ministerial Statement on the Negotiations on the Transdnistrian Settlement Process in the “5+2” Format*, MC.DOC/2/16, 9 December 2016, at: <http://www.osce.org/cio/288181>.

4 Ibid.

political settlement process, but an explicit affirmation of a common overall goal, a relatively rare and welcome occurrence in recent OSCE conflict resolution efforts.

The Austrian 2017 OSCE Chairmanship picked up seamlessly where Germany had left off. Austria appointed a Special Representative for the conflict, Ambassador Wolf Dietrich Heim, who began consultations with participants in the process immediately. The Chairperson-in-Office, Austrian Foreign Minister Sebastian Kurz, also made an early visit to the region on 3-4 February, where he indicated that the Moldova-Transdniestria process would be a priority and that Austria would continue the German approach of seeking concrete results from meetings and activities in the 5+2 format.⁵ Nearing the mid-point of its term, the Austrian Chairmanship was aiming to hold an informal conference in Bavaria on confidence-building measures, in particular seeking to promote and document progress on the so-call “package of eight”, a collection of specific, disputed practical issues between Chişinău and Tiraspol on which the sides had committed to seek movement forward in the Berlin Protocol and the Hamburg Ministerial Statement. The Austrians noted that a successful informal conference could set the stage for the next formal session of the 5+2 negotiations.⁶

The “package of eight” and other issues under consideration in expert group contacts, 1+1 meetings, and sessions of the parties with the mediators and observers effectively include the full range of practical social, economic, and administrative questions that have separated and created bad blood between Chişinău and Tiraspol since the earliest days of the conflict, when the Transdniestrian region separated from Moldova and began to build its own institutions of de facto statehood. These practical bones of contention between the two banks include: (1) whether and how diplomas (and other documents) issued by Transdniestrian educational (and other) institutions should be recognized throughout Moldova and beyond; (2) whether vehicle license plates issued by Tiraspol should be recognized internationally; (3) how Transdniestrian telecommunications should be licensed and regulated; (4) how Tiraspol and Chişinău should co-operate to establish and enforce environmental standards for the Dniester/Nistru River basin; (5) how to handle criminal cases brought against officials of one side by institutions from the other side; (6) how to ensure operation of Latin-script schools under the jurisdiction of the Moldovan Ministry of Education in territory under the control of Transdniestrian authorities; (7) how to ensure farmers living on Moldovan territory access to sow and harvest on lands that they own but which are under Transdniestrian control; and (8) how to ensure freedom of movement of people, goods, and services between the two sides (already guaranteed in many joint declarations and agreements between the sides), particularly by

5 Cf. OSCE, *Transdniestrian Settlement Process a priority for Austrian Chairmanship in 2017*, 6 February 2017, at: <http://www.osce.org/cio/297981>.

6 Cf. *ibid.*

reopening the Gura Bîcului Bridge. The OSCE Mission to Moldova continues to work actively to foster contacts and activities by both sides on these specific issues. In May 2017, for example, the Mission brought together lawyers from human rights clubs on both banks to discuss issues relating to the provision and recognition of documents. In March, in collaboration with the UN Economic Commission for Europe (UNECE), the Mission organized a meeting on flood control and climate change in the Dniester/Nistru River basin.

These issues have seemed maddeningly complex and obscure to generations of mediators, who have frequently wondered how Moldovan and Transdnistrian representatives could be so stubborn and obtuse in failing to agree on what seem (at least to outsiders) to be obvious practical solutions. However, the disagreements on these questions do not arise from their substance, but from fear on both sides that even the smallest concession on any of these subordinate issues might weaken their position on the key questions of status and governmental competencies. These fears are augmented by deep distrust of governing elites on both sides, prompted and sustained by a long history of agreements and promises that have subsequently gone unfulfilled. For years, and at the present time, both Chişinău and Tiraspol have basically either refused to engage with one another on the key question of status, or have simply reverted to their maximalist positions: independence for Tiraspol or full application of Moldovan law and authority throughout the Transdnistrian region for Chişinău.

The June 2016 Berlin Protocol, the Hamburg Ministerial Statement, and the activity and statements of the Austrian Chairmanship to date reflect the laudable (and difficult) achievement of reinforcing and reiterating agreement among the mediators and observers on the fundamental approach that has guided OSCE efforts in the Transdnistrian political settlement process since 1992-1993. However, Chişinău and Tiraspol seem little closer than they were a decade ago to accepting and reflecting, in concrete discussions and agreements, the basic principles that Transdnistria remains an integral part of the Republic of Moldova, with a special political status that will guarantee the rights of the population of the region. The belief of recent OSCE Chairmanships that confidence-building measures and agreements on specific issues important to the well-being of the population will lead to engagement and progress on the status question, may well be correct. However, this approach has shown still limited results in practice.

Gagauzia

Another impediment to progress on the status issue has been the unwillingness of the Moldovan side, over much of the history of the political settlement negotiations, to offer more than limited autonomy to the Transdnies-

trian region, while representatives of Tiraspol have generally pushed for some sort of loose confederation, if not outright independence for their region. Even if Transdnistrian negotiators were willing to entertain an offer of broad autonomy, the record of this sort of political arrangement within the Republic of Moldova itself, not to mention recent broader international practice, presents additional arguments against a settlement of this kind. The Law on the Special Status of Gagauzia (Gagauz Yeri), adopted in December 1994, afforded special limited political, economic, and cultural rights to the Turkic Orthodox population concentrated in several areas in the southern part of the country.⁷ Moldovan and Gagauz negotiators were relieved and proud when the agreement was reached but, unfortunately, the autonomy arrangement has never worked well. Gagauz leaders complained that Moldovan political elites in Chişinău insisted on obedience to Moldovan legislation as if Gagauzia were no different from any other Moldovan province. Issues such as language rights, usage, and instruction, and representation in national institutions were chronic sore points, and continuing difficulties over these questions cast offers of autonomy to Tiraspol in an extremely bad light.

Historically, the OSCE Mission to Moldova has attempted to assist Chişinău and Comrat in making their autonomy agreement work better, both for its own sake and for the positive effect this might have on the Transdnistrian conflict resolution process. In recent years, the Mission has stressed efforts to improve Moldova's performance with respect to national minority rights, and has facilitated the involvement of the OSCE High Commissioner on National Minorities (HCNM) in Moldova, both to improve the status of national and ethnic minorities in general and to assist with issues of particular concern in Gagauzia. Most recently, the Office of the HCNM helped the Moldovan Bureau of Inter-ethnic Relations develop and adopt a ten year Strategy for Consolidation of Inter-ethnic Relations, based on *The Ljubljana Guidelines on Integration of Diverse Societies*, which the HCNM had published in 2012.⁸

Continuing discontent in Gagauzia over minority, language, and economic issues has made the region susceptible to external influence and meddling. The region is heavily Russian-speaking, and Moscow has attempted to use pro-Russian sentiment in the region to counter Moldova's movement towards the West, and the EU in particular. In the context of Moldova's signing and ratification of an Association Agreement with the European Union (EU), Gagauz authorities held a highly publicized referendum in February 2014 in which over ninety percent of those voting favoured closer ties with the CIS

7 Cf. The Parliament of the Republic of Moldova, *The Law on the Special Legal Status of Gagauzia (Gagauz Yeri)*, at: <http://www.regione.taa.it/biblioteca/minoranze/gagauziaen.pdf>.

8 Cf. OSCE, *Office of the High Commissioner on National Minorities pledges to continue supporting integration in Moldova*, 23 February 2017, at: <http://www.osce.org/hcnm/301441>.

than with the EU.⁹ In March 2015, Irina Vlah, who defected from the Party of Communists of the Republic of Moldova (PCRM) to the PSRM, and was widely considered sympathetic to Moscow, won election as *Bashkan* (Governor) of Gagauzia. The November-December 2016 legislative elections in Gagauzia, held under somewhat improved conditions, followed the same pattern, if less pronounced, but the results were overshadowed by the Moldovan and Transnistrian presidential elections.

Moldova's Constitutional and Political Crises

The Transnistrian political settlement process was also impeded and overshadowed by a continuing political crisis in Moldova proper. Political realignments; infighting over corruption, and responsibility for the 2014 “theft of the century”, in particular; and popular protests over the country’s geopolitical orientation have created instability and several changes of government in Chişinău. The Filip government, sworn in late one evening in January 2016 and dominated by Vladimir Plahotniuc’s Democratic Party (PDM), managed to survive massive protests led by activists from both the left and right. Despite the presence of protest camps in front of both the government and parliament buildings for much of the winter, the Filip government succeeded in holding onto power and engaging in some key rebuilding tasks, such as reaching a new agreement with the International Monetary Fund (IMF), managing the fallout of the banking scandal, and dealing with the requirements of the relationship with the EU.

One of the major structural political issues facing the country was the election of a successor to President Nicolae Timofti, whose term expired in late 2015. According to constitutional amendments adopted in July 2000, the president was to be elected by a supermajority of three-fifths in the parliament. No candidate or party could command such a majority in the Moldovan parliament in early 2016, and the constitutional court stepped in, ruling in March 2016 that the 2000 amendment was invalid and reinstating election of the president by popular vote, the method prescribed in the Moldovan constitution’s original redaction. While the constitutional court’s ruling reflected what all public opinion polls seemed to show was the popular will, the action bypassed existing legal and political processes, solving a practical problem, but not necessarily strengthening the legitimacy of the country’s political institutions or the rule of law.

The actual elections in October-November 2016 reflected the deep geopolitical division of the country into almost equal size pro-Western and pro-Russian camps. Socialist Party leader, Igor Dodon, ran on an explicitly anti-

9 Cf. *Gagauzia Voters Reject Closer EU Ties For Moldova*, Radio Free Europe/Radio Liberty, 3 February 2014, at: <https://www.rferl.org/a/moldova-gagauz-referendum-counting/25251251.html>.

EU, pro-Russia and pro-Eurasian Economic Union (EAEU) platform. In the second round on 13 November, Dodon garnered 52 per cent of the vote, against 48 per cent for Maia Sandu, candidate of the pro-EU, pro-West Party of Action and Solidarity (PAS). While Dodon has not, since his inauguration, advocated breaking the relationship with the EU, his first foreign visit was to Moscow, and he has made clear his desire to reorient the country's geopolitical affiliations. However, the powers of the president of Moldova are limited, and Dodon's Socialist Party is a minority in opposition in parliament, which has the real power to alter Moldova's foreign policy course. Parliamentary elections are due in Moldova by late 2018, so in the coming months – irrespective of the fate of the current government – the country is likely to remain bitterly divided politically, with all that implies for progress on any major issue, including the Transdnistrian dossier.

The Political-Economic Crisis on the Left Bank

Meanwhile, Transdnistria may be even more troubled than Moldova proper. The left bank's economy has never really recovered from the effects of the 2008-2009 global economic crisis, along with periodic sanctions and other restrictive actions taken in ongoing disputes between Chişinău and Tiraspol. Over recent years, government revenues have fallen short of expenditures by as much as 30 to 40 per cent. The region's economy, and the payment of benefits to pensioners, in particular, has been consistently supported by cash subsidies from the Russian Federation. These cash infusions are in addition to, and not instead of, the traditional subsidies afforded by Moscow to Transdnistria, such as the de facto provision of natural gas for free, an important prop over the years for many left bank enterprises. Indeed, for a considerable time, the authorities in Tiraspol were able to collect payment from the population for natural gas and use these payments against the government budget, rather than paying their bills with the suppliers, Moldovagaz and Gazprom.

Prospects for Transdnistria's economic revival are complicated by both the implementation of Moldova's Association Agreement with the EU and fallout from Ukraine's conflict with Russia over Crimea and Donbas. Since the confrontation and crisis in March 2006, which led to the five-year suspension of the 5+2 talks, most Transdnistrian enterprises have registered with the Moldovan economic authorities, while not fully integrating into the Moldovan legal and economic system, as part of an arrangement that allows them to conduct foreign trade. During negotiation and implementation of the Deep and Comprehensive Free Trade Area (DCFTA), a key part of the Association Agreement, the EU afforded Transdnistrian enterprises autonomous trade preferences, which gave these businesses the benefits of the DCFTA without forcing them to integrate fully into Moldova structures. These prefer-

ences were to end on 1 January 2016, with full implementation of the DCFTA, which Transdnistrians resisted, fearing loss of revenue and perhaps even control of their firms once fully subject to Moldovan law. The process of transition was subject to negotiation during 2016-2017, with some encouraging signs but the ultimate outcome is still unclear.

Meanwhile, fallout from the conflict between Ukraine and Russia also threatened significant consequences for Transdnistria during 2017. Despite the often bitter exchanges and bad relations between Moscow and Kyiv after the seizure of Crimea and outbreak of war in the Donbas, the effects of this conflict on the Transdnistrian political settlement process have been surprisingly few and limited in scope. Perhaps this was also due, in part, to the political and economic crisis in Moldova itself and the resultant stagnation in the 5+2 process. However, in early 2017, Ukraine and Moldova reached agreement on a measure long coveted by Chişinău: the establishment of joint Moldovan-Ukrainian customs posts on the Transdnistrian segment of Ukraine's border with Moldova. The first joint post was due to be established at the major crossing point of Cuciurgan, on the main highway to Odessa, sometime in May 2017. Should such posts actually be established and work effectively, Transdnistrian exports and imports would be subject to full inspection and control by Moldovan authorities for the first time, a development that Tiraspol has vigorously resisted since gaining *de facto* independence in 1992. Such measures, depending on how they are implemented, could have a disruptive effect on the 5+2 process, as similar measures did in 2006.

Meanwhile, within Transdnistria, political battles grew in intensity after the election of independent presidential candidate, Yevgeny Shevchuk, in 2011. Increasingly at odds with a Supreme Soviet, dominated by the region's commercial giant, the Sheriff conglomerate, Shevchuk also lost popular support due to the mounting economic difficulties in the region and resultant hardship faced by the population. Although Moscow remained ostensibly neutral during the 2016 election contest, there were fairly clear signs that the Kremlin was more favourably disposed to the challenger, the head of the Transdnistrian legislature, Vadim Krasnoselsky. Shevchuk proved so unpopular with both the Transdnistrian population at large and with business and political elites that he garnered only 28 per cent of the vote, while Krasnoselsky polled over 62 per cent.

Moscow encountered an unexpected and pleasant dilemma with the almost simultaneous victories of the pro-Russian candidates on both banks in Dodon and Krasnoselsky. The emergence of a head of state in Chişinău who openly proclaims his affinity for Russia and asserts that the Transdnistrian conflict could be resolved in one or two years, provided the Kremlin an incentive for sustaining its position that Transdnistria is a part of Moldova, rather than treating the left bank as it did Abkhazia and South Ossetia in 2008. Yet the exacerbation of the political situation in Moldova and the economic condition of the left bank, combined with the loss of easy, direct ac-

cess after the Ukraine crisis all raise fears that the situation on both banks of the Dniester/Nistru could change quickly and abruptly.¹⁰

Dodon and Krasnoselsky seemed to establish a decent relationship, as the two newly elected leaders met at the historic fortress in Bendery/Tighina in early January 2017. However, relatively little has come of this initial encounter in concrete terms, as important figures and groups in both Chişinău and Tiraspol remain wary of the other side and reluctant to make bold or far-reaching moves. In particular, a number of officials associated with the Transdnistrian portfolio in the Filip government remain resistant to offering significant concessions on many of the practical issues in the “package of eight”.

The issue of the Russian troop presence in Moldova is also likely to continue to fester and to energize more right wing and nationalist opposition on the right bank to settling the Transdnistrian conflict with any significant concessions to either Tiraspol or Moscow. Russia has been more active recently in exercising both its peacekeeping forces and troops from the Operative Group of Russian Forces (OGRF), activities which quickly provoked strong protests from Chişinău. Moscow’s position that peacekeeping forces need to remain present until a full political settlement is reached remains unchanged. Meanwhile, Dodon, as leader of the PSRM and a candidate for the presidency, criticized the presence of NATO troops in the country for a joint exercise with Moldovan forces in the spring of 2016.¹¹ More recently, as President, Dodon criticized the participation of Moldovan troops in a NATO exercise in Romania as “inappropriate.”¹² The deep geopolitical divide in Europe in mid-2017 seems likely to keep frozen the issue of the withdrawal of Russian military forces from Moldova, and their effect on prospects for a Transdnistrian settlement.

Moldova as a Captured State?

Meanwhile, Moldova’s own political prospects complicate and impede hopes for progress on the Transdnistrian front. Corruption remains a contentious issue on the right bank, particularly the increasing domination of Moldovan politics and government by the country’s richest man and de facto leader of the PDM, Vladimir Plahotniuc. A number of other pro-Western parties and elements of Moldovan civil society have been extremely critical of European

10 Cf. Sergey Markedonov, *Russia faces another Transnistrian dilemma*, Russia Direct, 16 December 2016, at: <http://www.russia-direct.org/opinion/russia-faces-another-transnistrian-dilemma>.

11 Cf. *U.S. Troops In Moldova For Joint Military Exercises*, Radio Free Europe/Radio Liberty, 3 May 2016, at: <https://www.rferl.org/a/moldova-us-troops-joint-military-exercises/27712788.html>.

12 Ana Maria Touma, *Moldova’s President Bars Military from NATO Exercise*, Balkan Insight, 27 April 2017, at: <http://www.balkaninsight.com/en/article/moldova-s-president-bars-military-from-nato-exercise-04-27-2017>.

and North American states that have chosen to work with what they characterize as an oligarch or Plahotniuc-dominated government. Such critics point especially to judicial and law enforcement institutions in Moldova as lacking independence and constituting, in essence, an obstacle to real reform. Suspicions have often been voiced in the press in both Moldova and abroad that Plahotniuc and Dodon, while ostensibly opponents, are effectively collaborating in ensuring the continuing dominance of their political parties and preventing real political and economic reform in Moldova. Such suspicions have recently received added fuel in the form of collaboration between the PDM and PSRM in endorsing a proposed reform that would provide for the election of at least half of Moldova's legislators in single mandate districts, a change which critics charge will only make the system even more vulnerable to corruption.

Moldova itself faces a rocky political future, in which both the structure and the orientation of the political system could undergo significant and unpredictable change. This is likely to make it exceptionally difficult for even the external actors with the best intentions to promote significant, positive change in the country. Although this is not inevitable, the ongoing political disarray in Moldova is also likely to frustrate many of the efforts of the mediators and observers in the Transnistrian political settlement process. The fact that the mediators and observers continue to agree on a common broad conceptual approach and vision for a solution – a unified Moldova with a special political status for its Transnistrian region – remains a beacon of light in an otherwise cloudy landscape.

Addendum

Short before this article was scheduled to go to press, Moldovan and Transnistrian negotiators made a breakthrough in the political settlement talks, reaching agreement to open the Gura-Bîcului Bridge in mid-November 2017. Agreements were also signed in late November on operation of the Latin script schools, access for Moldovan farmers to farmlands in the Transnistrian Dubăsari region, recognition of diplomas issued in Transnistria, and licensing of Transnistrian telecommunications. These accomplishments were recognized in a successful 5+2 meeting on November 27-28, at which the participants pledged to continue the current approach and looked forward to further progress in 2018. The Vienna OSCE Ministerial Council adopted a statement on Moldova-Transnistria reaffirming the Hamburg consensus.¹³ These significant achievements were the result of years of a patient, consist-

13 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Vienna 2017, *Ministerial Statement on the Negotiations on the Transnistrian Settlement Process in the "5+2" Format*, MC.DOC/1/17, 8 December 2017, p. 1, available at: <http://www.osce.org/cio/361586>.

ent OSCE approach, but elevated hopes remain tempered by continuing political discord and elections looming in Moldova in 2018.

The OSCE Mission to Skopje: Advancing Mandate Priorities through Partnerships and Innovation

Introduction

In this paper, we present three angles on the work of the OSCE Mission to Skopje that we have selected to highlight specific dynamics and lessons learned. First, we look at how certain OSCE projects can have major positive spillover effects beyond the immediate scope of the activities implemented. We also briefly examine how partnerships created in the framework of a programmatic activity can serve as vehicles for the implementation of projects from other portfolios, becoming what we call “soft infrastructure”. Second, we present a concrete example of how mission activities can use new technologies to support the fight against hate crime and hate speech. Third, we look at how analytical tools developed in-house can complement a more established monitoring methodology to strengthen early-warning capabilities. Finally, we consider some of the main challenges and constraints faced by the Mission during the past year, a period of protracted political uncertainty.

Background

Since its launch, the work of the OSCE Mission to Skopje has evolved in constant partnership with the national authorities. As the situation on the ground has changed and events have unfolded, new challenges have emerged. To meet them, the tasks assigned to the Mission have also evolved throughout the years, as has its structure.

The initial OSCE Spillover Monitor Mission to Skopje was established in September 1992 as a small international presence, tasked with monitoring developments along the country’s northern border, promoting the maintenance of peace, and preventing conflict. Subsequent decisions of the OSCE Permanent Council assigned further tasks, which included establishing ongoing political dialogue with the host government. In 1998, as the Kosovo conflict was unfolding, additional resources were allocated to the Mission to enhance border monitoring and prevent crisis spillover. During the 2001 inter-ethnic conflict in the country and, in the aftermath of the signing of the Ohrid Framework Agreement (OFA) by the conflict parties in August, the Mission progressively enlarged the scope of its monitoring to the overall security situation in the country. The main focus continued to be maintaining peace and stability, with the additional priority of supporting the implementation of the OFA. The expanding set of tasks entrusted to the mission in-

cluded monitoring the humanitarian situation and returns and organizing confidence-building activities between the police and local communities. It also started to engage in police reform, deploying advisers both on the ground and in the police academy. In just one year, the strength of the Mission increased from 26 to over 200 staff and several field offices were established, including in Tetovo, Kumanovo, Gostivar, Kičevo, and Struga. In the subsequent years, while the Mission continued to maintain monitoring and early-warning functions, it also began to run programmatic activities, which increasingly became central to the work of the OSCE Mission to Skopje, as it was renamed in 2010. Mission-led projects supported host-country reform efforts in a wide array of OFA-relevant policy areas, such as equitable representation in the public administration, decentralization, education, and the use of languages.

Currently, the Mission pursues three key priorities. First, we continue to support the implementation of the OFA and promote social cohesion. Second, we design and implement projects to advance constructive inter-ethnic relations. Third, we continue to maintain the only international monitoring capability in the country, analysing the security situation for early-warning, early action and mediation purposes. The Mission implements its activities via two departments: The first covers the human dimension portfolio, including good governance, social cohesion, and the rule of law, while the second is in charge of police capacity-building activities and monitoring the security situation. The majority of our staff is based at Mission headquarters in Skopje, while a number of advisers are co-located in the premises of the police academy and in a small number of police stations. We also maintain a field station in Tetovo, as well as mobile monitoring teams. The Mission strength is 151 staff, of which 109 are locally contracted and 42 are internationals. Our annual budget is about six and a half million euros.

Positive Project Spillovers and Partnerships as “Soft Infrastructure”

The “Building Bridges” project offers grants to municipalities, students, teachers, parents, and schools to organize joint activities involving students who belong to different communities and speak different languages. The fund is a joint effort by the OSCE Mission, the Ministry of Education and Science, and the American, Dutch, Irish, and Swiss governments. Since its launch in 2014, over 100 schools and more than 3,000 students from different ethnic communities have taken part in joint activities financed via Building Bridges grants. For many of the participating children and students, these activities were a unique chance to interact with children from other communities, as the vast majority of students attend entirely homogeneous schools where classes are taught in only one language. Examples of activities funded by Building Bridges include: creating arts and crafts halls in primary schools; organizing municipal cultural events, research projects, and music classes; designing

“tourist guides” for children and undertaking joint visits with partner schools; constructing educational parks or other facilities; supporting joint vocational training; and creating blogs, websites, and newsletters. Since its inception, Building Bridges has been a fundamental part of the Mission’s efforts to advance inter-ethnic relations, and it has borne considerable fruit.

Besides the considerable impact on intercommunal and inter-ethnic relations generated by the funded activities, we also look at Building Bridges as a useful case study to analyse how positive project spillover effects may also be major achievements in their own right. The main positive spillover of Building Bridges was to identify an existing demand by communities for inter-ethnic activities and integrated education. The success of and enthusiastic participation in activities funded by Building Bridges contributed to dispelling the myth that inter-ethnic activities in schools were unwanted by recipients or difficult to implement. Starting from this positive experience and facing growing demand, the Ministry of Education and Science decided in 2016 to launch its own programme to fund joint inter-ethnic activities to support integrated education.

A second positive spillover effect with long term benefits was to strengthen the ability of applicants to access grants. Building Bridges operates according to a project cycle, and applicants can apply for “regular grants” by March, May, or October every year. Smaller ad hoc initiatives can also be funded at any time via a “rapid grant” procedure. The Building Bridges Advisory Board, consisting of representatives of donors and the Ministry of Education and Science, awards grants to the winning projects. Since 2014, the Board has examined more than 370 applications and financed 56 activities. By applying for Building Bridges grants, partner schools, municipalities, and parents have familiarized themselves with the skills needed to write project proposals and respond to calls. For many partners, especially schools, these were the first project proposals they had ever prepared. As project management skills have been refined over the past three years, Building Bridges partner schools are now more likely to receive funding from other initiatives than are other schools. For example, twelve out of 49 primary schools and six out of 14 secondary schools that received funding from the Ministry of Education and Science for integrated education activities last year had previously been awarded Building Bridges funds.

The third development we observe in another case study shows how strong and lasting partnerships created for one initiative can pave the way for further joint activities with the same partners in different areas – sometimes delicate ones. The *Safe Schools* project has supported the creation of informal discussion groups in schools on issues pertaining to safety in education since 2012. Building upon the success of the original initiatives, the Mission expanded this project to establish working groups on Safe Schools in 26 partner schools across six municipalities. The project culminated with the creation of municipal level working groups, comprising students, teachers, municipal of-

ficials, local police, social services, and parents. The municipal working groups on Safe Schools meet regularly to tackle a broader and more comprehensive range of issues linked to security in education. For example, they examine standard operating procedures for school evacuation, review access and safety measures, or mediate conflicts among pupils or classes. The Mission supports the work of these municipal working groups by providing training and expertise. Over the years, and thanks to the dedication of both our counterparts and our staff, a strong and lasting partnership has been created between the Mission and numerous municipalities, schools, teachers, and students engaged in Safe Schools. This co-operation has enabled the Mission to plan and launch additional activities together with Safe Schools participants, using the established partnership as what we could call “soft infrastructure”. Last year, for instance, we supported the launch of mediation activities in our partner schools. Mission experts trained an initial group of trainers, who then passed on their knowledge to mediators – both teachers and students – in each participating school. This led to the creation of mediation clubs, readily accessible in each of the 26 partner schools, which offer peer-to-peer mediation to those in need of support in cases of conflict. Mediation is confidential and limited to cases that do not have criminal relevance. Mediators assist in resolving conflict situations, as well as defusing potential conflicts, such as fights between pupils or classes from different schools, including conflicts initiated on or wholly taking place on social media. For 2018, the Mission is devising a soft-approach programme with Safe Schools partners to gradually introduce activities relating to countering violent extremism and radicalization that leads to terrorism (VERLT). We are currently planning activities and training for teachers to assist them in recognizing early signs of violent extremism, radicalization, and vulnerability among students, as well as projects to increase the resilience of local communities, promoting a deeper understanding of this complex and dangerous phenomenon. At the same time, the Mission will continue to support the preparation of a national strategy for countering violent extremism, applying a cross-dimensional approach to assist authorities in tackling this emerging challenge. Introducing pilot activities tackling this delicate topic will be challenging and its success will only be possible thanks to the solid “soft infrastructure” created by Safe Schools.

New Technologies to Respond to Hate Crime and Hate Speech

The phenomenon of hate crimes has been a growing focus of OSCE activities since December 2003, when the Maastricht Ministerial Council stressed the

danger they pose and committed to a collective effort to fight them.¹ Subsequently, the participating States agreed to “consider enacting or strengthening, where appropriate, legislation that prohibits discrimination based on, or incitement to hate crimes motivated by, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.² Hate crimes were recognized as a major threat to the security of individuals and the group they belong to, with a potential to jeopardize social cohesion and inter-ethnic relations. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) defines hate crimes as “criminal acts motivated by bias or prejudice towards particular groups of people. To be considered a hate crime, the offence must meet two criteria: First, the act must constitute an offence under criminal law; second, the act must have been motivated by bias.”³

The OSCE Mission to Skopje is engaged in combating hate speech and hate crime in the field. We will examine in particular how new technologies can assist in tackling the challenge posed by hate crimes, and complement more established efforts, such as human rights monitoring and legislative support. An initial example is how technologies can effectively bridge gaps in data collection. In 2013, the Mission created the first registry for hate crimes monitoring in the country, in partnership with the national Helsinki Committee. The registry was designed as a web platform to map hate crime incidents country-wide, and to collect relevant data. Over 350 incidents have been registered since 2013 via the www.zlostorstvaodomraza.mk domain, allowing rule-of-law institutions, decision makers, and the public at large to report hate crimes and access relevant data. The platform also provides real-time statistics on hate crimes, and analysis of this data is used to support capacity-building efforts by the Mission, implementing partners, and authorities. For example, during the peak of the mixed migration flow in 2015, data analysed via the registry flagged a surge of hate crimes targeting migrants, and surveys indicated that both perpetrators and victims of hate crimes were mostly young. This knowledge enabled a more targeted response to hate crimes and signalled the need to address hate crimes among youth as a priority.

In addition to the web-based registry, the Mission has, over time, focused its efforts in three main directions to produce effective, sustainable re-

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- 1 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Maastricht 2003, *Decision No. 4/03, Tolerance and Non-Discrimination*, MC.DEC/4/03, 2 December 2003, at: <http://www.osce.org/mc/19382>.
 - 2 Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 621, Tolerance and the Fight Against Racism, Xenophobia and Discrimination*, PC.DEC/621, 29 July 2004, in: Organization for Security and Co-operation in Europe, Ministerial Council, Sofia 2014, *Decision No. 12/04, Tolerance and Non-Discrimination*, MC.DEC/12/04, 7 December 2004, Annex, pp. 3-5, here: p. 3, at: <http://www.osce.org/mc/23133>.
 - 3 OSCE ODIHR, Hate Crime Reporting, *Criminal offence + Bias motivation = Hate Crime*, at: <http://hatecrime.osce.org/what-hate-crime>.

sults with the aim of diminishing the number of hate crime incidents. The first priority area has been capacity-building, where we worked with the Academy for Judges and Public Prosecutors, the Ministries of Justice and the Interior, the Academy of Arts and Sciences, the Agency for Youth and Sports, the Directorate for Data Protection, and civil society organizations to enhance their understanding of hate crime offences and their ability to deal with them. For the first time, the Mission and ODIHR formed a partnership to provide specialized training to 200 high-ranking police officers on how to identify hate crimes and strengthen the structure of law enforcement agencies to combat them. Special forms for recording hate crimes were created and focal points were established within the relevant institutions.

Our second priority has been raising awareness and deconstructing prejudice to improve inter-ethnic relations and promote tolerance and non-discrimination. To address this challenge, we sought to couple established capacity-building and advocacy activities with the possibilities offered by modern technology. In the case of the former, we published brochures, guides, and training materials for legal practitioners and civil society and organized numerous conferences, workshops, and round-tables to address the challenge of hate crimes. Together with our implementing partners, we also designed reforms needed to ensure proper procedures in dealing with hate crime perpetrators and victims, such as distinguishing between regular offences and hate crimes. At the same time, we explored possibilities offered by new information technology to frame a tailored approach towards young people. The Mission's plan here was to engage young people as agents of change in their own environment, as we had identified this group as particularly vulnerable to hate speech, stereotypes, and biases – all conditions that can further lead to hate crime incidents. In partnership with the French Embassy in Skopje, we created a mobile application for reporting online hate speech.⁴ By using this app, users can flag websites, articles, social media posts, or videos as inciting hate crimes or hate speech. Our app was particularly well-received by young users, who are more open to solutions based on technology.

Finally, the Mission and its partners dedicated solid efforts to strengthen the existing legal framework in the country, provide free legal aid to victims of hate crime, and advance policies that cover all aspects of hate crime offences, from prevention to prosecution. Prosecuting hate crimes in the host country remains a challenge, partly because the recording of hate crime offences has not been fully systematized, and partly due to the lack of specific provisions in the Criminal Code. To tackle this challenge, the Mission supported the formation of a working group to amend the Criminal Code. While discussion of this in parliament has been delayed by the political circumstances, the Mission continues to advocate for adopting the proposed

4 The application can be downloaded on <http://nemrazi.mk/app>.

amendments, which it hopes will mark a turning point by engaging all relevant actors in taking a comprehensive approach to deal with hate crime.

For the forthcoming year, we are planning a set of activities that will further advance the Mission's efforts to combat hate speech and hate crime. First, we will continue our close co-operation with ODIHR, as the OSCE institution designated to provide guidelines on dealing with this topic. Together, we aim to continue and broaden the provision of training on hate crime-related offences for police officers, prosecutors, and other legal practitioners. Second, we plan to conduct a nation-wide victimization survey, reaching out to all communities and trying to establish where hate crimes and hate speech were not reported to police. This will allow us to assist the national authorities in establishing the magnitude of under-reporting. Finally, we will continue working with the government, parliament, and civil society to enhance the existing legislative framework to meet the highest standards, fostering social inclusion and trust in the criminal justice system.

Introducing Innovative Means to Reinforce Monitoring and Reporting

As emphasized at the start of this contribution, monitoring and reporting, with a particular focus on the security situation, have been priority tasks since the launch of the first OSCE mission to Skopje. To date, we continue to carry out this fundamental activity along three main axes to underpin the Mission's early-warning functions. First, we maintain the only international security-monitoring capability in the country. Our monitors engage with representatives of the political, cultural, and business communities and observe local developments to identify a potential for increased tensions, paying particular attention to inter-ethnic relations. Second, we liaise with political parties at local and national level and look closely at how the balance of power is shifting in parliament. This enables the Mission to report on political developments in a balanced, timely, and accurate manner, as well as to maintain continuous contact with relevant political actors across the spectrum. Third, we monitor high-profile cases that might have an impact on the security situation or inter-ethnic relations: In 2016 alone, we directly monitored over 100 trial sessions and supported the work of our implementing partners in observing another 450. Our rule-of-law officers observe the proper implementation of criminal code provisions and fair trial guarantees during court proceedings, and report to the participating States. Over the years, trial monitoring has allowed us to identify a number of areas where further support is required to ensure practical implementation of fair trial guarantees.

Such monitoring and reporting activities are mainly performed with the help of an established methodology common to many OSCE field operations. Our monitors observe an event and describe it in a report. This document is first verified and analysed by our units, and then the information it contains

enters our regular reporting cycle. The information is circulated first at mission level and then, after further analysis, the most important developments make it into our official reports to participating States and OSCE institutions and structures. At times, major events warrant a fast response in the form of a spot report or specific issues are analysed upon request of the OSCE Chairmanship. While this methodology is solid and continues to be the backbone of our monitoring efforts, in 2015, the Mission started to develop an in-house analytical tool to further strengthen our early-warning capabilities. Building upon years of lessons learned in monitoring and reporting, we developed this tool to assist us in identifying early signs of tension, especially in the period midway between elections. Our goal was to complement our traditional monitoring capability with a more refined analytical instrument. It relies on indicator-based monitoring for early identification of segments of society vulnerable to potential incidents. It also draws on previous experience to track behavioural and other patterns that could be indicators of potential trouble. This allows it to flag both potentially vulnerable groups and hotspots where tensions appear more likely to increase or violence to break out. This tool does not replace human expertise in assessing the impact of specific events on a certain group (for example, statements inciting ethnic strife), nor does it seek to formulate predictions. Yet it complements our staff's invaluable skills with a solid, data-driven analytical platform to assist us in discharging the Mission's early-warning mandate.

In practical terms, our monitors have developed a set of 75 indicators of possible tensions, such as the use of hate speech during protests or reports of intimidation. When talking to local contacts or observing events, our monitors look out for indicators, which they highlight in their reports. After verification, while the reports are channelled into the Mission's reporting system as described above, the indicators are elaborated and entered in a database. Depending on the issue, indicators can either be recorded as a single instance or our monitors can assign them a value, attaching a qualitative assessment to the event. The system then uses past information to determine whether further data is necessary to evaluate the likelihood of tensions rising in a specific area or around a specific topic. Finally, it aggregates data about isolated incidents to flag cases where a potential pattern of tensions might be emerging. This helps the mission management to decide whether to increase monitoring in a certain area or on a certain issue, and ultimately whether to give an early-warning notice about potential rising tensions.

A Flexible Approach to Meet Challenges and Seize Opportunities

Our host country has faced major political challenges over the past year and a half, with two interim governments being followed by early parliamentary elections in December 2016. The focus on these issues, as well as the turn-

over in personnel at the relevant ministries, limited the authorities' ability to implement reforms. Tensions rose and culminated with the attack on parliament on 27 April 2017, after which the political climate steadily improved. A peaceful transition of power followed, and the new government formed on 31 May launched a reform agenda.

This volatile political situation inevitably affected the Mission's operational environment. Changes of partners caused delays in the design and implementation of a number of national work programmes and strategies, and draft legislation in key areas did not advance as planned. For the OSCE Mission to Skopje, this created both challenges and opportunities. Throughout this period, the Mission maintained a flexible approach within the remits of its mandate, seeking to continue its longer-term efforts, while simultaneously allowing sufficient room for manoeuvre to respond to new challenges linked with the political crisis.

In some cases, circumstances related to the operational environment constrained the implementation of Mission activities in a particular field. For example, in 2015 a new legal framework for reforming the public administration was adopted with significant support from the Mission. It included both a functional review of the public administration and provisions to ensure equitable representation of communities and merit-based recruitment. The Mission supported local institutions in implementing these reforms through capacity-building, working, for instance, with human resources departments in central and local government to improve their recruitment processes and align them with the new legislation. However, a majority of the new provisions were not fully implemented during 2016 as originally planned. This was mainly due to circumstances outside our control, some of which concerned the political crisis: a protracted electoral period, during which there can, by law, be no recruitment to the public administration; a weak response by central institutions, particularly regarding the provision of equitable representation; and gaps in the training programmes of partner institutions, especially on human resources policies. Faced with such constraints, the Mission decided to postpone activities to support the implementation of the new legal framework. However, we remained committed to supporting the much-needed reforms in the public administration and looked for re-entry points to continue our engagement within the remits of our mandate in a creative fashion. Consequently, our experts undertook a mapping exercise, assessing the status of the implementation of the law and of the existing capacities, together with partner institutions. This ultimately enabled the Mission to present the new government with a clear picture of the progress made and the remaining gaps in the enactment of this key legislation on public administration reform, facilitating both the resumption of implementation and efforts to further improve the existing legal framework.

In other cases, we met the challenges of the operational environment by reinforcing our regular activities. During the daily protests in Skopje in the

first half of 2017, we strengthened our monitoring capability to ensure that the Mission would be able to closely follow this important development at all times. Our monitors covered every daily protest in Skopje for two consecutive months, while continuing to meet regularly with local contacts, party representatives, and civil society organizations. Though this imposed a significant constraint on our staff and resources at times, the information collected and analysed boosted the Mission's reporting capacity, providing the OSCE participating States with timely and relevant information and allowing us to detect situations that could potentially trigger security threats.

Conclusions

Looking back over the past year and a half, we can see how institutional innovation and the flexibility to re-orient activities within the remits of our mandate have been two essential drivers that have allowed our Mission to succeed in a period characterized by both multiple constraints in the operational environment and by political volatility. Looking forward, institutional innovation will perhaps be the pivotal feature of the Mission in the future, as our new programmes, with which we seek to further support the authorities in implementing reforms, take shape. In particular, we have seen how the Mission can succeed in coupling long-standing expertise in specific domains, such as monitoring and reporting, with the possibilities created by new technologies. Furthermore, taking full advantage of the latest IT developments will continue to be crucial, both to match emerging challenges and to extend our reach to younger generations. Creating partnerships and building bridges will also be essential for the Mission's core efforts in promoting social cohesion and improving inter-ethnic relations. We will reach out to new partners to broaden our "soft infrastructure". Together, we will further engage in enhancing the resilience of local communities to the security challenges of our time, such as violent extremism and radicalization that lead to terrorism. Finally, we will continue to evaluate our capacities and expertise against tangible results, to seek areas where we can further improve and new angles to tackle both long-standing challenges and new tasks. We will continue to distil key lessons learned from the Mission's experience and to transfer our expertise and analytical tools for the benefit of our sister OSCE field operations. At the same time, the OSCE Mission to Skopje will continue to find avenues to innovate as a key success factor in pursuing the OSCE's commitment to our host country's citizens.

Cyprus: The Prospects for Peace

Introduction

Negotiations conducted under the auspices of the UN aimed at resolving the “Cyprus problem” have been carrying on intermittently for nearly fifty years. The main parties in this process are the Greek Cypriots and the Turkish Cypriots, who are the constituent communities of the Republic of Cyprus (RoC), originally created in 1960. The other parties are outside of Cyprus: Greece, Turkey, and the United Kingdom – the so-called guarantors of the RoC.¹

Since 1977, the objective of the UN-sponsored Cyprus peace process has been to achieve a settlement that would “reunite” the island based on a formula of “bi-zonal, bi-communal federation”. However, after four decades of talks, an agreement on the details of that formula remains elusive. The basis of the settlement being sought was reaffirmed, in a joint declaration issued in 2014, as a bi-communal, bi-zonal federation with political equality and with two constituent states, one Greek Cypriot and the other Turkish Cypriot.

The most recent round of this stop-start-stop enterprise began in May 2015, along the lines of the aforementioned joint declaration,² and was still ongoing at the time of writing. Yet, when launched two years ago, it was hailed – not least in diplomatic circles – as the best hope for a long time, with many even thinking that a settlement could be reached within months, and certainly before the end of 2016. This was largely because the interlocutors, Greek Cypriot leader Nicos Anastasiades and the then newly elected Turkish Cypriot leader, Mustafa Akıncı, both appeared to be strongly committed to a settlement, a rare situation in the long history of the talks.³ Moreover, the two men appeared to have a very good rapport. Unusually, many Greek Cypriots

Note: The contribution reflects events up to August 2017.

- 1 The Treaty of Guarantee, which is one of the international accords that created the RoC, made Greece, Turkey, and Britain “guarantors” of “the independence, territorial integrity and security” of the RoC as well as “the state of affairs established by the Basic Articles of its Constitution”. *Treaty of Guarantee. Signed at Nicosia on 16 August 1960*, at: [http://www.mfa.gov.cy/mfa/mfa2016.nsf/FB80B3D87DE5A915C2257F95002BE30E/\\$file/The%20Treaty%20of%20Guarantee.pdf](http://www.mfa.gov.cy/mfa/mfa2016.nsf/FB80B3D87DE5A915C2257F95002BE30E/$file/The%20Treaty%20of%20Guarantee.pdf).
- 2 Cf. UN News Centre, UN chief applauds resumption of “full-fledged” talks on Cyprus, at: <http://www.un.org/apps/news/story.asp?NewsID=50871#.WUzaRjOB1ok>.
- 3 Though it is worth remembering that a comparable situation existed in 2008-2010 when the Greek Cypriot and the Turkish Cypriot communities were represented, respectively, by Demetris Christofias, the leader of a staunchly pro-rapprochement party, and Mehmet Ali Talat, with the same credentials. A common view at the start back then, expressed in particular by Talat, was that an agreement could be concluded in less than a year.

had confidence in Akıncı, at least at first, chiefly due to his reputation for being capable of standing up to Turkey.⁴

However, two years on, the outlook for a settlement appears to have shifted from favourable to gloomy. Time has run out, with the Greek Cypriot side distracted by the start of campaigning for the February 2018 presidential election. There is also imminent danger of a summer 2017 crisis in relations between Turkey and the RoC over offshore oil and gas exploration if nothing changes in the current state of play.

A Brief Background to the Conflict

A major impediment to reaching a solution in Cyprus is in fact conceptual. It is simply the fact that there is no agreement among the parties about what the “Cyprus problem” is. Consequently, it is hard to see how the issue could be resolved. For without agreement about what the problem is, how can parties be expected to concur on what would count as its solution? It might be said that everybody is in perfect unison about what is required in Cyprus: a comprehensive settlement that would reunify the island under a bi-communal, bi-zonal federation. However, it is arguable that this ostensibly consensual formula obscures more than it illuminates. To see the point, one needs to recall the nature of the original RoC at the time of its creation and to consider how things have evolved since then, determining the parties’ perceptions about what is problematic with the status quo.

In 1960, Britain relinquished its sovereignty over the island in accordance with a set of international treaties.⁵ The island then became the independent Republic of Cyprus: a “bi-communal”, consociational state, with a constitution providing for power-sharing between Greek and Turkish Cypriots. However, this set-up only existed for a few years. It collapsed quite quickly when violent inter-communal strife broke out in late 1963, resulting in the Greek Cypriots’ assuming sole governance of the state.⁶ Despite the absence of Turkish Cypriot participation, the Greek Cypriots maintained that theirs was the lawful government of the Republic.⁷ Over time, the Greek

4 Cf. Umut Bozkurt, *Yes we can? Mustafa Akıncı and a new hope for Cyprus*, openDemocracy, 30 April 2015, at: <https://www.opendemocracy.net/can-europe-make-it/umut-bozkurt/yes-we-can-mustafa-akinci-and-new-hope-for-cyprus>; Evie Andreou, Muddled signals on talks from Akıncı victory, in: *Cyprus Mail*, 27 April 2015, at: <http://cyprus-mail.com/2015/04/27/muddled-signals-on-talks-from-akinci-victory>.

5 These treaties were negotiated between the UK, Greece, and Turkey and essentially imposed independence on the Cypriots. At the time, this was a compromise between the Greek Cypriot quest for *enosis* (political union with Greece) and the Turkish Cypriot counter-demand of *taksim* (partition of the island between Greece and Turkey).

6 Cf. Keith Kyle, *Cyprus: In Search of Peace*, London 1997, pp. 5-15; Richard Patrick, *Political Geography and the Cyprus Conflict: 1963-1971*, Waterloo, Ontario, 1976, pp. 45-88.

7 This claim was made on the basis of the “doctrine of necessity”. It was first invoked in a 1964 case in which the supreme court cited the concept of “state necessity” to justify its

Cypriot-run administration came to be internationally accepted as the legitimate government of the RoC. Meanwhile, most of the Turkish Cypriot community had retreated into guarded enclaves, where they were to remain, administering their own affairs, until 1974.⁸

In July 1974, the military junta in Greece engineered a coup by Greek and Greek Cypriot forces against the government of Greek Cypriot President Archbishop Makarios III, with the ultimate aim of effecting *enosis* (union with Greece). Five days later, Turkey, invoking the Treaty of Guarantee, launched a military intervention⁹ and, negotiations for a settlement having failed, divided the island. Subsequently, the parallel administration of the Turkish Cypriots that had existed since 1964 evolved to govern in the north. In 1983, the Turkish Cypriot side unilaterally declared independence and established the Turkish Republic of Northern Cyprus (TRNC).¹⁰

Today, the division of Cyprus remains “unresolved”. The northern part of the island – roughly a third of the territory of the original Republic – is controlled by the self-declared TRNC, a *de facto* state¹¹ backed and recognized only by Turkey. A UN-controlled buffer zone separates it from the Greek Cypriot-controlled southern part, or, as it is referred to by the international community, the area under the control of the “government of the RoC”. In other words, although the government in the south consists only of Greek Cypriots, the international community accepts it as representing the RoC, frequently referring to it as “the government of Cyprus” and treating it as the only legitimate state on the island. The Turkish Cypriots and Turkey, on the other hand, maintain that, since the demise of the original bi-communal RoC government in 1963-64, no single authority that is constitutionally or effectively competent to represent Cyprus as a whole, i.e. both Greek and Turkish Cypriots, has existed on the island.

jurisdiction to hear the case, despite the absence of a Turkish Cypriot judge, as provided for in the constitution. The court also upheld the suspension or inapplicability of certain provisions of the constitution, which in turn enabled the continued functioning of the state organs with Greek Cypriot members only. For a comprehensive examination of this topic, see Alecos Markides, *The Republic of Cyprus*, in Constantijn Kortmann/Joseph Fleuren/Wim Voermans (eds), *Constitutional Law of 10 EU Member States: The 2004 Enlargement*, Deventer 2006; Murat Metin Hakkı, *The Cyprus Issue: A Documentary History, 1878-2007*, London 2007, chapter 15.

8 Cf. James Ker-Lindsay, *The Cyprus Problem: What Everyone Needs to Know*, Oxford 2011.

9 Turkey and the Turkish Cypriots in general describe this action as a “peace operation”, while Greek Cypriots and most of the international community view it as an “invasion”.

10 This was a somewhat atypical proclamation of statehood in the sense that it also affirmed commitment to establishing a federation with the Greek Cypriot side. In his address to the UN Security Council on 18 November 1983, the Turkish Cypriot leader Rauf Denktaş stressed that, in declaring the TRNC, the Turkish Cypriots “are not seceding [...] from the Republic of Cyprus, or will not do so if the chance is given to us to re-establish a bi-zonal federal system”. *Rauf Denktaş at the United Nations: Speeches on Cyprus*, Edited with an Introduction by Michael Moran, The Eothen Press, Huntington, 1997.

11 Cf. Scott Pegg, *De Facto States in the International System*, Institute of International Relations, The University of British Columbia, Working Paper No. 21, 1998.

The Search for a Settlement: Before 2004

From 1964 to 1968, the UN used mediation to try to resolve the situation in Cyprus, but those efforts failed. In 1968, inter-communal negotiations began under the auspices of the good offices of the UN Secretary-General and continued until they were interrupted by the events of 1974. In 1975, inter-communal talks recommenced under the auspices of the UN, and many rounds of negotiations have since been held without bearing any results.

In 2004, a settlement appeared close. This was based on a blueprint drafted by the UN, which took into account the positions of the parties and the course of the negotiations thus far. Known as the “Annan Plan” (after the then UN Secretary-General, Kofi Annan), it was strongly backed by most of the international community, notably by the EU and the US. Had it been accepted by both sides, Cyprus would have been reunited as a bi-zonal federation with a bi-communal federal government and two politically equal constituent states, a “Greek Cypriot State” and a “Turkish Cypriot State”, before joining the EU. In separate twin referenda held in April 2004, the Annan Plan was rejected by a vast majority of Greek Cypriots (76 per cent), while the Turkish Cypriots approved it by a large margin (65 per cent). Nonetheless, since a settlement had not been made a precondition of membership, in May 2004 the EU – having conducted accession negotiations with the Greek Cypriots formally acting on behalf of the whole island – officially accepted a divided Cyprus as a member. The application of the EU’s *acquis communautaire* has been suspended in Northern Cyprus and, in EU parlance, this section of the island is referred to as “those areas of the Republic of Cyprus in which the Government of Republic of Cyprus does not exercise effective control”.¹²

The Search for a Settlement: After 2004

The defeat of the Annan Plan was followed by several years of no real dialogue, until the process was relaunched in spring 2008. This time, however, there was an important difference: The process would be “Cypriot-owned and Cypriot-led”. This was essentially demanded by the Greek Cypriot side and reflected a common Greek Cypriot view that the Annan Plan was essentially an imposition on the Cypriots by the (Western) international community and should not be revived. The rule remains in place in the present negotiations, and the current Special Advisor to the UN Secretary-General on Cyprus, Espen Barth Eide, describes the situation as follows: “The process is led by the Cypriots and their leaders. My role is to facilitate but we [United Nations]

¹² *Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded – Protocol No 10 on Cyprus.*

are not putting down our own proposals. Every word is written and agreed to by the sides.”¹³ The post-2004 period has also been marked by the Greek Cypriot side’s opposition to fixed timeframes and an insistence that talks be open-ended.¹⁴

There are other differences between the current negotiations and previous rounds. For one thing, the leader representing the Greek Cypriot community is now also the head of an EU member state. Oil and gas exploration off the coast of Cyprus has also been the subject of a new dispute since 2008, with a serious potential to wreck the negotiations.

At the time of this writing, in June 2017, the negotiations had yet to produce a comprehensive settlement, having experienced a number of interruptions due either to the holding of elections on one of the two sides or to grievances raised by one side against the other. Not surprisingly, these grievances – as in previous negotiations – tend to be related to the parties’ differences over the nature of the Cyprus problem and their views on the status quo. More specifically, they concern what is known as the “sovereignty issue”, which boils down to questions such as: Where does the sovereignty invested in the original, bi-communal republic at the time of independence rest at present in the divided Cyprus? How will the future, post-settlement state of affairs come into being? Or, put differently, how will the current de facto set-up of two administrations be transformed into a federal state with two constituent states?

In spring 2012, talks were suspended largely because the Turkish Cypriot side was upset about the upcoming EU presidency of the RoC and insisted that the talks should be concluded before the term began. The Greek Cypriot side appeared not to share that feeling of urgency. The Turkish Cypriots saw the EU presidency as providing yet another boost to the Greek Cypriot side’s claim to sovereignty. The Turkish Cypriots believe that such recognition dampens the Greek Cypriot side’s interest in the kind of settlement aimed at in the current process while also rendering meaningless the principle that the two sides in the negotiations are political equals.¹⁵ After this interruption, it took nearly two years, a presidential election (on the Greek Cypriot side), and an agreement on a joint declaration before the talks could resume,¹⁶ only to be halted again seven months later.

13 Paul Taylor, Cyprus leaders to make joint Davos appeal for peace, in: *Kathimerini*, 20 January 2016, at: <http://www.ekathimerini.com/205222/article/ekathimerini/news/cyprus-leaders-to-make-joint-davos-appeal-for-peace>.

14 Cf. Kerin Hope, UN envoy focuses on progress in unification talks, in: *Financial Times*, 9 November 2011, at: <https://www.ft.com/content/102d209a-cd14-11de-a748-00144feabdc0>; Michele Kambas/Tom Miles, *Cyprus leaders seek deal in “historic opportunity” for peace*, Reuters, 9 January 2017, at: <http://www.reuters.com/article/us-cyprus-conflict-idUSKBN14T0B6?il=0>.

15 Cf. *TRNC calls unjust Greek Cypriot EU term presidency “absurd”*, Turkish News Agency (TAK), 23 February 2012.

16 Cf. Jean Christou, Joint Declaration: final version as agreed between the two leaders, in: *Cyprus Mail*, 11 February 2014, at: <http://cyprus-mail.com/2014/02/11/joint-declaration-final-version-as-agreed-between-the-two-leaders>. This point was reached at the end of dif-

This time, the reason was a controversy over offshore exploration involving the Greek Cypriots on the one side and the Turkish Cypriots and Turkey on the other.¹⁷ When RoC-authorized exploratory drilling started in September 2014, the Turkish Cypriot side protested and warned about reciprocal action (in co-operation with Turkey). Turkey then issued a navigational warning (via the Navtex system), designating maritime areas south of the island for seismic surveys to be carried out by the Turkish state petroleum company, TPAO, as per licences granted by the TRNC in 2011.¹⁸ The reaction of the Greek Cypriot side was to announce the suspension of their participation in the negotiations.¹⁹ The crisis abated only after the drillship, which was operated by the company Eni, left the area, having found no “exploitable hydrocarbons”; at the same time, Turkey’s second Navtex warning expired, and the TPAO survey vessel left Cyprus’s waters.²⁰ This crisis, which lasted from October 2014 to April 2015, was again ultimately linked to the issue of sovereignty and the parties’ perceptions of what is politically at stake in Cyprus.²¹

ficult and protracted discussions and with the help of intense American diplomatic efforts. Here too, the main problem was the parties’ differences on the sovereignty issue. Cf. Elias Hazou, Anastasiades: gas crucial to US role in talks, in: *Cyprus Mail*, 18 February 2014, at: <http://cyprus-mail.com/2014/02/18/anastasiades-gas-crucial-to-us-role-in-talks>; Security Council Report, *January 2014 Monthly Forecast: Cyprus*, 20 December 2013, at: http://www.securitycouncilreport.org/monthly-forecast/2014-01/cyprus_3.php.

- 17 Cf. Ayla Gürel/Fiona Mullen/Harry Tzimitras, *The Cyprus Hydrocarbons Issue: Context, Positions and Future Scenarios*, PRIO Cyprus Centre Report 1/2013, chapter 5.
- 18 Cf. Turkey trespasses for fourth time since hydrocarbons discovered, in: *Cyprus Mail*, 21 October 2014, at: <http://cyprus-mail.com/2014/10/21/turkey-trespasses-for-fourth-time-since-hydrocarbons-discovered>.
- 19 Cf. Jean Christou, President says: I had no other choice, in: *Cyprus Mail*, 7 October 2014, at: <http://cyprus-mail.com/2014/10/07/president-says-i-had-no-other-choice>.
- 20 Cf. Michele Kambas, *U.N. Cyprus envoy says sees no obstacle to new peace talks*, Reuters, 7 April 2015, at: <http://www.reuters.com/article/us-cyprus-un-talks-idUSKBN0MY12J20150407>.
- 21 Very briefly, the Greek Cypriot side maintains that, as the legitimate RoC government, it alone has the sovereign right to explore and exploit the natural resources in Cyprus’s EEZ and that this is neither conditional on a settlement nor a bi-communal matter. They accept – as does the international community – that the island’s offshore energy resources belong to both communities. Yet, pending reunification, the Republic would not suspend the exercise of its sovereign rights, while the Turkish Cypriots would benefit from their share of the revenues only within the framework of a united Cyprus. As mentioned earlier, the Turkish Cypriots, together with Turkey, reject the Greek Cypriots’ and the international community’s perception of the current political status quo in Cyprus. They argue that the Greek Cypriots cannot legitimately represent the RoC on their own, as this is contrary to the constitution. Consequently, they object to Greek Cypriots’ offshore hydrocarbon exploration activities, which involve exercising sovereign rights over natural resources that are jointly owned by the two communities. For a more detailed discussion of this, see Ayla Gürel, *Offshore Gas: An Anticatalyst in Efforts to Reunify Cyprus*, in Jonathan Warner/David W. Lovell/Michalis Kontos (eds), *Contemporary Social and Political Aspects of the Cyprus Problem*, Newcastle upon Tyne 2006, pp. 58-89.

The presidential elections in the north, which coincided with the end of the last hydrocarbons crisis, provided for a highly upbeat, almost euphoric start to the talks. At first, the leaders of the two sides, Nicos Anastasiades and Mustafa Akıncı, appeared determined to reach a settlement quickly and seemingly even shared the view that they represented the last chance to reunify the divided island.²²

In this latest round, the parties have been negotiating again, as per the 2014 Joint Declaration,²³ for a comprehensive settlement based on a bi-communal, bi-zonal federation composed of two constituent states of equal status. The settlement would provide for a “united Cyprus” with “a single international legal personality” and “a single sovereignty”, emanating “equally from Greek Cypriots and Turkish Cypriots”. The “core issues” to be resolved are governance and power sharing (which also encompasses the complex questions of citizenship, immigration, and residency), the economy, EU matters, property, territory, and security and guarantees.

Until roughly October 2016, both sides repeatedly talked about the urgency of finding a solution and expressed optimism about the chances of achieving a reunification agreement. Indeed, their common sense of purpose was reflected in the resolve they showed, up to that point, to avoid playing the habitual blame game and to focus on keeping up the momentum of the process. According to various statements by the leaders, and also judging from reports issued by the UN, as of October 2016 the progress the parties had made in bridging their differences on power sharing and governance, EU matters, and the economy was unprecedented. However, this upbeat but non-specific description of what the process had achieved so far needed to be weighed against what remained to be done in the months ahead.

For example, as regards power sharing and governance, one important remaining difficulty has been whether the presidency of a united Cyprus should rotate between the two communities. A rotating presidency is seen by the Turkish Cypriot side as a prerequisite for political equality, while the Greek Cypriot side disagrees.²⁴

22 Cf. Sara Stefanini, “Best chance Cyprus has had for peace”, Politico, 31 March 2016, at: <http://www.politico.eu/article/cyprus-reunification-peace-nicos-anastasiades-mustafa-akinci>.

23 Cf. *11 February 2014 Joint Declaration on Cyprus*, UN Cyprus Talks, News, at: <http://www.uncyprustalks.org/11-february-2014-joint-declaration-on-cyprus>.

24 Cf. Sara Stefanini, *Cyprus, the endgame*, Politico, 9 January 2017, updated 12 January 2017, at: <http://www.politico.eu/article/cyprus-news-standoff-talks-reunification-turkey-greece-anastasiades>; Rotating presidency and political equality “different things” Anastasiades said, in: *Cyprus Mail*, 26 February 2017, at: <http://cyprus-mail.com/2017/02/26/rotating-presidency-political-equality-different-things-anastasiades-said>; Akıncı: Ongoing Cyprus talks “the last chance” for solution, SigmaLive, 6 March 2016, at: <http://www.sigmalive.com/en/news/politics/142488/akinci-ongoing-cyprus-talks-quotthe-last-chancequot-for-solution>.

The property issue, which concerns the rights of displaced Cypriots and other related matters, remained contentious, though it had been discussed extensively. Generally, the sticking points related to the question of how to balance the rights and interests of dispossessed owners and current users and to differences in interpreting the principle of bi-zonality and its implications for the settlement of the property issue.

In October 2016, two core issues still remained untouched: the sensitive issue of territory, and the especially thorny issue of security and guarantees. The first refers to an adjustment of the territory currently controlled by the Turkish Cypriot side, some of which is to be handed over to Greek Cypriot control. The issue of security and guarantees had been deliberately left to the end of the negotiations, to be opened in earnest only after differences on other issues were resolved. The incompatibility of the parties' positions on this highly controversial matter are well known: The Greek Cypriot side demands the end of the 1960 guarantee system, while the Turkish Cypriot side wants it to be retained in some form that would at any rate include Turkey's role as a guarantor – a role, incidentally, that Turkey also appears to be unwilling to part with.²⁵

In November 2016, doubts about the future of the negotiations began to set in. During this month, negotiations were transported to Mont Pèlerin, Switzerland, so that the parties could start discussions on territory without the risk of media leaks and unhelpful speculation. The aim, as described by the UN, was to achieve enough progress on “criteria” for territorial adjustment, which would then “pave the way for the last phase of the talks”.²⁶ This was understood to mean some sort of extended across-the-board negotiations, including discussion with the guarantors of the security and guarantees issue, in order to unlock all the remaining sticking points. However, these talks ended inconclusively, i.e., without a roadmap to the Cypriot endgame.

Keen to move the process forward and put it on track towards a solution, hopefully in the first half of 2017, the UN persuaded the parties to meet again, this time in Geneva, in the hope of breaking deadlocks on all the core issues. The first part of the talks in Geneva was a two-day effort between the two Cypriot leaders and took place on 10-11 January. This was to be followed by the multilateral “Conference on Cyprus” to address the security issue. In this conference, which began on 12 January, the two Cypriot delegations were joined by the delegations of the guarantor powers and the EU (as an observer). As there was hardly any preparation beforehand, it quickly

25 Cf. Akinci draws “red line” over Cyprus security guarantees, in: *Famagusta Gazette*, 7 March 2016, at: <http://famagusta-gazette.com/akinci-draws-red-line-over-cyprus-security-guarantees-p32844-69.htm>; Turkish Cypriot security “critical for Ankara” says Cavusoglu (Updated), in: *Cyprus Mail*, 28 February 2016, at: <http://cyprus-mail.com/2016/02/28/turkish-cypriot-security-critical-for-ankara-says-cavusoglu>.

26 Jean Christou, No deal on territory, talks deadlocked (Update 7), in: *Cyprus Mail*, 22 November 2016, at: <http://cyprus-mail.com/2016/11/22/leaders-due-wrap-mont-pelerin-talks-late-monday>.

became clear to all that there was little point in carrying on with the conference. The talks ended without agreement but with a plan for the officials of the five parties to convene on 18 January to work on the security issue, before another high-level “last effort” to forge a settlement.

However, in February the two Cypriot leaders fell out over a decision by the Greek Cypriot legislators to require public schools to commemorate the 1950 *enosis* plebiscite.²⁷ This led to the suspension of the talks for at least two months. When the talks eventually resumed, there was a widespread impression that they had little prospect of success.

What went wrong? Despite the efforts made by everyone, including the leaders and international facilitators, the truth remains that the parties were simply too far apart. Although considerably more progress was achieved than in previous rounds of talks, there were still too many issues in all negotiating chapters on which the two Cypriot sides and the guarantor states Greece and Turkey maintained diametrically opposed views. In addition, serious internal disagreements persisted among each community’s political elites, making it harder for the leaders to pursue strong and realistic negotiating positions. This was exacerbated by the upcoming elections.²⁸ Finally, the fixed views of both communities and the fact that they had been inadequately prepared for the kinds of compromise that a deal would necessitate meant it was highly unlikely that the measures would be passed in the simultaneous referenda that would be required.

Despite all these challenges, renewed efforts were undertaken after a two-month break, spearheaded by the UN Secretary-General’s Special Advisor, Espen Barth Eide, and culminating in the latest international conference on Cyprus, held in Crans-Montana, Switzerland, in late June and early July 2017. Optimistic participants and observers banked on the personal, constructive involvement of the UN Secretary-General and the intense shuttle diplomacy pursued by his Special Advisor, focusing on the important progress achieved hitherto, which simply could and should not be overlooked. This created a spirit of renewed euphoria and the belief that a final understanding could be reached. By contrast, critics highlighted the fact that the remaining obstacles to reunification were plainly too serious to allow for a swift solution. Arguing that existing convergences were not adequate to warrant excessive enthusiasm, they pointed out the significant changes that have taken place with regard to the timeline, the local realities, and the regional and international frameworks within which the Cyprus issue has to be resolved.

Thus, in addition to the problems outlined above, the window of opportunity that may have existed until 2016 appears to be closing rapidly. Locally, the upcoming elections are redrawing the map of political priorities and

27 Angelos Anastasiou, Talks impasse after Akinci refuses to attend, in: *Cyprus Mail*, 22 February 2017, at: <http://cyprus-mail.com/2017/02/22/leaders-meeting-called-off>.

28 Presidential elections in the Republic of Cyprus are scheduled for February 2018, and general elections in the Turkish Cypriot community will take place within the first six months of that year.

choices for all involved. Regionally, changing realities and uncertainties, including political and military balances, have caused a number of the global players interested or involved in modifying the present status quo to become more sceptical. In addition, domestic concerns in Turkey, EU-Turkey relations, and regional problems such as migration might not be directly associated with the Cyprus issue, but they certainly affect it.

The deterioration in EU-Turkey relations has diminished the EU's leverage in Turkey and reduced Ankara's incentives to negotiate a solution that would facilitate its EU accession process. Further, regional security challenges make Turkey less likely to consider military withdrawal from the strategic outpost of Cyprus in a favourable light. These factors, in combination with Turkey's reduced interest in the potential energy reserves of the Eastern Mediterranean – due to the situation in the global gas market as well as its own energy diversification programme – have presented Ankara with fewer reasons to negotiate a solution to the Cyprus situation.

At the same time, things have also changed drastically on the other side of the Atlantic. The election of Donald Trump as president of the United States – a country which has been a key supporter of reunification efforts and which has spearheaded several important initiatives – came at a crucial time in the effort to find a solution. The mere fact of change created a vacuum of people and policy at a critical juncture. Moreover, the loss of key individuals who were personally involved in the issue, such as Vice President Joe Biden and Secretary of State John Kerry, took the wind out of the sails and allowed for the escalation of differences that otherwise might well have been managed. Many months into the Trump administration, some key positions still remain unfilled. The administration's apparent diminished interest in the region is extremely damaging to the prospects of reaching a resolution. Crucially, US leverage over Turkey is also at a historical low point as a result of a number of regional and international developments.

It is far too early to evaluate the Crans-Montana conference. Although the – customary and expected – mutual blame game started immediately after the failure of the conference, the substance of what was discussed and agreed or disagreed upon remains to be assessed. However, a few preliminary conclusions can be drawn regarding the likelihood in principle that an agreement will be reached and some of the fundamental parameters that shape the prospects of achieving such a solution.

Even if the – premature – international conference on Cyprus in Crans-Montana had been successful, this would not have amounted to an immediate and automatic resolution of the Cyprus issue. It would have signified only the overcoming of one initial obstacle. The next two challenges would be the acceptance of the proposal in two referenda and the long-term viability of the solution. Neither of these should be taken for granted. At the same time, it must be borne in mind that, while all sides may have consistently expressed their commitment to finding a solution, they seem to have always defined this

solution differently: If each side requires the nearly total capitulation of the other as a prerequisite to its proposed solution, such commitments are worthless, as any proposal seen as the outcome of a zero-sum game will inevitably fail in parallel referenda.²⁹

In any case, even if Turkey had conceded to the withdrawal of forces – which would have made the Turkish Cypriots very uneasy – this would not have amounted to the end of Turkish involvement in Cyprus. Turkey may no longer be interested in maintaining the same level of military presence in Cyprus, but its wish for continued political involvement should not be doubted. At the same time, it is extremely unlikely that the Greek Cypriots would have accepted a plan that envisaged the continued presence or involvement of Turkey. In any case, although the issues of security and guarantees are essential, they are not the only questions that remain to be decided. It would also seem that there was a failure to converge on a shared position on a series of other issues pertaining to internal aspects of the Cyprus issue (governance, territory, property, etc.). Moreover, suspicion and a serious lack of trust were evident right to the very end. In this regard, perhaps we have never truly come close to a solution.³⁰

As things stand, the most likely scenario seems to be the continuation of the current situation, with the possibility that ties between Turkey and the Turkish Cypriots will be further strengthened. The likelihood of immediate partition or annexation certainly appears distant, as this would not benefit anyone at the moment. What has nonetheless surfaced from the collapse of the process is the bankruptcy of the notion of a comprehensive settlement based on the principle that nothing is agreed until everything is agreed. Such an approach fails to capitalize on the progress made in some areas of negotiation. This, in combination with the great distance separating the two communities, shows the need to reevaluate the entire approach and to change the methodology followed thus far. Basic pillars of the new approach should be initiatives to bridge the gap between the Turkish Cypriot and Greek Cypriot communities at the grassroots level, the building of trust, and an incremental, piecemeal approach.³¹

Since the physical division of the island in 1974, there has been very little meaningful contact between the two communities, and little has been done to ensure that each side understands the other's sensitivities, concerns, and fears. The two communities have grown too far apart and continue to do so. The Greek Cypriots have become more Hellenized and the Turkish Cypriots more Turkified. Despite the lifting of the physical barriers to communication between the two communities in the early 2000s through the estab-

29 Cf. Harry Tzimitras, opinion brief, in: *Arhika symperasmata apo tin apotyhia ton diapragmatefseon gia to Kypriako* [Initial conclusions on the failure of negotiations on the Cyprus Question], Hellenic Foundation for European and Foreign Policy (Eliamep) Series of Strategic Dialogues, at: <http://www.eliampep.gr/eliamepnews>.

30 Cf. *ibid.*

31 Cf. *ibid.*

ishment of border crossings, interaction remains minimal, and divisions continue to deepen. Mutually exclusive national narratives and education systems that cultivate enmity perpetuate mistrust and lead to the easy demonization of the “other”, a diluted shared identity, and thus uncertainty regarding reunification at the level of the people. The fundamental fears, concerns, considerations, and wishes of each community (typified by the dispute over the “*enosis*” bill) meet with very little understanding on the part of the other community. This is why the solution to the Cyprus issue has a different meaning and definition for each side.

It is everyone’s hope that the negotiations for the solution of the Cyprus problem will resume and that a comprehensive settlement will finally be reached. Yet the two communities are destined to live together on the island, irrespective of whether a solution to the Cyprus problem is found. It is therefore imperative that avenues of co-operation between the two communities are introduced and pursued. This will increase interaction between the Greek and Turkish Cypriots and lessen the gap separating them. In the case of an eventual solution, this will greatly facilitate the implementation process, ensuring that a settlement will not be perceived as *de novo* and imposed, but rather as built on existing co-operation. In the unfortunate eventuality of a non-solution, this will enable the two communities to enjoy a more peaceful and prosperous coexistence, maximizing the well-being of both sides.³²

In view of the above, it is clear that another path where progress is possible, independently of the negotiations, should urgently be nurtured for purposes of inter-communal trust-building and co-operation. One way this can be done is by creating frameworks within which the two sides are able to interact in mutually beneficial ways or work together to deal with problems that affect the lives of people everywhere on the island. Areas to consider in this respect include environmental protection, natural disaster response and management, migration, justice and criminal matters, education, and tourism. Specific projects should be pursued, aimed at exploring effective platforms for practical co-operation and forming linkages between the two communities.

The creation of opportunities for collaboration and co-operation are recognized elements of effective peacebuilding because they help establish relationships of interdependency that go beyond simple interaction. Such interdependency can be economic, professional, or even political. No matter what the sphere, the need and ability to rely on others can foster relationships of trust that often radiate beyond the initial co-operation and create chains and networks of mutual dependency. In international peacebuilding, various tools have been developed to aid in the establishment of such linkages in a range of

32 Cf. Harry Tzimitras/Mete Hatay, *The Need for Realism: Solving the Cyprus Problem through Linkage Politics*, Brookings Institution, Turkey Project Policy Paper No. 9, October 2016, available at: <https://www.brookings.edu/research/the-need-for-realism-solving-the-cyprus-problem-through-linkage-politics>.

areas. These tools could be adapted to the situation in Cyprus and could be implemented in areas including infrastructure (water, electricity, desalination, etc.); usage and revision of the Green Line Regulation³³ for the promotion of trade; environmental protection, climate change, agricultural policies, alternative energy production, and resource management; control of illegal migration and refugees; crime; communication; education; a legal aid office in the buffer zone to help with legal issues on either side; and culture and sports.³⁴

It is clear from recent developments, and the forces driving them, that the Cyprus issue and the prospects for its solution are unlikely to remain as they are. For one, the interest, continued involvement, and engagement of the international community should not be taken for granted. This includes the United Nations, which is facing unprecedented challenges. For another, realities on the ground have changed appreciably. It is also clear that the approach and methodology employed thus far have been unsuccessful and need to be constructively but decisively revisited. This will take pragmatism, leadership, out-of-the-box thinking, and a change of mindset. It is no easy task, but given the way things have been allowed to develop for half a century, this now seems to be the only realistic option.

33 The Green Line Regulation, established in 2004 to promote collaboration in trade between Greek Cypriot and Turkish Cypriot businesspeople, sets out the terms under which persons and goods can cross the dividing line. In its genesis, the regulation was a way for the EU to suspend the *acquis communautaire* in the island's North while attempting to minimize the adverse effects of that decision for Turkish Cypriots. Because of the North's exclusion from the customs union, the Green Line Regulation was to become a way for Turkish Cypriots to collaborate with Greek Cypriot partners in order to export their goods to the EU. While the Green Line Regulation contained much promise for developing the sorts of interdependent relationships that are important for peace, a number of impediments have prevented it from fulfilling that promise. The Regulation is not working, and indeed trade across the Green Line has steadily decreased since 2008. Cf., *inter alia*, Mete Hatay/Fiona Mullen/Julia Kalimeri, *Intra-island trade in Cyprus: Obstacles, oppositions and psychological barriers*, PRIO Cyprus Centre and British High Commission, PCC Report 2008, available at: <https://www.prio.org/Publications/Publication/?x=7287>; Omer Gokcekus/Jessica Henson/Dennis Nottebaum, Impediments to trade across the Green Line in Cyprus: Classic Barriers and Mistrust, in: *Journal of Peace Research*, 6/2012. The text of the Regulation is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2004R0866:20080627:EN:PDF>.

34 Cf. Tzimitras/Hatay, cited above (Note 32).

Comprehensive Security: The Three Dimensions and Cross-Dimensional Challenges

“Frozen” Human Rights in Abkhazia, Transdniestria, and the Donbas: The Role of the OSCE in a Shaky System of International Human Rights Protection Mechanisms

Introduction

The disintegration of the Soviet Union in 1990 and 1991 led to the formation of several new countries with little or no previous experience of statehood. The national movements in Georgia, Moldova, and Ukraine combined their struggle to “escape” the Soviet Union with ambitious pro-Western agendas. At the same time, these struggles over the political direction of the newly created states – whether more towards Moscow or closer to Europe – have been accompanied by powerful secessionist movements that have challenged the territorial integrity of the young states themselves. While the latter were fighting to create their own fragile democracies, separatist military groups carved out the secessionist territories of Abkhazia and South Ossetia, Transdniestria, and, most recently, the Lugansk People’s Republic (LPR) and the Donetsk People’s Republic (DPR) in the Donbas region of Ukraine, profiting from political and socio-economic instability and augmenting their power with Russian support to create *de facto* entities.

Both Abkhazia and Transdniestria are considered “classic” frozen conflicts, while the recent conflict in Donbas is not yet openly referred to as such; the level of violence is still too high, and the political magnitude of the conflict is considered too great for open acceptance, with the result that it might remain unresolved for a prolonged period of time. Nonetheless, it is highly probable that Luhansk and Donetsk will follow the same path as the older frozen conflicts, becoming “another frozen conflict”,¹ as President Vladimir Putin of the Russian Federation declared on 13 November 2015. Furthermore, in view of the strategic interests of the strongest exogenous actor liable for the alteration of their status quo, namely the Russian Federation, and the influence that Moscow has had on the other frozen conflicts in Eastern Europe and the Caucasus, there is little doubt that Donbas will follow the same path.

As “frozen conflict regions”, these entities remain in a protracted state of legal uncertainty. The Russian Federation’s influence is both strong and obvious, which further augments the complexity of challenges related to

1 Cited in: *Putin says east Ukraine crisis may yet turn into “frozen conflict”*, Reuters, at: <https://www.reuters.com/article/us-ukraine-crisis-putin-interview/putin-says-east-ukraine-crisis-may-yet-turn-into-frozen-conflict-idUSKCN0T21HK20151113>.

human rights protection mechanisms by creating “black holes” for international human rights mechanisms. The Russian Federation’s powerful influence creates great difficulties with regard to respecting, protecting, and fulfilling human rights and undermines the rule of law in Abkhazia, Transdnistria, the LPR, and the DPR. However, regardless of who has recognized their *sui juris* existence and supported them over the past 25 years, human rights violations have occurred in these entities on a grand scale under the political, economic, and military protection and encouragement of Russia, which has led to the establishment of another two separatist regimes in Donbas.

This contribution looks into the human rights situation in these entities and their internal human rights protection mechanisms in order to identify the level of urgency for international human rights protection mechanisms in each case. In doing so, it focuses in particular on the right to life as the most fundamental human right. It then analyses the limitations and restrictions international bodies face in their work related to these de facto entities, with a special focus on the OSCE.

The Overall Human Rights Situation: De Facto Laws vs Bitter Reality

Due to the limits and difficulties associated with accessing these regions, there is little official information on the human rights situations in Abkhazia, Transdnistria, and the Donbas; however, allegations of human rights abuse persist. The reliability of human rights assessments in these regions is very shaky due to the difficulties imposed by de facto border controls, the autocratic nature of the regimes, the lack of access provided to international human rights monitoring mechanisms, and the isolation of these regions. For a more objective assessment of the overall human rights situation in the self-proclaimed entities, it is important to look at the existing de facto fundamental laws regulating human rights that have been adopted in these entities and to compare them to the international human rights indicators.

Chapter Two of the de facto Abkhazian constitution, adopted on 26 November 1994 and amended in 1999, is extensively dedicated to human rights and the freedoms of the citizen. It states that Abkhazia recognizes and guarantees the rights proclaimed in the Universal Declaration of Human Rights (UDHR), the International Covenants on Civil and Political Rights (ICCPR) and on Economic, Social, and Cultural Rights (ICESCR), and other universally recognized international legal instruments. The de facto constitution also guarantees a full spectrum of civil, political, economic, social, and cultural rights, subject to limitations by constitutional law “whenever this might be necessary”² to protect the constitution, security, public order, health, and morality, as well as in the event of a natural disaster, a state of emer-

2 *The Constitution of the Republic of Abkhazia*, Article 35.

gency or martial law. A moratorium on the death penalty has existed in Abkhazia since 1993, and this was made law in 2007. However, the option of using the death penalty as an exceptional measure persists under Article 54 of the de facto Criminal Code, leaving open the possibility of its being misused by a weak court system in times of non-peace, thus violating the right to life.³

In Transdniestria, the situation is very similar. Section Two of the de facto constitution of the Transdniestrian Moldovan Republic, adopted on 24 December 1995 and amended in 2000, sets out the rights and freedoms of its citizens. Unlike its Abkhazian equivalent, however, it does not refer to any international human rights conventions, other than stating that constitutional freedoms should not derogate from other universally recognized rights and freedoms. It states the de facto entity's responsibility to protect its citizens, guaranteeing the right to life yet allowing capital punishment for grave crimes. The capital punishment provision was abolished by a 1999 decree establishing a moratorium on the death penalty, in line with the recommendations of the Council of Europe's (CoE) Parliamentary Assembly. However, the death penalty is still allowed under Article 58 of the Transdniestrian Criminal Code, which grants the possibility of commuting a death sentence to life imprisonment. Transdniestria did impose a death sentence in 2003. Transdniestria pledges to unilaterally respect international human rights instruments, such as the ICCPR and ICESCR, the European Convention on Human Rights (ECHR), and the Convention on the Rights of the Child. However, a large part of the local population is not even aware of such human rights provisions, as there are no human rights awareness or public information efforts in the entity.

In the Ukrainian Donbas region, the constitutions of the two self-proclaimed entities are relatively young. The LPR adopted its Temporary Fundamental Law (Constitution) on 18 May 2014, and the DPR's constitution took effect on 14 May 2014. The Donetsk News Agency reported on 18 July 2017 that the two entities are drawing up a common constitution to form a joint entity called "*Malorossiia*", or "Little Russia". However, after being criticized by Moscow as a personal initiative of DPR head Alexander Zakharchenko, and after the LPR's declaration that it would not take part in the project, Zakharchenko abandoned the plan.⁴ The de facto constitutions of the LDR and the DPR both provide, in their respective second chapters, for the protection of human rights and freedoms of persons and citizens according to internationally recognized principles and norms, alongside consti-

3 Cf., for example, Thomas Hammarberg/Magdalena Grono, *Human Rights in Abkhazia Today*, July 2017, pp. 15-16.

4 Cf., for example, the Molorossiia project, which is a personal initiative of the self-proclaimed republic's leader – Kremlin, TASS, 18 July 2017, at: <http://tass.com/politics/956825>; Zakharchenko: we give up on name Malorossiia; discussion goes on, Dnnews, 10 August 2017, at: <https://dnnews.com/article/zakharchenko-we-give-name-malorossiia-discussion-goes>.

tutional protections, but these documents are more simplistic, even rudimentary, than the de facto constitutions of the other self-proclaimed entities.

In practice, however, the de facto fundamental laws regulating human rights and freedoms are not respected. They all include inconsistencies and vague language that frequently allow for the curtailment of human rights in ways that contradict international standards. In any case, the legal systems do not recognize the supremacy of the latter in practice and tend to function solely according to local de facto laws. Furthermore, the supreme duty and obligation of the citizens to protect their homeland and to participate in military service emphasize the importance of the military aspect in these areas and underline how easily human rights can be undermined under de facto provisions of the unrecognized laws of unrecognized entities. Ironically, while the entities claim to be upholding human rights in line with “international standards”, the indicators developed by international human rights NGOs show a major discrepancy between these declarations of compliance and what is occurring on the ground.

Between 2013 and 2017, Freedom House consistently rated Abkhazia as “partly free” in its *Freedom in the World* reports, indicating – with an overall freedom rating of 4.5 (where 1 is “most free” and 7 is “least free”) – that the situation in the region is still tense. Overall, Abkhazia scores poorly in what concerns human rights, receiving a grade of 4 for political rights, more specifically for the electoral process, political pluralism and participation, and the functioning of government. It scores even worse in terms of civil liberties, such as freedom of expression and belief, associational and organizational rights, the rule of law, personal autonomy, and individual rights, receiving a grade of 5. Even if Abkhazia’s grade for political rights rose from 5 to 4 between 2012 and 2013 (thanks to the holding of competitive parliamentary elections in which independent candidates were allowed), the overall human rights situation clearly stagnated between 2013 and 2017, with neither progression nor regression.

Transdniestria’s indicators over the same period are even worse. During the last five years, Transdniestria has constantly been rated “not free”, receiving grades of 6 out of 7 for both political rights and civil liberties, resulting in a grade of 6 for its overall freedom rating. Tension between Moldova and Transdniestria in 2015, accelerated by Moldova’s pursuit of closer ties with the European Union and following Russia’s 2014 invasion of Ukraine, did nothing to improve the human rights situation. Apart from its even poorer indicators, Transdniestria shares one common feature with Abkhazia: Like Abkhazia, Transdniestria has seen clear stagnation in its human rights situation, with neither progression nor regression. This can be interpreted from two opposite perspectives: It can either mean that the situation is more or less stable, without any kind of development (either positive or negative), thus emphasizing the “frozen” character of the area, or it can be interpreted as a “black hole” of human rights monitoring, reflecting the lack of monitoring mechan-

isms able to gather and provide accurate and up-to-date information on the actual human rights situation in the secessionist areas. Either way, human rights are both clearly “frozen” and completely detached from international standards and principles.

Unfortunately, no reports have ever been compiled to assess the human rights situation in Luhansk and Donetsk separately from that of Ukraine as a whole. This might be explained by poor access to the separatist regions due to the ongoing conflict situation. The current conflict, however, has rendered the human rights situation in the area precarious at best, as is evident in the accounts of human rights violations provided below.

In conclusion, the above indicators confirm that people in frozen conflicts still live under high risk of human rights abuses, despite the fact that the conflict situation is not currently “hot”. This reiterates the need for serious efforts to examine the realities behind unilateral declarations made by self-proclaimed entities in which they claim to fully respect international human rights treaties. The inconsistent pieces of de facto legislation must be subject to review in terms of their compliance with international law to ensure that international rules and norms are applied in practice.

The Fundamental Right to Life Cannot Be Guaranteed in Frozen Conflicts

The right to life is fundamental, yet it is constantly being challenged in the self-proclaimed republics. Since the end of the military conflict in Abkhazia and Transdniestria, no systematic cases of unlawful killing have been registered, yet sporadic cases still occur. Some notorious recent instances include a case in which a Georgian citizen was allegedly killed by Abkhaz border guards on 19 May 2016 at the Khurcha-Nabakevi crossing point on the Administrative Boundary Line and the unlawful killing of Vadim Pisari in Transdniestria on January 2012 (Pisari was shot in the back by a Russian peacekeeper when he refused to stop his car at a peacekeeping post near the Vadul-lui-Vodă checkpoint). In both cases, the perpetrator fled immediately and has faced no punishment. However, the Transdniestrian case reached the European Court of Human Rights (ECtHR), and, in April 2015, the Court held the Russian Federation accountable for its soldier’s unjustifiable decision to shoot and for the state’s procedural problems in investigating the case. Both cases demonstrate a failure to control the actions of guards at border checkpoints.

The situation regarding unlawful killings is much more dramatic in Donbas due to the continued armed conflict, which occasionally flares up. Amnesty International has identified at least 13 pro-Kyiv captives who have been summarily killed while in the custody of separatist militias, irregular armed groups who refer to themselves as “battalions”, or other separatist

fighting units in Donetsk.⁵ Aside from summary killings, the Office of the United Nations High Commissioner for Human Rights (OHCHR) recorded a total of 10,090 people killed in relation to the conflict between 14 April 2014 and 15 May 2017, including 2,777 civilians.⁶ In addition to these numbers, on 17 July 2014, 298 civilians, 80 of them children, were killed in the destruction of Malaysian Airline flight MH17, which was shot down by a BUK 332 surface-to-air missile fired from separatist-controlled DPR territory,⁷ as confirmed by the Office of the Prosecutor (OTP) of the International Criminal Court in its 2017 Report on Preliminary Examination Activities.⁸ Exceptional circumstances, such as the state or threat of war, internal political instability, and internal armed conflict, may not be invoked to justify extra-legal, arbitrary, and summary executions. It does not matter whether these violations are committed by a state or a non-state actor, as persons held by any party to an armed conflict are protected under international human rights and humanitarian law.

Arbitrary detention is also a common practice in the self-proclaimed entities in the absence of proper international supervision and monitoring. In all the entities we are considering here, arbitrary detentions are regularly carried out by the de facto authorities, along with Russian FSB (Federal Security Service) officers, on charges of “illegal border crossing”, without the accused’s being informed of the specific reasons for his or her arrest.⁹ For instance, 1,641 Georgian citizens were detained near Abkhazia between 2009 and 2015, most of them ethnic Georgians from the Gali region, and around 1,000 people were held in preventive detention in Transdniestria for up to three to four years.¹⁰ In eastern Ukraine, the problem of illegal detentions is exacerbated by the legal vacuum resulting from the absence of functional laws in the LPR and the DPR, and armed groups exercising effective control are led by their own consideration of law and order, which encourages arbitrariness, impunity, and brutal violations in the form of illegal detentions.¹¹ In

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- 5 Cf. Amnesty International, *Summary Killings during the Conflict in Eastern Ukraine*, London 2014, pp. 8-11; Amnesty International, *Ukraine: Breaking Bodies. Torture and Summary Killings in Eastern Ukraine*, London 2015, pp. 16-20.
 - 6 Cf. Office of the United Nations High Commissioner for Human Rights, *Report on the human rights situation in Ukraine 16 February to 15 May 2017*, sine loco 2017, p. 2.
 - 7 Cf. Dutch Safety Board, *Investigation crash MH17, 17 July 2014, Donetsk*, at: <https://www.onderzoeksraad.nl/en/onderzoek/2049/investigation-crash-mh17-17-july-2014/publicatie/1658/dutch-safety-board-buk-surface-to-air-missile-system-caused-mh17-crash>.
 - 8 International Criminal Court, The Office of the Prosecutor, *Report on Preliminary Examination Activities 2017*, 4 December 2017, The Hague, at: https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE_ENG.pdf.
 - 9 Cf. Ministry of Foreign Affairs of Georgia, *Second Quarterly Report (April-June 2016) on the Human Rights Situation in the Occupied Regions of Georgia*, pp. 2, 10-11.
 - 10 Cf. United States Department of State, *Country Reports on Human Rights Practices for 2009, vol. II, Europe and Eurasia, Near East and North Africa*, October 2012, Washington, D.C. 2012, p. 1687.
 - 11 Cf. Coalition of Public Organizations and Initiatives “Justice for Peace in Donbas”/Hel-sinki Foundation for Human Rights, Poland, *Surviving Hell: Testimonies of Victims on Places of Illegal Detention in Donbas*, Kyiv, 25 September 2015, pp. 6-7, available at: <https://www.osce.org/odihr/185431>.

the LPR and the DPR, arbitrary detentions also take place mostly at checkpoints, but also at public gatherings, places of residence, workplaces, and elsewhere. Most of those detained are individuals with pro-Ukrainian views or are affiliated with the Ukrainian armed forces. The checkpoints are controlled by various illegal armed groups, and people can be detained not only by armed militant groups, identified or unidentified, but also by quasi-state agencies.¹² Usually, the groups who do the initial detaining are also those who decide on the further detention of illegally apprehended civilians and who perform transfers to detention places; the capture of members of the Ukrainian armed forces and volunteer battalions follows military confrontation with the direct involvement of the armed forces of the Russian Federation in the majority of cases.¹³ Even though a State Investigation Bureau was formally established to investigate these violations by the military and law enforcement officials, it was not fully staffed and was unable to begin its work by the end of 2016.¹⁴ Moreover, the impunity with which the de facto authorities operate in the LPR and the DPR helped make arbitrary detention an inherent feature of the territories outside the Ukrainian authorities' control.¹⁵

Incidents of torture and ill-treatment have been reported in all the de facto entities, usually by individuals returning to safer areas in the mother state. In Abkhazia, detainees are typically subject to beatings, burned with cigarettes, and are held in overcrowded cells in detention conditions that fall far below international standards.¹⁶ Abkhazia has been difficult to access since 2008, which makes evaluating the current situation with regard to the prison system and torture very difficult. In Transnistria, there are five penitentiary institutions where allegations of torture and other ill-treatment have been reported. Though the de facto constitution prohibits torture, the Criminal Code does not define it, instead stipulating a punishment of up to seven years' imprisonment for the crime of "torment" combined with torture.¹⁷ Cases of torture and ill-treatment have also been reported to have occurred in police stations, with the most common practices being food and water deprivation during detention in an attempt to make the victims admit their "guilt" or

12 Cf. *ibid.*, p. 16.

13 Cf. *ibid.*, p. 17.

14 Cf. Amnesty International, Report 2016/2017. The State of the World's Human Rights, on Ukraine, pp. 375-379, here: p. 375, at: <https://www.amnesty.org/download/Documents/POL1048002017ENGLISH.PDF>.

15 Cf. Anna Neistat, No justice for eastern Ukraine's victims of torture, in: *Newsweek*, 27 May 2016, at: <http://www.newsweek.com/no-salve-eastern-ukraine-victims-detention-torture-463514>.

16 Cf. U.S. Department of State, Georgia, in: *2016 Country Reports on Human Rights Practices*, 3 March 2017, at: <https://www.state.gov/j/drl/rls/hrrpt/2016/eur/265422.htm>.

17 Cf. Thomas Hammarberg, *Report on Human Rights in the Transnistrian Region of the Republic of Moldova*, 14 February 2013, p. 14, available at: <http://md.one.un.org/content/unct/moldova/en/home/publications/joint-publications/report-on-human-rights-in-the-transnistrian-region-of-the-republ.html>.

sign documents or statements.¹⁸ Allegations of torture and ill-treatment were also confirmed by the then UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, during his visit in 2008. Severe beatings are frequently handed out by militia members and guards during interrogations to force confessions, and the use of punishment cells with iron beds is common, as are torture techniques such as inserting needles under fingernails and electrocution. On top of this, medical facilities are inadequate, and prisoners have limited outdoor time, restricted access to water and sanitary facilities, and are subject to prolonged solitary confinement.¹⁹ Cells are small and overcrowded, with up to ten prisoners in a cell, which means that they must sleep in shifts. Cells are also cold, mouldy and lack ventilation and fresh air, sanitary facilities, and sufficient light; however, unofficial sources report that those who pay regular “fees” are given better imprisonment conditions. Those who do not pay are put in cells for 60 people.²⁰ People sentenced to death or life imprisonment are placed in solitary confinement, which is a form of inhuman punishment. With a total of 628 prisoners per 100,000 people, Transdniestria has one of the highest prison populations per capita in Europe.²¹

Healthcare and medical treatment in Transdniestria’s prisons are inadequate; prisoners regularly die of tuberculosis (prisoners are often inhumanly transported by the police to penitentiary institutions in unventilated metal railway wagons, which increases the risk of contamination).²² There is also a lack of medical facilities to treat the infection. In addition, prisoners suffer a high rate of HIV infection, and due to the lack of international programmes in Transdniestria the rate of infection is increasing. The local Ombudsperson reported 59 tuberculosis cases and 141 HIV cases among the detainees.²³ Detainees with disabilities receive no special conditions, in breach of human rights standards.²⁴ Transdniestrian authorities established an Investigation Committee to look into torture and ill-treatment cases in 2012 and created the

18 Cf. Civil Rights Defenders/Promo-Lex, *Human Rights in the Transnistrian region of Moldova*, Chisinau 2014, p. 38, at: https://promolex.md/old/upload/publications/en/doc_1395657140.pdf.

19 Cf. United Nations, General Assembly, Human Rights Council, *Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Mission to the Republic of Moldova*, A/HRC/10/44/Add.3, 12 February 2009, pp. 51-55, available at: http://ap.ohchr.org/documents/alldocs.aspx?doc_id=14984.

20 Cf. Civil Rights Defenders/Promo-Lex, cited above (Note 18), p. 14.

21 Cf. Nowak, cited above (Note 19), p. 19.

22 Cf. *ibid.* p. 12.

23 Cf. U.S. Department of State, Moldova, in: Bureau of Democracy, Human Rights, and Labor, *2016 Country Reports on Human Rights Practices, Report*, 3 March 2017, at: <https://www.state.gov/j/drl/rls/hrrpt/2016/eur/265450.htm>.

24 United Kingdom Home Office, Country Policy and Information Note, *Moldova: Human rights in Transnistria*, Country Policy and Information Note, June 2017, p. 29 (citing Promolex/International Federation of Human Rights: Human Rights in the Transnistrian region of the Republic of Moldova, date of report 2016).

position of Transnistrian Human Rights Commissioner. However, the committee does not undertake monitoring visits to places of detention and appears to be rather ineffective, as complaints from alleged victims of torture and inhuman or degrading treatment continue to be reported.

In eastern Ukraine, some 71 per cent of civilians and 68 per cent of servicemen captured by the LPR and the DPR have been subjected to torture.²⁵ Since September 2014, when the first Minsk agreement was signed, 3,083 people have been released through organized exchanges, while another 117 remain in captivity.²⁶ The Eastern Human Rights Group reported systemic abuse of detainees, including torture, starvation, denial of medical care, solitary confinement, and the use of prisoners as slave labour to produce goods for sale to provide a source of personal income for Russian-backed separatist groups.²⁷ Illegally detained individuals have reported widespread torture practices, including assault; the use of pneumatic weapons and cutting and thrusting weapons; mock executions; sleep, water, and food deprivation; blindfolding; cuffing; the placing of plastic bags over heads; cutting; the application of electric shocks to body parts; severe beatings; belt suffocation; being tied with ropes and rubber straps; and the infliction of bullet wounds with small-calibre weapons.²⁸

A total of 61 places of detention have been recorded. As a rule, detainees are held in the buildings of law enforcement agencies, in administrative buildings of local authorities, and at the premises of industrial and public enterprises, which are not equipped for these purposes and are unable to meet detainees' medical, nutritional, or basic sanitary needs. Half of detainees reported that they had at times been kept in basements and vehicle sheds and had been made to use plastic bottles in lieu of toilets.²⁹ A particularly serious problem in eastern Ukraine is the systematic use of torture against the background of an ongoing armed conflict and the presence of illegal armed groups. This is exacerbated by a lack of monitoring mechanisms, which means that the only information on torture cases comes from former detainees. Access to the LPR and the DPR to carry out international human rights monitoring is extremely limited, and those few organizations that maintain a presence in the separatist territories are restricted in their operations by the de facto authorities as well as their own limited capacities.

25 Cf. Ukrainian Helsinki Human Rights Union, *Human Rights situation in Donbas*, Kyiv 2017, p. 2.

26 Cf. Amnesty International, *Ukraine: Breaking bodies, torture and summary killings in Eastern Ukraine*, cited above (Note 5), p. 14.

27 Cf. U.S. Department of State, Ukraine, in: Bureau of Democracy, Human Rights and Labor, *2016 Country Reports on Human Rights Practices*, Report, 3 March 2017, at: <https://www.state.gov/j/drl/rls/hrrpt/2016/eur/265484.htm>.

28 Cf. Coalition of Public Organizations and Initiatives "Justice for Peace in Donbas"/Helsinki Foundation for Human Rights, Poland, *Surviving Hell*, cited above (Note 11), pp. 17, 27-34.

29 Cf. *ibid.*, pp. 13, 25.

Besides the right to life, many other rights are also violated in these de facto entities, such as freedom of movement (by means of “passportization” and special “permits” to enter border zones, “borderization”, closures of crossing points, and restrictions and discrimination at de facto border crossings), the right to education (via regulations prohibiting languages of instruction, verbal threats, and the use of educational facilities for military purposes), freedom of the media and expression (censorship, self-censorship, media monopolies, and the subordination of the media to the de facto authorities), freedom of religion (closely interlinked with the internal political situation and patterns of discrimination against minority religious groups), political rights, and more. Such violations are often linked with de facto legal restrictions based on ethnic criteria, such as the rules that discriminate against Georgians from the Gali District of Abkhazia, Romanian language speakers in Transdniestria, and pro-Ukrainians in Donbas. Issues around ethnicity can become highly political and may be a cause of ethnic clashes, propaganda, fear, impunity, discriminatory policies and laws, and autocracy. Above all, ethnicity is becoming a major issue in terms of security and stability.

This broad spectrum of human rights violations, centred on violations of the right to life, clearly shows that a human rights “black hole” exists in the occupied territories of Georgia, Moldova, and Ukraine, demonstrating the urgent necessity of ensuring that international human rights monitoring mechanisms receive unhindered and continuous access to them. But what monitoring mechanisms, if any, exist at present in Abkhazia, Transdniestria, and Donbas? Do they function? And, if so, what is the OSCE’s contribution to the human rights monitoring process?

Existing Monitoring and Protection Mechanisms in Frozen Conflict Areas

Neither Abkhazia nor Transdniestria admit that human rights violations have persisted in their entities following the end of armed conflict. In Donbas, where armed conflict continues, it is accompanied by considerably higher levels of systematic abuse of human rights and freedoms. Unfortunately, while international organizations such as the UN, the EU, the CoE, and the OSCE have developed many tools for the defence of human rights, such tools are not being applied in these areas, and these organizations are granted little if any access. This transforms these entities into “ghettoes” where local residents are kept isolated – not only territorially, but also from human rights protection mechanisms.

Despite the fact that Georgia, Moldova, and Ukraine are members of international organizations that have established presences or mission headquarters in these countries, the de facto authorities of the separatist entities, along with the Russian Federation (which exercises effective control), prevent many international organizations from entering the entities. This makes

it extremely difficult to report on the real human rights situation inside these territories, rendering them complete black holes in terms of monitoring human rights and holding perpetrators of violations accountable. While the de facto entities have established their own local human rights monitoring mechanisms, law enforcement bodies, and courts, these are heavily corrupt, unreliable, and in need of reform. Although Transdniestria established a local “investigation committee” for torture cases in 2012 and has had an Ombuds-person’s office since 2006, these are not effective, and the credibility of their reporting is doubtful. There is no other effective independent monitoring mechanism in place. The Transdniestrian Ombudsperson did create an advisory group to serve as a monitoring mechanism, but the local authorities are denying access to detention institutions on the pretext that it is impossible to guarantee the physical safety of monitors during meetings with prisoners.³⁰ In Abkhazia, the post of Human Rights Commissioner has existed since 2008, albeit directly under the supervision of the de facto President of Abkhazia. It is clear that there is an absence of effective tools that could protect or monitor human rights in these entities.

The tense relations that exist between Abkhazia and Georgia, Transdniestria and Moldova, and the LPR and the DPR and Ukraine mean that official national human rights monitoring institutions are not granted the access they require. The ministries of foreign affairs of all mother states prepare reports assessing the human rights situation in their occupied regions, aiming to inform the international community of the situation on the ground. However, the reporting is based on existing information from national and international open sources on human rights violations and assesses only some of the best-known examples. The methodology therefore does not enable the collection and production of new data on the human rights situation in occupied regions.³¹

The only international presences on the ground are the following: In Transdniestria, the OSCE has field offices in Tiraspol and Bender. The organizations that are active in Abkhazia are Action Contre La Faim (ACF), the Danish Refugee Council, Première Urgence – Aide Médicale Internationale, the United Nations Development Programme (UNDP), and the United Nations Children’s Fund (UNICEF). The OSCE has field offices in Donetsk and Luhansk, where the International Committee of the Red Cross (ICRC) is also active, and there is a UN Human Rights Monitoring Mission in Donetsk. In Ukraine, where the conflict is still active, the OSCE Special Monitoring Mission (SMM) to Ukraine has a mandate to monitor the human rights situation and establish facts and report on incidents, although it concentrates its efforts

30 Cf. U.S. Department of State, Moldova, cited above (Note 23).

31 Cf. United Nations, General Assembly, Human Rights Council, *Letter dated 25 November 2016 from the Chargé d'affaires a.i. of Georgia to the United Nations Office at Geneva addressed to the President of the Human Rights Council*, A/HRC/34/G/2, 13 January 2017, p. 1, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/006/06/PDF/G1700606.pdf>.

on monitoring ceasefire violations, including civilian casualties and hardships related to the armed conflict. It does not – as its reporting reflects – undertake systematic human rights monitoring. The ICRC has offices in Donetsk and Luhansk, but besides supporting the exchange of captives and efforts to search for missing persons, it likewise concentrates its efforts on conflict-related humanitarian work. The OHCHR Human Rights Monitoring Mission in Ukraine has also deployed human rights monitors to Donetsk and provides the most comprehensive information on human rights violations in eastern Ukraine.

The UN mechanisms have been (and remain) affected by arbitrary access in the de facto entities. The United Nations Observer Mission in Georgia (UNOMIG) was established in 1993 and the UN Human Rights Office Abkhazia, Georgia, (HROAG) in 1996 with the aim of protecting human rights in Abkhazia. The former's mandate was not renewed in 2009 after Russia vetoed the decision. This leaves some 60,000 vulnerable ethnic Georgians in Abkhazia. In Transdniestria and Donbas, the UN has never established peace-keeping missions; however, it has regularly used "individual special procedures" mechanisms to monitor the situation, despite the great difficulty of accessing the territories. UN working groups have been unable to enter Abkhazia due to the proxy regimes' unwillingness to grant access. The last UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to succeed in visiting Abkhazia was Manfred Nowak, who visited the area on 26 February 2010. In March 2015, attempting a follow-up visit, his successor Juan Méndez was not granted access by the de facto authorities.³² The same is true for the UN Special Rapporteur on the sale of children, child prostitution and child pornography and the UN Special Rapporteur on the human rights of internally displaced persons (IDPs), both of whom were denied access to Abkhazia in 2016. Transdniestria was visited by the UN Senior Expert on Human Rights in Transnistria, Thomas Hammarberg, in 2012. He presented a comprehensive report on the human rights situation, identifying the lack of independent monitoring and human rights protection mechanisms and lacunae in de facto laws. The then UN Deputy High Commissioner for Human Rights, Flavia Pansieri, also visited Transdniestria in April 2014, reiterating the obligation of the authorities in effective control to respect and guarantee the human rights of people living in the territory.³³ Even though Transdniestria granted access to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in

32 Cf. United Nations, Human Rights, Office of the High Commissioner, Georgia has come a long way, but more needs to be done – UN Special Rapporteur on torture, Tbilisi, 19 March 2015, at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15724>.

33 Cf. United Nations, Human Rights, Office of the High Commissioner, Statement by the UN Deputy High Commissioner for Human Rights, Flavia Pansieri, at the end of her mission to the Republic of Moldova, Chisinau, 11 April 2014, at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14498&LangID=E>.

2012, the conclusion was that none of the previous recommendations had been implemented.

At the regional level, Georgia, Moldova, and Ukraine are all members of the CoE, have all ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and are all subject to the jurisdiction of the ECtHR. However, neither the CoE Commissioner for Human Rights nor delegations of the Secretariat have been granted access to the territories, with the exception of the visit to Transdniestria by Thomas Hammarberg in 2012 in his capacity as CoE Commissioner for Human Rights. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) made one ad hoc visit to Abkhazia in 2009, four ad hoc visits to Transdniestria in 2000, 2003, 2004, and 2006, and visited some detention institutions in Luhansk in 2009 (before the conflict) but none in Donetsk.

The Role of the OSCE in Human Rights Monitoring in Relation to Abkhazia, Transdniestria, and Donbas

The OSCE has played an important role in all three separatist territories, both during and after the conflicts. Georgia is an OSCE participating State and has therefore undertaken various commitments with regard to human rights, the rule of law, and democratization, including the prohibition of torture and other cruel, inhuman, or degrading treatment and freedom from arbitrary arrest or detention. The OSCE Mission to Georgia was established in December 1992 and has deployed human rights monitors in Abkhazia to monitor abuses, intervene on behalf of victims, receive complaints, and report to the Permanent Council of the OSCE. The OSCE Mission to Georgia has also liaised with UN operations in Abkhazia, working towards a comprehensive settlement and negotiations and promoting respect for human rights by developing relevant projects. However, the Mission was closed in 2009, leaving the European Union Monitoring Mission (EUMM) as the only international monitoring mechanism on the ground. Unfortunately, it has been unable to fulfil its mandate fully as it continues to be denied access to the occupied regions of Abkhazia.

The OSCE Mission to Moldova was established in 1993 to facilitate a lasting and comprehensive political settlement of the Transdniestrian conflict. While being primarily tasked with mediating between Chişinău and Tiraspol, the Mission was also mandated to gather and provide information, to investigate specific incidents, and to provide advice and expertise on the effective observance of international obligations and commitments regarding human and minority rights.³⁴ The Mission therefore has a clear mandate to support

34 Cf. CSCE Mission to the Republic of Moldova, CSO Vienna Group, Journal No. 7, 11 March 1993, Annex 1, at: <http://www.osce.org/moldova/41137>.

the implementation of international human rights obligations in Transdnistria.³⁵ The OSCE Mission opened a field office in Tiraspol in 1995 and one in Bender in 2003. While these offices are staffed only with local people, they serve as a bridgehead for international staff travelling to Transdnistria several times per week and as antennae for the OSCE in the region. An exchange of letters between the Mission and the Transdnistrian leader guaranteed Mission staff freedom of movement in the region.³⁶ However, this access has not always been granted in practice, and, after the agreement was unilaterally revoked by the then Transdnistrian leadership in 2013, access became even more limited.³⁷ Still, the Mission made use of its privileged opportunity of access and assisted other international organizations in entering the area for human rights monitoring. While the OSCE Mission also receives and deals with individual human rights complaints, its main value for human rights monitoring and protection is its access to the region and to all levels of the de facto authorities and key decision-makers. The OSCE Mission has carried out vital work by closely following on-the-ground developments regarding the Moldovan-administered Latin script schools in Transdnistria and, through its permanent presence, has also supported the work of the OSCE High Commissioner on National Minorities (HCNM) on this issue. Through its reporting to the OSCE Permanent Council and in particular its active media work during the 2014 school crisis, the Mission's work had both preventive and corrective effects with regard to violations of the right to education in Transdnistria. As part of its mediation role in the overall conflict settlement, the Mission, together with the HCNM, facilitated agreement on a range of ad hoc and systematic measures that have allowed the schools to continue operating.³⁸ The Mission's work was a mixture of on-the-ground monitoring, reporting to the international community, and direct intervention with the Transdnistrian authorities.³⁹ It also supported media outlets and journalists who faced difficulties as a result of their criticism of the regime, assisted with individual cases being heard before the ECtHR, and supported election processes in various ways, including by facilitating the ability of Transdnistrian

35 Cf. Klemens Büscher, *The Missions to the Republic of Moldova and the Ukraine: A Double-Entry Balance Sheet*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 195-210, here: p. 198; cf. also OSCE, *OSCE Mission to Moldova, Mandate*, at: <https://www.osce.org/moldova/105894>.

36 Cf. Rolf Welberts, *Der Einsatz der OSZE in der Republik Moldau [The OSCE Operation in the Republic of Moldova]*, in: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg/IFSH (ed.), *OSZE-Jahrbuch 1995*, Baden-Baden 1995, pp. 193-210, here: p. 197.

37 Cf. United States Mission to the OSCE, *Concerns about OSCE Access to the Transnistria Region, As delivered by Ambassador Daniel B. Baer to the Permanent Council, Vienna, 3 April 2014*, PC.DEL/372/14, 3 April 2014, available at: <http://www.osce.org/pc/117322>.

38 Cf. William H. Hill, *The Transdnistrian Settlement Process – Steps Forward, Steps Back: The OSCE Mission to Moldova in 2005/2006*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2006*, Baden-Baden 2007, pp. 153-172, here: p. 156.

39 Cf. Welberts, cited above (Note 36), p. 200.

residents to cast their votes in the Moldovan elections. In addition to providing these direct contributions to human rights monitoring and protection, the Mission supported visits by other international organizations to Transdnistria, including the CPT and the UN Special Rapporteur on Torture.

In Ukraine, the OSCE opened its first field operation in 1994, primarily to prevent the escalation of a potential conflict over Crimea.⁴⁰ This Mission was closed in April 1999 as its mandate was considered to have been fulfilled, and it was replaced by the OSCE Project Co-ordinator in Ukraine (PCU).⁴¹ In contrast to the earlier mission, the PCU has no mandate for human rights monitoring and reporting, although it can carry out project activities in this field, and, as a matter of fact, the first large-scale project it carried out was a review of human rights legislation. While the PCU continues to exist in 2017, its activities do not reach beyond the area controlled by the government in Kyiv. On 21 March 2014, the OSCE Permanent Council decided to deploy the Special Monitoring Mission to Ukraine, with additional field offices in Donetsk and Luhansk.⁴²

However, the OSCE SMM, tasked with contributing to the reduction of tensions and fostering peace and stability throughout Ukraine,⁴³ has both a clear mandate for human rights monitoring and a solid presence in DPR- and LPR-controlled territory. The SMM, which was established right after Crimea's illegal annexation by Russia and before the military escalation in Donbas, is mandated to "establish and report facts in response to specific incidents and reports of incidents, including those concerning alleged violations of fundamental OSCE principles and commitments" and to "monitor and support respect for human rights and fundamental freedoms".⁴⁴ The SMM established offices in Donetsk and Luhansk and deployed 600 of its 700 civilian monitors to government- and rebel-controlled areas in eastern Ukraine. However, with the military escalation of the conflict in the Donbas after May 2014 and even more after the Minsk agreements in September 2014, the SMM developed rapidly into a civilian peacekeeping operation with a very strong focus on monitoring the ceasefire and reporting on violations of the Minsk agreements. Consequently, the human rights-related monitoring and reporting of the SMM in Donbas refers mainly to incidents involving civilian casualties and potential violations of international humanitarian law, such as

40 Cf. Büscher, cited above (Note 35), p. 197.

41 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 295, PC.DEC/295*, 1 June 1999, available at: <http://www.osce.org/pc/29031>.

42 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, available at: <https://www.osce.org/pc/116747>; Claus Neukirch, The Special Monitoring Mission to Ukraine: Operational Challenges and New Horizons, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2014*, Baden-Baden 2015, pp. 183-197.

43 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1117*, cited above (Note 42), p. 1.

44 Ibid.

indiscriminate shelling of civilian residential areas or firing from such areas. Other than incidents related to ceasefire violations, the SMM has not looked into a single human rights-related case. However, it has offered analytical reports on a range of human rights-related issues, such as a report on the hardships facing conflict-affected civilians, which it produced in 2017.⁴⁵ Previous thematic reports touching on issues related to human rights in the DPR and the LPR have focused on access to water⁴⁶ and to justice in these areas⁴⁷ and to the situation of formerly state-financed institutions, such as penitentiaries, orphanages, and medical institutions.⁴⁸

The SMM has further facilitated the exchange of civilians and fighters held by each side as captives or prisoners and, in July 2014, crucially facilitated international investigators' access to the crash site of Malaysia Airlines Flight 17 (MH17). While the SMM's human rights monitoring structure is weak compared to its structure for monitoring ceasefire violations, the work of the SMM in human rights monitoring and reporting is still highly relevant, and sometimes decisive, as the SMM has access to decision makers and the de facto authorities. Moreover, no other international organization has such a large and well-distributed presence in the DPR and the LPR, particularly in the so-called grey zones between the front lines and other hotspots along the line of conflict.

The three OSCE institutions – the Office for Democratic Institutions and Human Rights (ODIHR), the HCNM, and the Representative on Freedom of the Media (RFOM) – are mandated to monitor human rights developments and compliance with OSCE commitments in all OSCE participating States, in line with their respective mandates and with a particular view to “early warning”. ODIHR is tasked with assisting in monitoring the implementation of commitments in the human dimension, and, among other activities, carries out election observation missions. The HCNM provides “early warning” and, as appropriate, “early action” at the earliest possible stage in regard to tensions involving national minority issues that have the potential to develop into conflicts, affecting peace, stability, or relations between participating States. The RFOM is tasked with advocating for and monitoring the implementation of OSCE commitments on freedom of expression. All three institutions have worked in Georgia, Moldova, and Ukraine in recent years;

45 Cf. OSCE Special Monitoring Mission to Ukraine, Thematic Report, *Hardship for conflict-affected civilians in eastern Ukraine*, February 2017, available at: <http://www.osce.org/ukraine-smm/300276>.

46 Cf. OSCE Special Monitoring Mission to Ukraine, *Access to water in conflict-affected areas in Donetsk and Luhansk regions*, September 2015, available at: <http://www.osce.org/ukraine-smm/183151>.

47 Cf. OSCE Special Monitoring Mission to Ukraine, Thematic Report, *Access to Justice and the Conflict in Ukraine*, December 2015, available at: <http://www.osce.org/ukraine-smm/212311>.

48 Cf. OSCE Special Monitoring Mission to Ukraine, Thematic Report, *Findings on Formerly State-Financed Institutions in the Donetsk and Luhansk Regions*, 30 March 2015, SEC.FR/273/15, 30 March 2015, available at: <http://www.osce.org/ukraine-smm/148326>.

however, their access and impact on human rights issues in Abkhazia, Transdniestria, and Donbas have been limited and, with the exception of the HCNM in Abkhazia, weaker than those of the respective OSCE field operations.

Since the military escalation of the situation in eastern Ukraine, ODIHR, the HCNM, and the RFOM have focused their activities on government-controlled territory. For reasons related to their undetermined status and to security, ODIHR has not carried out any election observation activities in the de facto entities so far. However, the Minsk agreements foresee a key role for ODIHR in the observation of local elections to be carried out in certain areas of the Donetsk and Luhansk regions under Ukrainian law. From early March to mid-April 2014, and hence prior to the military escalation of the conflict, ODIHR and the HCNM jointly carried out a Human Rights Assessment Mission to Ukraine. While it had a strong focus on Crimea, it also revealed human rights violations against pro-Maidan activists and journalists in Luhansk.⁴⁹ ODIHR's final report on the 2014 presidential election noted that the illegal actions undertaken by the DPR and LPR authorities "constituted attempts to prevent the election and deny citizens the fundamental right to freely participate and elect their chosen representative".⁵⁰ Regarding Abkhazia, ODIHR published a report on the human rights situation in war-affected areas following the 2008 conflict in Georgia in November 2008, which also focuses on the situation of IDPs in Abkhazia. In Transdniestria, ODIHR's most relevant involvement dates back to the monitoring of the trial of the "Ilașcu Group" back in 1993.⁵¹

With regard to the HCNM in Abkhazia, the focus has been on education, language issues, and the situation of IDPs. During a visit to Abkhazia in 2009, HCNM Knut Vollebæk urged Abkhaz authorities "to put an end to the pressure being exercised on the Georgian population in the Gali District through the limitation of their education rights, compulsory 'passportization', forced conscription into the Abkhaz military forces and restrictions on their freedom of movement".⁵² Vollebæk visited the region again in 2010 and repeated his concerns. However, his successor, Astrid Thors, was not able to travel to Abkhazia and could only follow the situation by visiting areas controlled by the Georgian government. When it comes to Transdniestria, the HCNM, together with the OSCE Mission to Moldova, played a key role in

49 Cf. 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, especially pp. 26-27 and 32, available at: <https://www.osce.org/odihr/118476>.

50 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, p. 2, available at: <http://www.osce.org/odihr/elections/ukraine/120549>.

51 Cf. Welberts, cited above (Note 36), pp. 200-201.

52 Knut Vollebæk, cited in: OSCE, *OSCE High Commissioner on National Minorities deeply concerned by recent developments in Abkhazia*, The Hague, 14 April 2009, at: <http://www.osce.org/hcnm/50824>.

keeping Transdniestria's Latin-script schools in operation. All HCNMs have visited Transdniestria to discuss the plight of these schools, most recently in 2014 and 2016, when HCNM Astrid Thors expressed her concern about their possible closure.

The RFOM has been less active in the region and was prevented from entering Transdniestria in 2004. In Abkhazia in 2008, the RFOM called for journalists to be granted unlimited access to the self-proclaimed entity following the end of fighting. However, the RFOM has been more active in eastern Ukraine, visiting the regions of Luhansk and Donetsk in 2013-2014 and reporting on attacks on broadcasting stations and violence and intimidation against journalists by armed groups, while also denouncing cases where radio and television channels were banned or simply switched off.⁵³ During the RFOM's recent visit to Ukraine on 20 October 2017, the topics discussed included the detention of journalists in Donetsk and the importance of media workers' being free from fear of violence.

At its Twenty-Fifth Annual Session, held in Tbilisi from 1-5 July 2016, the OSCE Parliamentary Assembly (PA) adopted a resolution on the conflict in Georgia, in which it expressed concern about the humanitarian situation of IDPs and refugees in the occupied regions of that country. It also condemned the installation of razor-wire fences by the Russian occupation forces, which deprives the local population of fundamental rights and freedoms, including freedom of movement and the right to a family life, property, and education in their native language, along with other civil and economic rights.⁵⁴ At the 2017 OSCE PA Annual Session in Minsk (5-9 July), it again expressed concern over the humanitarian and security situation in occupied Abkhazia and encouraged the demilitarization in the conflict region of Transdniestria.⁵⁵ It also called upon all participating States to grant unimpeded access to international human rights monitoring mechanisms and missions. Concerning eastern Ukraine, the Tbilisi Annual Session of the OSCE PA recognized "the need to grant all international and humanitarian organizations immediate access to the territories currently under occupation in certain areas of the Donetsk and Luhansk regions".⁵⁶

In conclusion: The OSCE is one of few organizations that have been able to access territories where a state of "frozen conflict" prevails. In add-

53 Cf. OSCE, *Freedom of media issues during Ukraine crisis*, Statements by the Representative on Freedom of the Media, at: <https://www.osce.org/fom/11602>.

54 Cf. Resolution on the Conflict in Georgia, in: OSCE PA, Tbilisi Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-Fifth Annual Session, Tbilisi, 1 to 5 July 2016, pp. 25-26, here: p. 25, paras 8 and 9, available at: <https://www.oscepa.org/meetings/annual-sessions/2016-tbilisi-annual-session>.

55 Cf. Chapter 1, Political Affairs and Security, in: OSCE PA, Minsk Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-Sixth Annual Session, Minsk, 5 to 9 July 2017, pp. 1-7, here: p. 2, para. 12, and p. 6, para. 46.

56 Chapter 1, Political Affairs and Security, in: OSCE PA, Tbilisi Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-Fifth Annual Session, cited above (Note 54), pp. 1-9, here: p. 5, para. 37.

ition, the Organization has co-operated with other international institutions, facilitating their access to these areas and helping to ensure that they have a full spectrum of instruments and real chances to carry out the objective, real-time monitoring of human rights violations in these entities. If we compare the available mandates with the actual focus of OSCE activities in these areas, however, we must concede that the OSCE's potential when it comes to human rights monitoring and protection has been far from fully realized. More engagement, dedication, and political dialogue is needed from the OSCE when it comes to monitoring and protecting human rights in frozen conflicts.

Conclusion

The monitoring and reporting of human rights violations carried out by the UN, the OSCE, and the CoE are vital for understanding the human rights situation in self-proclaimed entities. However, all of these organizations, without exception, still encounter difficulties in accessing these territories, subject to arbitrary decisions on the part of the authorities. More than any other organization, the OSCE has the right tools and logistics to gain and facilitate access to these regions and make human rights reporting and monitoring more objective and first-hand. Even if the reports of international organizations have little effect on Abkhazia, Transdnistria, the LPR and the DPR – as these are not parties to international conventions – they serve as important material for human rights defenders protesting against human rights abuses in their communities and for the international community. Nonetheless, the greatest challenge of all in terms of human rights is bringing the perpetrators of violations to justice. This is also an extremely difficult task. It is thus vital to recognize the role of human rights monitoring mechanisms in the judicial efforts of the ECtHR.

The ECtHR has delivered a key judgment in the case of *Ilaşcu and Others v. Moldova and Russia*, which has influenced subsequent cases involving human rights violations in secessionist entities. For the first time, the ECtHR clarified jurisdictional issues for human rights violations in self-proclaimed entities, finding the Russian Federation liable for acts committed by separatist forces as a result of its military, economic and political contributions to the creation of a separatist regime within the territory of another state. By supporting the regime, Russia not only contributed to its survival but also impeded all national and international efforts to resolve “frozen conflicts”. By holding Russia legally responsible for human rights violations in a de facto entity, the ECtHR has considerably increased the impact of crucial human rights monitoring and protection mechanisms. The Court took into consideration documents from international organizations including the OSCE, the CPT, the CoE Parliamentary Assembly, the CoE Commissioner

for Human Rights, and the Governing Council of the Inter-Parliamentary Union. This shows the key role played by international human rights monitoring mechanisms in the judicial process.

The continued high-level engagement of heads of state or government, foreign ministers, senior diplomats, and international monitoring mechanisms notwithstanding, these entities continue to violate fundamental human rights, including the right to life, liberty, and security, freedom from torture and ill-treatment, freedom of movement, the right to education, freedom of expression, and the principle of equality and non-discrimination. It is extremely difficult to assess how many human rights violations occur in these entities as international monitoring mechanisms face great difficulties in accessing their territories as a result of restrictions imposed at de facto borders and other policies imposed by the autocratic regimes. Although the UN, the CoE, the OSCE, and other international organizations have developed many vital tools and instruments to defend human rights, these can be extremely difficult to apply in self-proclaimed independent entities, first, because the de facto entities are unrecognized, which means that they cannot become members of these organizations, and second, because of the problem of access. However, international monitoring mechanisms are an important means of human rights advocacy at the local level and in the international community and can help to bring perpetrators of human rights violations from secessionist regions to justice.

Despite the attempts by those responsible for abuses to evade justice, every human being must be able to enjoy human rights no matter where they live, and international monitoring and protection mechanisms are key to keeping the perpetrators of human rights violations accountable.

Promoting Cyber Stability between States: OSCE Efforts to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies (ICTs) in the Context of Global and Regional Security

Introduction – The Global Status Quo in Cyberspace

As a borderless resource employed in almost every sector and state, the internet has enhanced the prospects for economic growth, political discourse, information dissemination, and social mobility around the globe, ushering in what some are calling the third industrial revolution. However, the rapid promulgation of this resource went hand in hand with the rise of new challenges – malware, hacking attacks, data breaches, and cyber espionage, just to name a few – from as early as 1988, when the “Morris worm” facilitated the first documented Distributed Denial-of-Service (DDoS)¹ attack. Since then, due to the unique combination of high profitability and impact, low technological barriers to entry, and asymmetrical risks to the perpetrators, the breadth and scope of cyber-attacks have continued to grow. This was seen in recent high-profile cyber incidents, such as the WannaCry ransomware attack, efforts to hack elections in the US and France, and attacks against critical infrastructure in Ukraine and Georgia. The difference between such wide-ranging attacks and everyday cybercrime and terrorist uses of the internet may seem academic, but the scope and sophistication of such attacks led many experts to believe they could only have taken place with some form of state involvement.

In addition, states have recognized the advantages of cyber-attacks and have correspondingly begun to enhance their defensive and offensive cyber capabilities. According to the United Nations Institute for Disarmament Research (UNIDIR), over 47 States have cyber/ICT security programmes that give some role to the armed forces,² and some have defined cyberspace itself

Note: The views expressed in this article are those of the author and do not necessarily reflect the official position of the OSCE. The author would like to thank Veronika Černá, project assistant on cyber/ICT security in the Co-ordination Cell, Transnational Threats Department of the OSCE Secretariat, for her valuable assistance.

1 A DDoS attack is a cyber-attack in which one party seeks to make a single computer, or a computer network, unavailable to its intended users, usually by flooding the targeted machine(s) with superfluous requests in an attempt to overload systems and prevent legitimate requests from being fulfilled.

2 Cf. James Andrew Lewis, *Cybersecurity and Cyberwarfare: Assessment of National Doctrine and Organization*, United Nations Institute for Disarmament Research (UNIDIR),

as a domain of potential military operations.³ This digital arms race, paired with the borderless nature of cyberspace, the difficulties of assigning responsibility for cyber-attacks (attack attribution), and the differences in cyber capabilities among states, have added confusion, uncertainty, and misperception to inter-state relations. This, in turn, can lead to escalating tensions between states and can potentially morph into kinetic conflict.

Unfortunately, there are few established methods to alleviate this confusion and reduce potential tensions stemming from the use of ICTs. It is not likely that there will be a cyber equivalent to the Treaty on Open Skies⁴ in the near future – or ever – capable of building confidence through a multilateral regime of arms control in cyberspace. Cyber tools are not visible or easy to itemize, and servers can be rented or used by criminal groups to launch attacks from across the globe to further avoid detection. And when an attack does happen, its attribution, even when accurate and timely, can fail to establish a clear link between the perpetrator and a potential state actor suspected of being behind it.⁵

All of this means that cyber/ICT security has quickly grown in prominence on the agendas of states and, subsequently, international, regional, and sub-regional organizations, all of which face the same question: What is needed to enhance global cyber stability between states and reduce tensions that can grow from an ICT-enabled incident?

International Law, Potential Applications in Cyberspace, Norms of State Behaviour, and Confidence-Building Measures

Individual states have the ability to regulate access and usage of the internet through national legal frameworks. However, cyberspace is still significantly younger than the mechanisms that form the core of international law, such as the UN Charter, the Geneva Convention, the Helsinki Final Act, and the International Covenant on Civil and Political Rights (ICCPR). Without treaty or customary law to inform rules and norms of responsible state behaviour in cyberspace, and with no courts to give rulings based on them, the central question becomes one of the applicability of existing international laws in cyberspace – in particular regarding *jus ad bellum* and *jus in bello*. Can they be applied? If they can, how and under what circumstances? What is the threshold that qualifies a cyber incident as an attack that can trigger Article 51 of

The Cyber Index. International Security Trends and Realities, New York/Geneva 2013, pp. 9-90, here: p. 14.

3 Cf. NATO Cooperative Cyber Defence Centre of Excellence (CCDCOE), *NATO Recognises Cyberspace as a “Domain of Operations” at Warsaw Summit*, 21 July 2016.

4 Cf. *Treaty on Open Skies*, 1992, available at: <http://www.osce.org/library/14127>.

5 Cf. Michael N. Schmitt/Liis Vihul, *The Nature of International Law Cyber Norms*, in: Anna-Maria Osula/Henry Rõigas (eds.), *International Cyber Norms: Legal, Policy & Industry Perspectives*, Tallinn 2016, pp. 23-47, here: p. 38.

the UN Charter? At the level of the United Nations, the question of applicability was answered in 2013 by means of a consensus report recommending the application of existing international laws in cyberspace, thus opening the debate on how exactly to transcribe 20th-century legal codes to this 21st-century legal challenge. Centres like the NATO Cooperative Cyber Defence Centre of Excellence (CCDCOE) have weighed in on the issue, publishing compiled opinions by legal practitioners and scholars on the application of various provisions of international law in the Tallinn Manual on the International Law Applicable to Cyber Warfare⁶ and the Tallinn Manual 2.0.⁷

In parallel to discussions on the legal aspects that govern cyberspace, another focus has been on developing non-binding mechanisms that can shape states' expectations about what is acceptable behaviour in cyberspace. These take the form of norms of responsible state behaviour and ways of ensuring that such behaviour is actively exercised through confidence-building measures (CBMs). Norms of responsible state behaviour seek to define key concepts, such as "red lines" for the use of ICTs by states. One example would be that a state should not knowingly allow its territory to be used to launch cyber-attacks against another country, or to knowingly or unknowingly target another state's critical infrastructures or their ICT-enabled control systems. The idea is that such "soft law" can produce certain legal effects by shaping common expectations about a state's conduct in the international sphere,⁸ thereby forming the bedrock of customary law for cyberspace. An example of setting such norms of state behaviour in cyberspace can be seen in the International code of conduct for information security proposed by the Shanghai Cooperation Organisation (SCO) in 2011, with an updated version published in 2015.⁹

However, agreeing on norms of responsible state behaviour in cyberspace is not a guarantee of their application, especially given the prevailing risks of misunderstanding and confusion in inter-state relations when the use of ICTs is involved. Practical and actionable measures are needed to operationalize norms in a way that can consistently enhance co-operation and build trust between states. Luckily, a model for these measures already existed in the form of the OSCE Vienna Document on Negotiations on Confidence- and Security-Building Measures (CSBMs) from 1990, which set out voluntary military measures critical for enhancing transparency, trust building, and arms control in the OSCE area. Once adapted for cyberspace,

6 Cf. *Tallinn Manual on the International Law Applicable to Cyber Warfare*, New York 2013.

7 NATO Cooperative Cyber Defence Centre of Excellence (CCDCOE), *Factsheet, Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*, 2 February 2017.

8 Cf. Katharina Ziolkowski, *Confidence Building Measures for Cyberspace – Legal Implications*, Tallinn 2013, p. 32.

9 Cf. United Nations General Assembly Document A/69/723, *Letter dated 9 January 2015 from the Permanent Representatives of China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan to the United Nations addressed to the Secretary General*, 13 January 2015.

such measures eschewed the military aspects of traditional CSBMs in favour of enhancing cyber diplomacy between states and helping bring both like-minded and non-like-minded states to the table. As such, cyber/ICT security CBMs are recognized as a crucial tool for policy makers on all levels – from the United Nations to regional organizations and national governments.

The discourses on legal provisions, norms of responsible state behaviour, and confidence-building measures, whether ranked or considered as equally important mechanisms, are linked and mutually reinforcing in most high-level efforts to enhance cyber stability between states.

The United Nations Group of Governmental Experts – How It Has Affected Global Discourse Related to Promoting Cyber Stability between States

The lack of clarity on how uses of ICTs in inter-state relations can be normatively defined is compounded by differences in national approaches to cyber/ICT security, divergent terminology and definitions, and differences in culture and priorities. Thus, when the United Nations tackled cyber/ICT security in Resolution A/RES/53/70 on 4 January 1999, it faced a daunting challenge. Significant progress was made in 2003, when the Russian Federation first proposed the establishment of a dedicated group to address cyber/ICT security issues. This group was subsequently formed by A/RES/58/32 on 18 December 2003. The newly formed Group of Governmental Experts (GGE) on Developments in the Field of Information and Telecommunications in the Context of International Security was made up of states selected on the basis of equitable geographical distribution, along with the five permanent members of the Security Council. The UN GGEs have the goal of producing consensus reports detailing how identified cyber/ICT security threats can best be approached by the international community.

The first GGE report was distributed as General Assembly (GA) Document A/65/201 on 30 July 2010. The report provided a broad overview of cyber/ICT security threats faced by states and the types of co-operative measures that can be undertaken to mitigate them. Its recommendations included a blueprint for successive UN GGEs to tackle the issue, with a focus on international norms pertaining to state uses of ICTs and confidence-building measures to “reduce the risks of misperceptions resulting from ICT disruptions”.¹⁰ There was no discussion of international law in the 2010 report, but this topic would assume a prominent place in the 2013 report, published as A/68/98.¹¹ As part of its section on norms, rules, and principles of

10 Cf. United Nations General Assembly Document A/65/201, *Report of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security*, 30 July 2010.

11 Cf. United Nations General Assembly Document A/68/98, *Report of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security*, 24 June 2013.

the responsible behaviour of states, the report cited international law and the UN Charter in particular, as well as the norms, rules, and principles derived from it, as being essential to maintaining an open and secure ICT environment. The report also stated that “states must meet their international obligations regarding internationally wrongful acts attributable to them”.¹² While not going more in-depth than this on the application of international law to cyberspace, this report would serve as a powerful framework for future discussions on the topic. Regarding CBMs as the third component of cyber stability, the report stated that “voluntary confidence-building measures can promote trust and assurance among States and help reduce the risk of conflict by increasing predictability and reducing misperception”.¹³

The report also highlighted the role of regional organizations, such as the OSCE, the Association of Southeast Asian Nations Regional Forum (ARF), and the Organization of American States (OAS), in promoting cyber stability and resilience among their members. This reference was deliberate. Regional organizations can use their accumulated political capital and their pre-established institutional capacities to bring together non-likeminded states to address common security challenges such as enhancing cyber stability. As will be discussed below, the OSCE has led the way in this field since 2012 and has been developing confidence-building measures through the Informal Working Group (IWG) established pursuant to Permanent Council (PC) Decision No. 1039.¹⁴ The OSCE and the UN have continued to affect each other’s work, with the UN GGE reports framing cyber/ICT security discussions in the OSCE and the OSCE’s experience with confidence-building measures informing future UN GGE reports.

The 2015 UN GGE Report, published as UN General Assembly Document A/70/174,¹⁵ elaborated on international laws, norms of responsible state behaviour, confidence-building measures, and international co-operation and assistance in capacity-building as equal and critical pillars of global cyber stability. The group recommended its own general CBMs for the consideration of member states, which aimed at increasing transparency, facilitating consultations and co-operation, reducing the risk of misperception, escalation, and conflict and protecting critical infrastructure. It also continued to support “regular dialogue through [...] regional and multilateral forums”,

12 Ibid., p. 2.

13 Ibid., p. 9.

14 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1039, Development of Confidence-Building Measures to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies*, PC.DEC/1039, 26 April 2012, available at: <http://www.osce.org/pc/90169>.

15 Cf. United Nations General Assembly Document A/70/174, *Report of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security*, 22 July 2015, at: <http://undocs.org/A/70/174>.

while acknowledging “the valuable efforts in ICT security made by international organizations and regional groups” such as the OSCE.¹⁶

In spite of its position as the highest-placed multilateral body dealing with topics related to cyber/ICT security and stability, as of 2017 the future of the UN GGE is unclear. The 25-member group has not succeeded in reaching agreement among its members to produce a new consensus report further elaborating on the recommendations of the 2015 UN GGE. According to the group’s chair, while no consensus report will be produced, there was still agreement between experts on topics such as emerging risks, capacity-building and confidence-building measures, norms, awareness raising among senior decision-makers, conducting exercises, defining protocols for notifications about incidents, warnings when critical infrastructure is attacked, and preventing non-state actors from conducting cyber-attacks.¹⁷

OSCE Cyber/ICT Security Confidence-Building Measures and Related Decisions

The UN GGE deliberations have framed the debate on cyber/ICT security in an international context, but it is up to other bodies working at the national, sub-regional, and regional levels to facilitate the adoption and implementation of its recommendations. In line with this, the OSCE PC took the decision to “step up individual and collective efforts to address security in the use of information and communication technologies (ICTs) in a comprehensive and cross-dimensional manner” in PC Decision No. 1039, adopted on 26 April 2012.¹⁸ This decision established an open-ended, informal OSCE working group tasked with elaborating confidence-building measures to reduce the risks of conflict stemming from the use of ICTs. The work on the CBMs was recognized in Ministerial Council Decision No. 4/12 of 7 December 2012,¹⁹ which listed cyber/ICT security as one of the four key transnational threats and strategic priorities of the OSCE. Also in 2012, the OSCE established the post of Cyber Security Officer (CSO) within its newly created Transnational Threats Department (TNTD), to act as the principal focal point of all cyber/ICT security issues for all 57 participating States, as well as other OSCE executive structures.

Following a series of ad hoc meetings, the PC adopted Decision No. 1106 on 3 December 2013 in Vienna, thereby creating the first real set of

16 Ibid., pp. 9-10, 14.

17 Cf. Geneva Internet Platform, *UN GGE: Quo Vadis?* Digital Watch Newsletter, Issue 22, June 2017, pp. 6.

18 Cf. PC.DEC/1039, cited above (Note 14).

19 Cf. OSCE, Organization for Security and Co-operation in Europe, Ministerial Council, Dublin 2012, *Decision No. 4/12, OSCE’s Efforts to Address Transnational Threats*, MC.DEC/4/12, 7 December 2012, available at: <http://www.osce.org/mc/97959>.

OSCE confidence-building measures.²⁰ These measures sought to reduce the risks of conflict between OSCE participating States stemming from the use of ICTs by encouraging timely consultations; using the OSCE as a platform for dialogue, information, and the exchange of best practices; sharing national views on cyber threats and cyber/ICT security policy papers, policies, and programmes; providing lists of relevant terminology; and forming a network of points of contact to help co-ordinate whole-of-government responses to ICT-related incidents.

In short, the initial set of OSCE CBMs promoted transparency that would allow states to read one another's "posture" in cyberspace, facilitate meaningful communication between them and enhance regional cyber resilience in order to create a stable and secure "cyber neighbourhood" in the OSCE area. Decision No. 1106 also transformed the IWG from an ad hoc arrangement into a series of at least three meetings each year, with participating States continually exchanging information on CBMs through established OSCE platforms, such as the POLIS OnLine Information System.

Over the subsequent two years, discussions were held on how to build on the initial set of CBMs. In 2016, after much debate, five new measures were introduced in PC Decision No. 1202 of 31 March 2016.²¹ The key areas of the second set were defined as: practical collaboration on critical infrastructure protection, expansion of the crisis communication channels, and the enhancing of cyber resilience through co-operation with the private sector. This means that the OSCE has entered 2017 with sixteen practical and actionable measures, with support for their implementation coming from Ministerial Council Decisions No. 5/16²² and No. 5/17.²³

The underlying qualities of these aspects of the CBMs – their connection to recommendations of UN GGE reports, the level of political support given by participating States, and their potential for practical implementation – make them powerful and unique tools, not just in the OSCE area, but as a source of good practices and lessons for other organizations to replicate.

20 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1106, Initial Set of OSCE Confidence-Building Measures to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies*, PC.DEC/1106, 3 December 2013, available at: <http://www.osce.org/pc/109168>.

21 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1202, OSCE Confidence-Building Measures to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies*, PC.DEC/1202, 10 March 2016, available at: <http://www.osce.org/pc/227281>.

22 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Hamburg 2016, *Decision No. 5/16, OSCE Efforts Related to Reducing the Risks of Conflict Stemming from the Use of Information and Communication Technologies*, MC.DEC/5/16, 9 December 2016, available at: <http://www.osce.org/cio/288086>.

23 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Vienna 2017, *Decision No. 5/17, Enhancing OSCE Efforts to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies*, MC.DEC/5/16, 8 December 2017, available at: <https://www.osce.org/chairsteamship/361561>.

For the CBMs to be effective, they need to be fully operationalized. Following Ministerial Council Decision No. 5/16, efforts by the IWG have focused on the operationalization of rapid communication at the technical and policy levels in order to reduce tensions and risks of conflict stemming from the use of ICTs. In the language of the two PC Decisions, this translates to the setting up of a crisis consultation mechanism consisting of CBMs 3, 8, and 13.

When faced with a cyber/ICT security incident, the first few hours are the most important but also the most likely to be dominated by confusion, misunderstandings, and misattribution. The danger stemming from this type of confusion only increases if the incident in question targets resources critical to the normal functioning of a state, and if suspicion falls on another, non-likeminded state or regional rival. In order to prevent an escalation of tensions stemming from such cases, it is crucial that secure lines of communications be established between national points of contact. These can then help the affected state to obtain critical information regarding the attack from its suspected counterpart, to mitigate its consequences, and to jointly manage the public response to the crisis.

The OSCE has guided the creation of a consultation mechanism that would facilitate such responses through CBMs 3, 8, and 13. Respectively, these CBMs encourage states to hold appropriate-level consultations to reduce risks, to form a network of policy and technical-level points of contact to conduct such consultations, and to use a secure communication channel that would facilitate such contact. The three CBMs form a triangle that helps to answer the fundamental questions of “who” triggers “which” mechanism and “how”/“when”. Once fully operationalized and deployed, the network will provide OSCE participating States with a unique tool to manage international cyber incidents and their inevitable fallout.

How CBMs Can Be Deployed in an ICT-Enabled Crisis Scenario

It is important to stress that, while CBMs aim to build trust and therefore reduce the risks of unintentional conflict, they cannot prevent a deliberate international cyber-attack launched by one party against another. In those circumstances, what they can provide to all parties is a method to immediately communicate through points of contact and head off the further escalation of tensions. This can extend to the OSCE’s mediating a potential dispute involving the use of ICTs between participating States.

The life cycle of the CBM process can best be illustrated through a hypothetical example. Let us suppose that State A is the victim of a massive cyber-attack targeting its critical energy infrastructure and that its technical appointee has evidence of an unusually large amount of outbound traffic

coming from State B. An observer is likely to first assume either that State B has launched a direct cyber-attack or that it employed a third party to accomplish this. At this point, when both states are still analysing the situation, the CBMs could first be employed. If State B has shared sufficient information through OSCE platforms to help form a view of its capabilities and activities, relevant stakeholders from State A could possibly see whether the attack corresponds to State B's posture in cyberspace. If not, then the possibility that the attack was merely routed through State B's territory or launched without State B's direct knowledge would become more likely. In parallel to this, the points of contact of both states could engage using the OSCE Crisis Consultation Mechanism to exchange critical information, request assistance, and plan a joint response to the unfolding crisis.

In this hypothetical situation, states can use a number of key CBMs to help mitigate an ICT-enabled crisis, expose potential misinformation, and co-operate through established OSCE networks to reduce tensions. Given the rising number of high-profile cyber-attacks and incidents in recent times, it is possible that this kind of abstract scenario could play out in the near future, with the full deployment of any and all operationalized CBMs.

Remaining Challenges and Solutions to CBM Implementation

Apart from the Crisis Consultation Mechanism-related CBMs, the nominal implementation rate across all CBMs, as defined by the percentage of participating States implementing at least one of the sixteen measures, stands at a very high rate of 91 per cent. Given that the OSCE cyber/ICT security CBMs are a voluntary mechanism and implementation relies on the recognition of their practical usefulness by participating States, this represents an especially high percentage. However, this implementation rate does not reveal the whole picture. For instance, while most participating States are actively engaged in the process, not all states have found every CBM to be an equal priority – the average implementation rate across all sixteen CBMs is around 40 per cent. Further, simply viewing CBM implementation through percentages fails to illustrate the obstacles states face when implementing individual measures.

This is why it was necessary to first identify the principal implementation challenges, while keeping in mind the unique national and sub-regional circumstances that may help or hinder the operationalization of measures. This task required extensive open source data collection and analysis, as well as a fresh, unbiased perspective, which was why participating States recommended that the OSCE should “consider entrusting academia with conducting comparative analyses of the information shared in the implementation of

the first set of CBMs”.²⁴ In line with this recommendation, and with the backing of Italy, Germany, and Switzerland, the OSCE TNTD launched an initiative together with the Department of Political and Social Sciences at the University of Florence in 2016. This partnership was then expanded through the formation of an informal Academic Steering Group, made up of research and academic bodies from across the OSCE area.

This joint effort bore fruit in 2017 through two papers:

- a) A research report titled “Analysis of the Implementation of the Initial Set of Confidence-Building Measures to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies”, and
- b) “Academic proposals for a Work Plan to support the implementation of CBMs”, which identified and captured specific tools, measures, and mechanisms, including capacity-building activities, to meaningfully enhance CBM implementation.

Going forward, OSCE TNTD will help address the principal challenges to CBM operationalization identified through the academic Work Plan, for example by demystifying CBMs through E-learning modules and developing the capacities of policy-makers through a series of comprehensive, regional, scenario-based discussions.

CBMs beyond the OSCE Area – Other Regional Mechanisms and OSCE Inter-Regional Initiatives on Cyber/ICT Security

Building confidence to reduce tensions and risks of conflict that may arise from the use of ICTs is a truly global task, which means that the loss of confidence in one region of the world due to the malicious use of ICTs can threaten security and stability outside of its boundaries. Conversely, measures that strengthen confidence and promote security and stability in one region can have a stabilizing effect on states in another. Further, as discussed in the section on the work of the UN GGE, regional organizations and mechanisms can serve as optimal vehicles for the implementation and co-ordination of international security recommendations, including the development of cyber/ICT security CBMs. This underlines the necessity of being aware of and actively promoting interlinkages with other regional processes. In the Americas, for instance, the OAS decided to establish a working group on cooperation and confidence-building measures in cyberspace at the meeting of the Inter-American Committee against Terrorism (CICTE) on 10 April

24 OSCE Switzerland 2014, *OSCE Chairmanship Event Summary, Information and Communication Technologies (ICT) Confidence Building Measures (CBMs): Promoting implementation, supporting negotiations*, CIO/GAL/238/14, 22 December 2014, p. 1.

2017,²⁵ while in the Asia-Pacific region the ARF ministers endorsed a proposal to establish the ARF Inter-Sessional Meeting on cyber/ICT security at the 24th ASEAN Regional Forum on 7 August 2017.²⁶

OSCE Partners for Co-operation and Practical Collaboration

The OSCE itself extends beyond the Euro-Atlantic region, having formed two long-standing groups of Asian and Mediterranean Partners for Co-operation, consisting of Afghanistan, Australia, Japan, the Republic of Korea, and Thailand on the one hand and Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia on the other. Over time, the Partners and the 57 OSCE participating States have developed commitments to explore various avenues of co-operation, such as PC Decision No. 571,²⁷ adopted on 2 December 2003. This decision encouraged the Partners for Co-operation to “voluntarily implement OSCE norms, principles and commitments” and “to explore the scope for [their] wider sharing”. In the domain of cyber/ICT security, this translated into joint activities to identify avenues of co-operation, the exchange of good practices and lessons learned, as well as efforts to harmonize parallel CBM processes across regional divides. Since 2016, these activities have included:

- *Conferences with Asian Partners* – The OSCE Asian Conference held in Bangkok on 6-7 June 2016 included a side event on strengthening cyber/ICT security, re-shaping current dynamics in the OSCE area, affirming the roles of regional organizations, and exploring potential avenues of co-operation with Asian Partners. This was explored further at the Inter-regional Conference on Cyber/ICT Security, held in Seoul on 4-5 April 2017.
- *Initiative at the Global Forum for Cyber Excellence (GFCE)* – On 31 May 2017, the OSCE and Germany launched a joint initiative aimed at linking current discussions across regional forums, accelerating the implementation of CBMs, and further exploring the conceptual link between norms of responsible state behaviour in cyberspace and capacity- and confidence-building. This is to be achieved through active partnerships with regional organizations such as the OAS, ARF member states, and the African Union (AU).

25 Cf. Inter-American Committee Against Terrorism (CICTE), *Establishment of a Working Group on Cooperation and Confidence-Building Measures in Cyberspace*, CICTE/RES. 1/17, 10 April 2017.

26 Cf. 24th ASEAN Regional Forum, Chairman’s Statement, *Partnering for Change, Engaging the World*, Manila, Philippines, 7 August 2017, p. 7.

27 Cf. Organization for Security and Co-operation in Europe, 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/71/Corr.1, 2 December 2003, available at: <http://www.osce.org/pc/18297>.

Conclusions

With the promulgation of ICTs, the need for a stable, resilient, predictable, and safe cyberspace is only expected to grow. Cyber/ICT security threats, which are quintessentially transnational, will require greater engagement and commitment from the international community if they are to be faced effectively and to prevent the escalation of tensions and associated risks. At the same time, while the danger seems obvious, finding means to address it is less straightforward. It requires interaction among numerous stakeholders with diverse priorities and agendas, as well as answering unresolved questions concerning international law, norms of responsible state behaviour, and measures for building confidence between states. As has been seen with the most recent UN GGE, there are no guarantees of success for even the most comprehensive process addressing this topic.

Within the OSCE, the CBM process is, in many ways, still in its early stages – key measures have yet to be operationalized, implementation challenges need to be addressed, and inter-regional co-operation on cyber/ICT security has to be institutionalized. However, for its part, thanks to the commitment of its participating States and Partners for Co-operation, the OSCE has achieved measurable progress since 2012 through PC Decisions 1039, 1106, and 1202, Ministerial Council Decisions 5/16 and 5/17, and the continued work of the IWG and the OSCE CSO. The OSCE and the TNTD remain committed to the CBM process and the enhancement of cyber stability and resilience in the OSCE area and beyond.

Defusing the Discourse on “Arctic War”: The Merits of Military Transparency and Confidence- and Security-Building Measures in the Arctic Region

*If someone were to invade the Canadian Arctic, my first task would be to rescue them.*¹

In recent years, the Arctic region² has received increasing political, scientific, and public attention. Geological surveys predict that there are large amounts of untapped oil and gas still covered under thick layers of ice and snow. For decades, extracting this oil and gas was considered unprofitable. Now, as the Arctic ice retreats and oil reserves diminish, extraction is once again under consideration. Hopes are also rising that lucrative shipping routes will open up, considerably shortening transit times between the Atlantic and Pacific oceans. The serious challenges these economic prospects pose to the sensitive Arctic ecosystem continue to dominate the Arctic security discourse. As the Arctic states try to secure their share of the spoils and to exercise their regional ambitions, there are those who have begun to consider the possibility of an imminent arms race and the risk of military confrontation in the region. The debate on security in the Arctic is further fuelled by rising tensions between Russia and the West as a consequence of the crisis in and around Ukraine. However, this rather dark prognosis is challenged by many scholars and policy makers – particularly from the region itself – who point to contradictory evidence on the ground (e.g. well-established regional co-operation, the peaceful settlement of territorial disputes in the past, and modest levels of military expansion).³

While sharing the view that military confrontation in the High North is unlikely, I will nonetheless make the case for a regional set of Arctic Confidence- and Security-Building Measures (CSBMs), not because of but despite rising tensions between Russia and the West. The main goal of this contribution is to show how a set of regional CSBMs could help to end speculation about military confrontation in the High North while simultaneously deepening regional co-operation. To this end, I will first argue that military confrontation in the High North is unlikely, before discussing how a regional

1 Walter Natynczyk, Former Canadian Chief of the Defence Staff, 2009.

2 For reasons of simplicity, the Arctic will in this article be defined as the entire region above the Arctic Circle and the “Arctic states” as all nations with national territories in the region, namely Norway, Canada, the USA, Russia, Sweden, Finland, Denmark, and Iceland.

3 For a comprehensive analysis of the discourse of Arctic geopolitics, cf. Jason Dittmer/Sami Moisio/Alan Ingram/Klaus Dodds, Have you heard the one about the disappearing ice? Recasting Arctic geopolitics, in: *Political Geography* 4/2011, pp. 202-14.

CSBM regime might help to defuse the discourse about the risk of “Arctic War”. I will conclude by presenting some practical ideas for a possible Arctic CSBM regime, drawing partly on the existing arms control and CSBM framework of the Organization for Security and Co-operation in Europe (OSCE).

The Improbability of “Arctic War”

Advocates of an interest-driven arms race over the North Pole often point to the growing economic potential of the region, overlapping territorial claims, and an increasing “militarization” of the Arctic region.⁴ However, there are good reasons to more carefully examine the underlying assumptions about power and interests on which such analyses are based.

Overstating the Economic Factor

I would like to begin with the most commonly used argument for the risk of military confrontation in the Arctic: the region’s enormous economic potential and the conflicting interests of major Arctic stakeholders. In 2008, a US Geological Survey report estimated that the Arctic probably contains the largest untapped oil and gas reserves in the world.⁵ In addition, the increasing accessibility of the Northwest Passage and the Northern Sea Route are of major economic interest, as they considerably reduce the transit times between the Atlantic and the Pacific while avoiding unsecure waters such as those around the Horn of Africa.⁶ Controlling both the natural resources and these shipping routes is considered a matter of great significance by the five Arctic littoral states of Norway, Denmark, Canada, Russia, and the United States. Their recent submissions under the United Nations Convention on the Law of the Sea (UNCLOS)⁷ for the extension of their continental shelves (and thus the right to exploit the resources in the seabed) are seen by some as provocative, and overlaps among proposed areas of interest are believed to contain imminent potential for conflict.⁸ However, a few major points should be considered.

First, the submissions to UNCLOS are in full accordance with international law and can hardly be described as provocative. They consist solely in the filing of scientific data with the Commission on the Limits of the Con-

4 Cf. Rob Huebert, *The Newly Emerging Arctic Security Environment*, Canadian Defence & Foreign Affairs Institute, Calgary 2010; Scott G. Borgerson, Arctic Meltdown. The Economic and Security Implications of Global Warming, in: *Foreign Affairs* 2/2008, pp. 63-77.

5 Cf. US Geological Survey, *Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle*, USGS Fact Sheet 3049, sine loco 2008.

6 Cf. Borgerson, cited above (Note 4), pp. 68-71.

7 More precisely to the UN Commission on the Limits of the Continental Shelf (CLCS).

8 Cf. Huebert, cited above (Note 4), p. 1.

tinental Shelf (CLCS) on the extension of the littoral states' continental shelves. The CLCS assesses the various submissions before making recommendations on how to proceed. While the Commission has no mandate to resolve overlapping claims, the UNCLOS refers to various mechanisms for dispute settlement.⁹ The Arctic littoral states have so far always followed a path of peaceful dispute settlement and reaffirmed their commitment to international law "and to the orderly settlement of any possible overlapping claims"¹⁰ at the Arctic Ocean Conference in 2008 in Ilulissat. With the signing of the border delimitation treaty between Norway and Russia in 2010,¹¹ only a few overlaps remain, with little actual conflict potential.¹² Considering that resource extraction far out in the Arctic Ocean is highly unlikely, the dispute between Canada, Denmark, and Russia over who owns the North Pole is mainly symbolic, and, in 2015, Russia already indicated its readiness to negotiate its overlapping claims there.¹³ Disputes such as the one over Hans Island (a "rock" in the Nares Strait between Canada and Greenland) have even become "running gags", with military forces from Canada and Denmark leaving bottles of Danish schnapps and Canadian whisky on the island along with signs welcoming the other side.¹⁴ Finally, it is often overlooked that the vast majority of predicted resources are located either within Exclusive Economic Zones (EEZs) or in areas that are claimed by only one Arctic littoral state, of which Russia has by far the largest share.¹⁵ In addition, the harsh Arctic climate makes resource extraction extremely difficult and, due to the lack of the necessary infrastructure, approximately twice as expensive as anywhere else in the world. This is particularly true for extraction offshore, where it is as-

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- 9 For a more comprehensive discussion of the work of the CLCS with regard to the Arctic region, see: Klaus Dodds, Flag planting and finger pointing. The Law of the Sea, the Arctic and the political geographies of the outer continental shelf, in: *Political Geography* 2/2010, pp. 63-73.
 - 10 *The Ilulissat Declaration*, Arctic Ocean Conference, Ilulissat, Greenland, 27-29 May 2008, p. 1.
 - 11 Cf. *Treaty between the Kingdom of Norway and the Russian Federation concerning Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean* [2010].
 - 12 An overview of the submissions is maintained by the IBRU: Centre for Borders Research at Durham University, cf. *Map of maritime jurisdiction and boundaries in the Arctic region*, at: <https://www.dur.ac.uk/ibru/resources/arctic>.
 - 13 Atle Staalesen, Russia ready to talk with Denmark over North Pole, *Barents Observer*, 5 August 2015, at: <http://barentsobserver.com/en/arctic/2015/08/russia-ready-talk-denmark-over-north-pole-05-08>.
 - 14 Cf. Dan Levin, Canada and Denmark Fight Over Island With Whisky and Schnapps, in: *The New York Times*, 7 November 2016, at: <https://www.nytimes.com/2016/11/08/world/what-in-the-world/canada-denmark-hans-island-whisky-schnapps.html>.
 - 15 Cf. James Henderson/Julia Loe, *The Prospects and Challenges for Arctic Oil Development*, OIES Paper: WPM 54, November 2014, at: <http://www.oxfordenergy.org/wpcms/wp-content/uploads/2014/11/WPM-56.pdf>, p. 55; Mikkel Runge Olesen, *After Ukraine: Keeping the Arctic stable*, DIIS Policy Brief, 29 September 2014, at: <https://www.diis.dk/en/research/after-ukraine-keeping-the-arctic-stable>; Shamil Midkhatovich Yenikeeff/Timothy Fenton Krysiak, *The Battle for the Next Energy Frontier: The Russian Polar Expedition and the Future of Arctic Hydrocarbons*, OxfordEnergy comment, August 2007, at: <https://www.oxfordenergy.org/publications/the-battle-for-the-next-energy-frontier-the-russian-polar-expedition-and-the-future-of-arctic-hydrocarbons-2>.

sumed that most undiscovered resources lie. Many studies thus conclude not only that it will remain very expensive, but also that it is highly unlikely that the bulk of Arctic resources will be allocated unilaterally.¹⁶ In other words, the Arctic littoral states have the most to lose from a military confrontation, as they are required to co-operate for technical reasons if they want to access the economic benefits of their regional share. International sanctions on oil and gas equipment following the illegal annexation of Crimea have, for example, basically brought Russia's Arctic resource extraction programmes to a complete halt.

Practical Constraints on Arctic Warfare

The harsh Arctic climate not only has severe consequences for the profitability of Arctic resource extraction, but also places practical constraints on the conduct of military operations. With the large Arctic Ocean covered in ice for most of the year, and temperatures that can drop below minus 40 degrees Celsius, the overall military presence in the Arctic is still relatively low in comparison to other regions. Sustaining military infrastructure and even conducting military activities (e.g. exercises) are highly expensive and pose severe challenges to service members and equipment. Consequently, armed forces in the Arctic region are often more a symbol of national sovereignty and prestige than of military power projection. An exemplary illustration is provided by the Danish elite navy unit "Slædepatruljen Sirius" (Sirius Dog Sled Patrol). Studies have shown that the extreme cold and darkness have a considerable impact on the physical and psychological health of the participating soldiers.¹⁷ The unit, consisting of twelve soldiers split up into dogsled teams of two, patrols approximately 16,000 kilometres of coastline in Northern Greenland.¹⁸ Due to the extremely low temperatures, the unit is equipped with the M1917 Enfield, a bolt-action rifle used during the First World War. More modern, gas-operated semi-automatic rifles are far less reliable in the cold environment of Northern Greenland and put the soldiers at greater risk of attack by polar bears. The Arctic also places constraints on the deployment of other conventional military equipment such as battle tanks and heavy artillery, which require a far more elaborate military infrastructure in low tem-

16 Cf. Henderson/Loe, cited above (Note 15); *Opportunities and Challenges for Arctic Oil and Gas Development*, Eurasia Group report for The Wilson Center, Washington, D.C., at: https://www.wilsoncenter.org/sites/default/files/Arctic%20Report_F2.pdf; Olesen, cited above (Note 15); Yenikayeff/Krysiek, cited above (Note 15).

17 Cf. Anders Kjærgaard/Gloria R. Leon/Birgit A. Fink, Personal Challenges, Communication Processes, and Team Effectiveness in Military Special Patrol Teams Operating in a Polar Environment, in: *Environment and Behavior* 6/2015, pp. 644-666.

18 Cf. Forsvarskommando, "Jeg kan overleve overalt" ["I Can Survive Anywhere"], 2016, at: <http://www2.forsvaret.dk/uddannelsessite/uddannelser/specialstyrker/Pages/siriusartikel.aspx>.

peratures (e.g. for preheating engines or maintenance) than currently exists in the region.¹⁹

Military capabilities in the Arctic and national modernization plans in the region also seem to be overstated. Despite warnings of “militarization” or an “arms race” in the Arctic, two consecutive studies by the Stockholm International Peace Research Institute (SIPRI) from 2012 and 2016 draw a less alarming picture. They both conclude that the military presence in the region continues to be small in scale and far below Cold War levels. Arctic military modernization and procurement plans – which tend to be particularly costly – often proceed slowly or are even completely called off. Most changes that do take place have little to do with offensive military postures and the safeguarding of territorial claims; instead, they are connected with protecting and policing territorial waters and existing state borders and supporting Search and Rescue (SAR) operations.²⁰ Looking, for example, at the sparsely populated northern parts of Russia and Canada, it is not surprising that these tasks are undertaken, or at least supported, by specifically trained and equipped military personnel. As the former Chief of the Canadian Defence Staff, General Walter Natynczyk, once put it: “If someone were to invade the Canadian Arctic, my first task would be to rescue them.”²¹

To sum up, there are good reasons to believe that military conflict is highly unlikely to break out in the Arctic. In fact, the harsh Arctic climate and rudimentary infrastructure have always fostered particularly close cooperation in the sparsely populated High North, and the Arctic littoral states in particular have much more to lose than to gain from military confrontation if they intend to make the Arctic economically useable. In addition, the level of military presence in the Arctic is often exaggerated, and many practical constraints are usually overlooked.

Defusing the Discourse

To say that the Arctic is a region of low tension is not to deny that it faces considerable challenges. The region has always been of major geostrategic importance. As tensions between NATO and Russia increase, it might thus be useful to consider steps to prevent dangerous misperceptions and avoid unintended military escalation in the High North. To this end, let us first look more closely at the geopolitical importance of the Arctic, before trying to

19 Cf. Marcus M. Keupp, Five Nations Jockey for Military Influence in Arctic, in: *National Defense*, 1 March 2016, at: <http://www.nationaldefensemagazine.org/articles/2016/2/29/2016march-five-nations-jockey-for-military-influence-in-arctic>.

20 Cf. Siemon T. Wezeman, *Military Capabilities in the Arctic*, SIPRI Background Paper, March 2012, pp. 13-14; and Siemon T. Wezeman, *Military Capabilities in the Arctic: A New Cold War in the High North?* SIPRI Background Paper, October 2016, p. 22, available at: <https://www.sipri.org/about/bios/siemon-t-wezeman>.

21 Quoted in: Keupp, cited above (Note 19).

draw lessons from the OSCE and discussing how a more comprehensive approach to security in the High North could help to defuse the discourse on the risk of military confrontation in the Arctic.

The Geostrategic Importance of the High North

On a typical map of the world,²² the geostrategic importance of the Arctic is not immediately evident. This changes instantly when one looks at the world “from above” (see Figure 1). Ever since the Cold War, the Arctic – over which the shortest route between Russia/the Soviet Union and the continental United States passes – has played an important role in the nuclear deterrence strategies of both sides. It is, for example, an open secret that most of Russia’s strategic nuclear missiles, air defence systems, and strategic missile submarines are stationed in the Russian Arctic, mainly on the Kola Peninsula. On the other side of the border, Norway’s rugged coastline and adjacency to Russia are crucial for military intelligence and NATO’s control over the Atlantic Ocean.²³ While Russia’s Baltic and Black Sea Fleets need to pass the maritime bottlenecks of the Kattegat, the Bosphorus, and the Strait of Gibraltar, the Northern Fleet, stationed on the Kola Peninsula, is mainly constrained by the Arctic ice cap, which pushes it closer to the Norwegian coast. As the ice melts, the manoeuvrability of the Northern Fleet will increase, and with it its geostrategic importance. While geostrategic importance does not automatically lead to military confrontation, it can still increase the risk of spill-over effects and unintended military escalation.²⁴ Recent large exercises in the Arctic, including several “snap exercises”,²⁵ held in quick succession and close geographical proximity, are not the result of competing regional interests but rather the consequence of a more tense European security environment.²⁶ This shows that some of the biggest challenges to Arctic security may come from the outside. The question that remains is how to tackle them.

22 For instance, a Mercator projection centred on the equator.

23 Cf. Kristian Åtland, Russia’s Armed Forces and the Arctic. All Quiet on the Northern Front? In: *Contemporary Security Policy* 2/2011, pp. 267-285, here: pp. 269-271; Ronald E. Doel/Robert Marc Friedman/Julia Lajus/Sverker Sörlin/Urban Wråkberg, Strategic Arctic science. National interests in building natural knowledge – interwar era through the Cold War, in: *Journal of Historical Geography*, April 2014, pp. 60-80, here: pp. 67-74.

24 Cf. Wezeman, 2016, cited above (Note 20), p. 23.

25 Snap exercises are conducted without prior announcement to the troops involved or through formalized international communication channels. This increases the risk of mis-interpretation and unintended escalation.

26 E.g., in March 2015, Norway conducted its annual military exercise “Joint Viking” in proximity to the Russian border in Finnmark. The exercise, in which some 5,000 troops participated, was Norway’s largest military drill in the area since 1967. Just hours after the exercise concluded, 38,000 Russian troops, more than 3,000 military vehicles, 41 naval vessels, 15 submarines and over 100 military aircraft of the Russian Northern Fleet were put on full combat alert.



Figure 1: Arctic Region (Source: CIA World Fact Book, 2009)

Learning from the OSCE? Taking a More Comprehensive Approach to Arctic Security

Founded in 1996, after the tense military standoff of the Cold War, the Arctic Council has become the most important multilateral forum for Arctic policy-making. Unlike the OSCE – its “brother in spirit” – the Arctic Council not only limits its focus to aspects of economic, environmental, and human security, but even explicitly excludes military security from its agenda. The

main reasoning behind this was that the Arctic states intended to concentrate on unifying issues of common interest and to put aside those issues that bore a risk of disrupting regional co-operation. This “selective” approach to security continues to be one of the most highly debated issues among Arctic scholars and policy makers. While proponents of the current structure argue that it is precisely the exclusion of controversial issues such as military security that has prevented the Council from becoming paralysed, others take the view that the current rifts in the international security environment are too far-reaching to simply be left aside. Following Russia’s illegal annexation of Crimea, we can once again observe a rise in military tensions and a significant decrease in the mutual trust that was so carefully built up after the end of the Cold War. This is, unfortunately, also true for Russia’s relations with its Arctic neighbours. Against this backdrop, observers including Heather Conley and Matthew Melino from the Center for Strategic and International Studies (CSIS) argue that the Arctic Council “has truly come of age” and is nonetheless at risk of becoming “inert or irrelevant” if it does not adapt to this new geopolitical situation.²⁷ One possible way forward, they suggest, is a complete redesign of the Arctic Council, based on the model of the OSCE.²⁸

The OSCE’s so-called comprehensive approach to security (covering politico-military, economic and environmental, and human security), was able to overcome the military bloc-to-bloc confrontation of the Cold War by increasing mutual transparency and trust while simultaneously establishing a co-operative understanding of European security. Given the Arctic states’ good track record of co-operation on economic, environmental, and human security, as well as the significant interests at stake, it may also be worth exploring co-operative approaches to military security in the High North. As noted above, these would not be a direct reaction to an imminent conflict, but would rather serve to underpin and protect the good levels of regional co-operation that already exist. Since all Arctic states are also OSCE participating States, it seems reasonable to build upon the Organization’s 40 years of expertise in enhancing military transparency and predictability in Europe. The relevant OSCE CSBMs differ from classical approaches to arms control and disarmament in that they seek neither to actively reduce military capabilities nor to restrict deployments or activities, but instead focus on increasing transparency and predictability through regular exchanges of military information, verification measures, and additional forms of military co-operation. In this way, they played a major role in lowering military tensions and reducing the risk of dangerous misunderstandings, helping to establish mutual confidence and trust between the two former rival military blocs.²⁹

27 Heather A. Conley/Matthew Melino, *An Arctic Redesign: Recommendations to Rejuvenate the Arctic Council*, Report of the CSIS Europe Program, February 2016, pp. 1-3.

28 Cf. *ibid.*, p. 4.

29 Cf. Zdzisław Lachowski/Adam Daniel Rotfeld, Success or Failure? CSBMs in the Post-Cold War Environment, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 315-329;

The Merits of Confidence- and Security-Building Measures in the Arctic Region

Though the Arctic currently enjoys high levels of co-operation and stability, the potential positive effects of a regional CSBM regime should not be overlooked. Moreover, existing CSBM regimes explicitly encourage the adoption of additional regional measures within their areas of application.³⁰ Drawing from the experiences of the OSCE, a regional CSBM regime in the Arctic could not only contribute to safeguarding the already high levels of co-operation but even further strengthen them, while also enabling a more co-operative approach to military security. It could increase overall levels of military transparency, establish mutual understanding of the military intentions of the Arctic states, and provide reassurance about the defensive nature of military activities, troop deployments, and modernization plans for the region. This could also send a strong signal of the Arctic states' full commitment to international law and the peaceful settlement of disputes, thereby making an essential contribution to defusing the discourse about military confrontation in the High North.

To conclude, while the Arctic has so far represented a region of high stability and co-operation, it does not, despite its apparent remoteness, exist in isolation from the rest of the world. To protect the already high level of regional co-operation, it might thus be worthwhile to consider proactive steps to increase military stability and predictability and to reduce the risk of unintended military escalation. Inspiration for this endeavour could be drawn from the 40 years of experience of the OSCE, more particularly from its CSBM regimes.

Possible Elements of an Arctic Regime of Confidence- and Security-Building Measures

In the previous sections, we concluded that unpredictability, lack of transparency, dangerous misperceptions, and unintended military escalation pose far greater challenges to military security in the High North than do accelerating arms races and that a regional CSBM regime could help to mitigate these risks by increasing military transparency and predictability in the region. This can of course only be achieved if a regional CSBM regime in the Arctic is carefully tailored to the specific needs and requirements of the region and not merely a duplication or extension of existing instruments. In this last section,

Frank Evers/Martin Kahl/Wolfgang Zellner, *The Culture of Dialogue: The OSCE Acquis 30 Years after Helsinki*, CORE – Centre for OSCE Research/Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), Hamburg 2005, p. 5.

30 Cf. Organization for Security and Co-operation in Europe, *Vienna Document 2011 on Confidence- and Security-Building Measures*, FSC.DOC/1/11, Vienna, 30 November 2011, available at: <http://www.osce.org/fsc/86597>, p. 44.

I will present some food for thought on what elements a possible Arctic CSBM regime could contain, building, inter alia, upon the existing arms control and CSBM framework of the OSCE. As the goal is to increase transparency and predictability and to foster co-operation, the emphasis will be on the politically binding Vienna Document 2011 (VD11)³¹ and the legally binding Treaty on Open Skies (OS). I would like to stress at this point that these proposals solely reflect my personal view about what might (at least theoretically) be possible. The exact details would of course be up for negotiation and debate.

Area of Application

The area of application should at least include all sovereign land and sea territories above the Arctic Circle and, to be functional, should also include EEZs and the international waters of the Arctic Ocean.

For instance, the VD11 zone of application is defined as covering “the whole of Europe as well as the adjoining sea area and air space”.³² Thus, only the European Arctic territories of Iceland, Norway, Sweden, Finland, and Russia west of the Urals, as well as the Arctic Ocean (only concerning military activities), are included. However, as naval forces are barely covered by the document, there is little information exchanged and/or to be verified regarding the Arctic Ocean. Up to the present time, the only treaty that stretches far enough to cover the entire region is the OS Treaty, which defines its zone of application as “the land, including islands, and internal and territorial waters, over which a State Party exercises sovereignty”.³³ However, even though the EEZs and international waters of the Arctic Ocean are not explicitly excluded, there is again no relevant military information exchanged that could be verified by the co-operative observation flights of the OS Treaty. Let us therefore turn to the area of information exchanges.

31 The Vienna Document is regularly reviewed (at least every five years). All changes that find consensus among the 57 OSCE participating States become effective immediately (if not stated otherwise). Since no agreement was reached in 2016, the Vienna Document from November 2011 remains the operative version.

32 Ibid., p. 49. “In this context, the notion of adjoining sea area is understood to refer also to ocean areas adjoining Europe” (ibid.).

33 *Treaty on Open Skies*, 24 March 1992, available at: <http://www.osce.org/library/14127>, p. 2.

Region	Vienna Document	Treaty on Open Skies
Europe	100 per cent	ca. 94 per cent
Arctic Region	ca. 2 per cent*	ca. 36 per cent

* only the sovereign territories of Finland, Iceland, Norway, Russia, and Sweden within Europe

Table 1: Coverage of Europe and the Arctic by existing CSBM regimes

Information Exchange

Like the VD11, an Arctic CSBM regime should provide for annual exchanges of military information. This information should include the number and peacetime location of troops and military equipment permanently stationed in the region as well as details of any forces deployed temporarily above the Arctic Circle. The categories of weapon and equipment systems should ideally be extended to include those of particular importance for the Arctic security environment. For example, an Arctic CSBM regime should provide more information about transport aircraft, logistic troops, and naval forces, as they play a key role in modern warfare and are so far not sufficiently covered by existing CSBM regimes. Information could be exchanged not only regarding peacetime locations, but also whenever these forces are operational within the area of application.³⁴ For example, the Arctic states could notify whenever naval forces enter or leave one of the SAR regions as defined in the Arctic Search and Rescue Agreement (see Figure 2 below).³⁵ This information would not only increase military transparency but further enhance operating security and facilitate the co-ordination of SAR operations in the region.

In addition, the annual exchanges of military information should also contain information about the Arctic States' defence and force planning, changes in military doctrines, and military expenditures and budgets. This information would enhance the picture of military capabilities in the Arctic and contribute to increased transparency and predictability in the region. The same holds true for the prior announcement of larger military exercises and manoeuvres. Under the current provisions of the VD11, these exercises are announced at least 42 days in advance to all OSCE participating States, whenever their size reaches the thresholds for involved military personnel or certain types of weapons and equipment. As these thresholds date from the

34 As roughly 64 per cent of the region consists of international waters (or EEZs), there would otherwise be a significant blind spot in a potential future Arctic CSBM regime.

35 Cf. *Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic* [2011], pp. 10-15.

end of the Cold War, they should be lowered considerably and should include additional military equipment and forces to adapt to the military realities in the Arctic today.

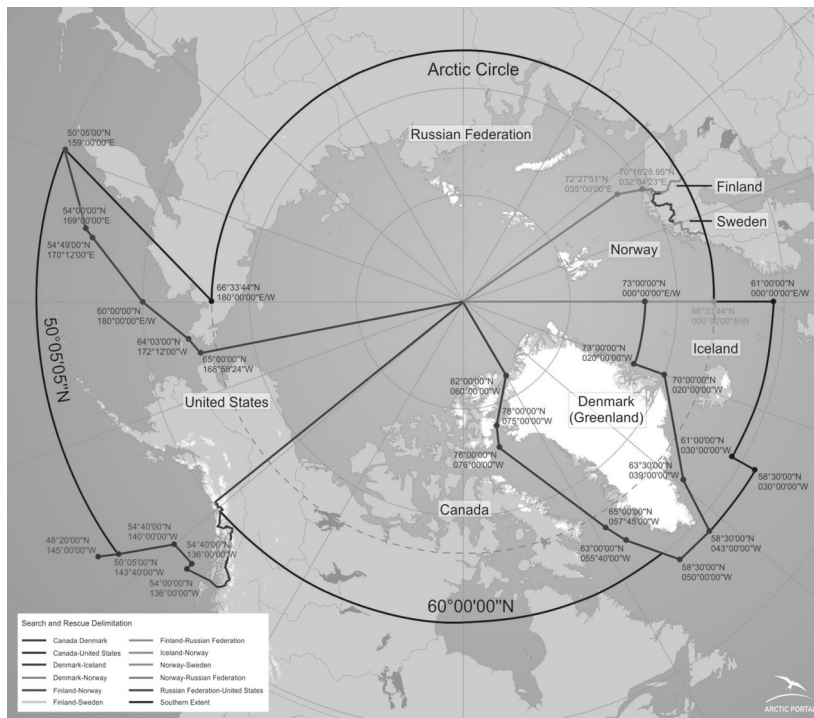


Figure 2: Search and Rescue regions (Source: Arctic Portal, 2011)

Verification

To validate the information exchanged and to increase the level of transparency and trust, an Arctic CSBM regime should also contain several provisions for verification. While the regime should retain the mechanisms for inspections (verification of suspected activities in defined geographical areas) and evaluation visits (verification of troop formations at their peacetime locations) as outlined in the VD11,³⁶ several modifications could contribute to a more modern and co-operative verification regime. First, the distinction between evaluation visits and inspection quotas should be dropped entirely, as it is already blurred in practice anyway. Second, the number of verification

36 Cf. *Vienna Document 2011 on Confidence and Security-Building Measures* [2011], pp. 32-43.

visits a state is required to receive (“passive quota”) should not only be based on the quantity of military units deployed, but also reflect the scale of a state’s military activities in the area of application. Third, to compensate for this, the number of verification missions a state can conduct (“active quota”) should correspond to its passive quota. Fourth, it should be mandatory for each state to conduct a proportion of these verification measures in cooperation with other participating States to further foster confidence-building among the armed forces of the Arctic states. Fifth, all military exercises and manoeuvres exceeding certain thresholds (ideally lower than currently provided for by the VD11), conducted without prior announcement to troops (“snap exercises”), or carried out together with at least two other participating States should be open for observation by other participating States.

These more regular forms of verification could be complemented by cooperative observation flights (ideally involving personnel from as many Arctic states as possible) to collect information about marine traffic in the various regions of the Arctic Ocean. This information could be used to verify naval presences and activities in the region and to supplement information for SAR missions, maritime law enforcement, and border control, as well as for the detection and observation of oil spills³⁷ and other environmental disasters. The most cost-effective way to set up this kind of aerial observation regime would be to make use of the existing aircraft and infrastructure of the OS regime, which would require little more than the designation of a small number of additional airfields in the northern reaches of the Arctic states.

Risk Reduction, Incident Response, and Military Contacts

To further reduce the risk of unintended incidents and to establish adequate mechanisms for incident response, the Arctic states could consider maintaining a list of points of contact and establishing, wherever possible, direct lines of communication. Furthermore, they should consider developing a set of common rules for operating in the Arctic that ideally also specify appropriate conduct to preserve the sensitive Arctic ecosystem. These rules could be reviewed and updated in regular meetings, which could also serve as a venue for discussing potentially dangerous incidents similar to those that have occurred in the past.

Furthermore, mirroring the provisions of the VD11, an Arctic CSBM regime should contain various mechanisms to foster direct military-to-military contacts and to build and increase mutual confidence and trust between the states’ armed forces. These mechanisms could include joint military exercises and training, regular visits to military facilities and formations, regular high-level meetings to discuss doctrinal changes with direct effects on the Arctic region, common workshops, visits, and exchanges between the armed

37 Cf., in particular, *Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic* [2013].

forces, and regular reviews of the implementation and modernization needs of the Arctic CSBM regime. These measures could even incorporate existing forums such as the (currently suspended) meetings of the Arctic Chiefs of Defence Staff, the Arctic Security Forces Roundtable (ASFR), and the recently established Arctic Coast Guard Forum.

Conclusion

While this contribution does not claim to be a full-fledged analysis of military security in the Arctic region, I hope to have shown why alarmism about an accelerating arms race and the increasing risk of military confrontation in the Arctic must be treated with some scepticism. The economic prospects in the region do not seem to justify such a pessimistic outlook, nor is it accounted for by current developments on the ground. In fact, the contrary is true. Military capabilities in the Arctic are often exaggerated, and many practical constraints are often overlooked, as is the fact that the harsh Arctic climate has always led to particularly close co-operation. As stated above, the Arctic states have far more to lose from military confrontation than they have to gain, as they need each other if they intend to benefit from the region's resource wealth.

As tensions between Russia and the West rise, well-established regional co-operation in the Arctic is coming under scrutiny. How should this co-operation be protected from negative spillover effects? I have shown how the broadening of the Arctic security agenda – and particularly an Arctic Confidence- and Security-Building regime – could help to increase military transparency and predictability in the High North and further reinforce the existing good level of regional co-operation. As well as being cost-effective, many of the proposals presented above would also contribute to addressing issues of non-military security in the High North (e.g. SAR, border security, oil spills). A regime of this kind would serve the common interests of major stakeholders, and a potential Arctic CSBM regime could even serve as an example for ongoing efforts to modernize the OSCE's arms control framework. To this end, it is important to broaden our understanding of CSBMs, which should be seen not merely as a reactive tool to counter immediate threats to peace and security, but rather as a proactive way to create and further strengthen the structural conditions for peace and stability among OSCE participating States.

The Aarhus Centres Network – 15 Years of OSCE Support to Address Environment and Security Challenges at Local Level

Introduction

Environment and security are closely linked, and these linkages are addressed within the OSCE's second dimension. The OSCE's environmental activities mostly aim at strengthening co-operation among states and are therefore transboundary in nature. On the other hand, numerous environmental challenges have their greatest impact at the local level and can lead to tension within and among communities if not properly addressed. This is why, since 2002, the OSCE has been establishing and supporting "Aarhus Centres", also known as "Public Environmental Information Centres" (PEICs).¹ Building on the *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)*, these Centres address environmental and security challenges at the local level. They provide platforms to engage a range of stakeholders, thereby serving as a mechanism for dialogue and trust-building within communities as well as at the national and transboundary levels. This contribution provides an overview of the Aarhus Centres network (which, as of November 2017, includes 60 members in 14 OSCE participating States), their main areas of activity, and lessons learned from the past 15 years.

Connections between the Environment and Security

As part of its comprehensive approach to security, the OSCE addresses challenges well beyond the sphere of military security. Vulnerabilities to negative environmental impacts and inequalities in access to resources are just as capable of undermining social cohesion and threatening stability as more conventional challenges to security. Environmental degradation and competition over national and transboundary natural resources make governing environmental issues a complex task and can cause tensions to rise. Climate change adds to this complexity and is considered a threat multiplier. Environmental co-operation, on the other hand, can help build trust and confidence and con-

Note: The views expressed in this article are those of the authors and should not be attributed to the OSCE or any other organization.

1 In some places, Aarhus Centres are called Public Environmental Information Centres (PEICs).

tribute to sustainable development. This two-way relationship is the main rationale for the OSCE's engagement in the environmental field in its second dimension. The 2030 Agenda for Sustainable Development further reinforced this close link by stating that "there can be no sustainable development without peace and no peace without sustainable development".²

Environmental challenges are often transboundary in nature. Consequently, the OSCE, mainly through its Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), promotes dialogue and co-operation on environmental issues at transboundary level. On the other hand, environmental problems can also create tension at local level. In fact, it is local communities that are usually most affected by and compelled to be first responders to environmental challenges. For example, the likelihood of water-related tensions turning into open conflict is far higher at the local than the interstate level. This is true particularly where environmental problems are part of a complex mixture of political fragility, ethnic tensions, and/or border issues. There is thus a need for dialogue and consultation not only among, but also within, countries among a wide array of stakeholders, including at local level.

One example of environmental tensions are those that stem from economic undertakings with negative environmental impacts, such as mining or the construction of hydro power plants, particularly when instruments such as environmental impact assessments (EIAs) are not performed properly. When the local population is not consulted and not provided with reliable information or the means to raise their concerns, protests can become inevitable and can have a broader impact on political stability. Similarly, disasters such as floods and mudflows, which affect communities in shared valleys and river basins, require co-ordination in terms of preparedness and emergency responses. If this co-ordination is impeded by borders or ethnic divisions, it increases the risk that natural hazards will have a disastrous impact, including human casualties.

As a result, good environmental governance, including transparency, accountability, stakeholder dialogue, and public participation, emerged as a cross-cutting issue in the thematic work of the OCEEA and many OSCE field operations. Through its activities in the field of environmental governance, the OSCE aims to promote enhanced dialogue and consultation among a range of stakeholders with diverse interests, priorities, and needs. Such activities are important not only for effective problem-solving but also to build trust and confidence among central and local governments, civil society, and the private sector.

2 United Nations, General Assembly, Resolution adopted by the General Assembly on 25 September 2015, 70/1. *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1, 21 October 2015, available at: <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

The OSCE participating States have committed themselves to promoting environmental good governance in various policy documents, starting with the 1999 *Istanbul Charter for European Security*. Since then, the participating States have underscored the importance of processes and institutions for providing timely information about economic and environmental issues of public interest (*OSCE Strategy Document for the Economic and Environmental Dimension*, 2003); of raising awareness about the potential impact of environmental challenges on security (*Madrid Declaration on Environment and Security*, 2007); of engaging Aarhus Centres in improving the environmental footprint of energy-related activities (Ministerial Council Decision No. 5/13, 2013); and of disaster risk reduction (Ministerial Council Decision No. 6/14, 2014). Unfortunately, in 2017 the draft Ministerial Decision on “Greening our economies and fostering our environmental co-operation” did not find consensus among the participating States.

The Aarhus Convention

The United Nations Economic Commission for Europe (UNECE) is the host of several multilateral environmental agreements that have great significance for the OSCE region and the OSCE’s work in the second dimension – in particular the *Convention on the Protection and Use of Transboundary Watercourses and International Lakes* (Water Convention), the *Convention on the Transboundary Effects of Industrial Accidents*, the *Convention on Environmental Impact Assessment in a Transboundary Context* (Espoo Convention), and the *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters* (Aarhus Convention). The development of the Water Convention was initiated by the 1989 Sofia Meeting on the Protection of the Environment organized by the Conference on Security and Co-operation in Europe (CSCE). What all these conventions have in common is that they address transboundary challenges and require co-operation among states for their implementation. To facilitate this, the OSCE has a longstanding and close partnership with the UNECE in promoting these multilateral environmental agreements and assisting its participating States in their implementation.

The Aarhus Convention, adopted in 1998, consists of three pillars: (1) *Access to information* ensures the right of citizens to receive environmental information from public authorities; (2) *Public participation in decision-making* ensures the right of citizens to participate in the preparation of plans, programmes, policies, and legislation related to the environment; and (3) *Access to justice* ensures the right of citizens to have access to review procedures when their rights of access to information or public participation in environmental matters are violated. In 2003, the meeting of the Parties to the Aarhus Convention adopted the *Protocol on Pollutant Release and Transfer*

Registers (PRTR), which regulates public access to information about pollution by establishing inventories of pollution from industrial sites and other sources.

The Aarhus Convention and the PRTR Protocol are the only legally binding international instruments that embody the principle of participatory environmental governance that was affirmed in Principle Ten of the Rio Declaration on Environment and Development, adopted globally in 1992. The Aarhus Convention is also unique in the way it links citizens' environmental and human rights. Its core principles – the right to information, the right to participate, and the right to justice – empower citizens to play a greater role in addressing environmental challenges and promoting more sustainable forms of development. Its enforcement can therefore be seen as a precondition for, or at least as having close links to, the proper implementation of several other multilateral environmental agreements.

As of November 2017, the Aarhus Convention and the PRTR Protocol have been ratified by 46 and 34 OSCE participating States, respectively. They jointly help to address a wide array of environmental challenges within the OSCE region, ranging from climate change to disaster risk reduction, water pollution, and hazardous waste management. They also support governments in engaging the public in implementing the 2030 Agenda for Sustainable Development. For the OSCE, the Aarhus Convention is therefore an important tool for addressing environment and security challenges, especially at local level. It is also instrumental in strengthening environmental cooperation among its participating States and in promoting good governance in the environmental sphere. The following section will elaborate on how this is put into practice.

The Work of the Aarhus Centres

In an effort to assist its participating States in implementing the Aarhus Convention, the OSCE has been supporting the establishment and operation of Aarhus Centres/PEICs through its field operations and the OCEEA since 2002.

Aarhus Centres assist governments in implementing the Aarhus Convention and help citizens to better understand and exercise their rights as specified by the Convention. They also provide platforms to engage citizens, governments, and the private sector in dialogue on environmental challenges. An Aarhus Centre is not necessarily an institution in itself but can best be understood as a function performed by a host institution – which can be a government or a non-governmental entity. There are Aarhus Centres hosted by Ministries of Environment, by local authorities, and by NGOs.

As neutral platforms, and in accordance with the pillars of the Aarhus Convention, Aarhus Centres have the following main functions:

- *Access to information*: dissemination of environmental information, for example via public or university libraries, publication of material on Aarhus Centre websites, translation of international documents into national languages, publication of brochures that explain environmental issues in a way that is understandable to the wider public, preparation of targeted information for various vulnerable groups, dissemination of information on draft legislation and other policy documents for input and feedback by NGOs or citizens, organization of public hearings;
- *Public participation and stakeholder dialogue*: organization of awareness-raising campaigns, environmental monitoring, holding roundtables, involvement in the development of legislation and policies and in environmental impact assessment procedures, engaging vulnerable groups, e.g. children, youth, women, and the rural population in targeted activities;
- *Access to justice*: provision of legal advice to citizens and NGOs on environmental matters;
- *Training*: provision (together with the OSCE) of training courses for NGOs and civil society groups as well as for disseminators (teachers, journalists) and interested citizenry on the Aarhus Convention and other environmental topics.

To perform these functions, Aarhus Centres receive training and financial support from the OCEEA through targeted projects and, in countries where they exist, from OSCE field operations. So far, most Aarhus Centres have focused on facilitating access to information; some are active in fostering public participation, while only a few are involved in activities related to access to justice.

The first Aarhus Centre was established in 2002 in Yerevan, Armenia. Since then, in close co-operation with the host countries and the UNECE Aarhus Convention Secretariat, the Aarhus Centres network has rapidly grown. The newest Aarhus Centre was opened in November 2017 at Lake Issyk-Kul in Kyrgyzstan. During the last 15 years, 60 OSCE-supported Aarhus Centres have been established in 14 countries in South-Eastern Europe, Eastern Europe, the South Caucasus, and Central Asia:³

- Albania (Shkodra, Tirana, Vlora),
- Armenia (Alaverdi, Aparan, Ararat, Dilijan, Gavar, Goris, Gyumri, Hrazdan, Ijevan, Kapan, Stepanavan, Vanadzor, Yeghegnadzor, Yeghvard, Yerevan),
- Azerbaijan (Baku),
- Belarus (Minsk),⁴

³ A full overview is available at: <https://aarhus.osce.org>.

⁴ A second Aarhus Centre in Belarus, located in Hrodna, was established with the support of the United Nations Development Programme (UNDP).

- Bosnia and Herzegovina (Banja Luka, Sarajevo, Tuzla),
- Georgia (Tbilisi),
- Kazakhstan (Aktau, Aktobe, Almaty, Astana,⁵ Atyrau, Burabay, Karaganda, Kyzylorda, Kokshetau, Pavlodar, Petropavlovsk, Uralsk, Ust-Kamenogorsk),
- Kyrgyzstan (Bishkek, Issyk-Kul, Osh),
- Moldova (Chişinău, Bender),
- Montenegro (Berane, Niksic, Podgorica),
- Serbia (Kragujevac, New Belgrade, Nis, Novi Sad, Subotica),
- Tajikistan (Dushanbe, Garm, Jayhun, Khorog, Khujand, Kurgan-Tyube, Tursunzoda),
- Turkmenistan (Ashgabat),
- Ukraine (Kyiv).

The areas where the various Aarhus Centres are active depend on the needs and priorities of the cities and communities they serve. Water resources management, disaster risk reduction, climate change, hazardous waste management, urban waste management, extractive industries, green economy, EIAs, eco-journalism, environmental legislation, and youth empowerment are among the main thematic areas addressed by the Aarhus Centres, as the following examples illustrate.

Engaging Stakeholders in Uranium Legacy Remediation in Central Asia

An estimated one billion tons of waste produced in the mining and processing of radioactive ores during the Soviet era is still stored at tailings sites and in mining waste dumps in Central Asia. These are located in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan and pose a serious threat to livelihoods, human health, and the environment, not only in the immediate surroundings of these legacy sites but also across boundaries. Lack of awareness of health and safety threats continues to be a major challenge for local populations living in the vicinity of uranium waste sites. While the international community steps up their remediation efforts, local people also need to be informed and consulted about the risks and benefits of different remediation options.

The OSCE has joined forces with the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UN Environment), working within the framework of the Environment and Security Initiative (ENVSEC). With funding from the European Commission, they are supporting stakeholder engagement in the remediation of uranium legacy sites and in raising the local population's awareness in selected communities. Given their longstanding engagement in this field, the Aarhus Centres in Osh (Kyrgyzstan) and Khujand (Tajikistan) are involved in these activities. In

5 There are two Centres in Astana: the local Astana Aarhus Centre and the National Aarhus Centre of Kazakhstan, hosted by the Ministry of Energy.

order to reach remote communities, three additional PEICs were opened in Mailuu-Suu, Shekaftar and Min-Kush in Kyrgyzstan, operating under the guidance of the Aarhus Centre Osh. Through these Centres, local residents are able not only to receive information on the risks stemming from the sites and guidance on radioactive safety but also to raise their concerns and expectations about the remediation work. The Aarhus Centres and PEICs organize awareness-raising meetings and provide training courses on radiation safety and related issues for local stakeholders, including teachers and schoolchildren. In addition, booklets, posters, information boards, TV programmes, newspaper articles, and videos explain the complex technical aspects of remediation in a way that can easily be understood by the general public; this helps to overcome mistrust and reduce fear. The long-established relationship based on mutual trust between the Aarhus Centres and local stakeholders, from both the governmental and the non-governmental side, is the key to the Aarhus Centres' successful performance with regard to these sensitive issues.

Access to Information and Participatory Review of Environmental Legislation – Georgia

Georgia's Aarhus Centre was established in 2006. In 2013, in an effort at institutionalization, it was integrated into the then Ministry of Environment and Natural Resources Protection (MoENRP) as Georgia's "Environmental Information and Education Centre" (EIEC). One of its core activities is to organize the participatory review of environmental legislation. An example of such a participatory review process is the public hearings the Aarhus Centre organized on draft laws on "Waste Management" and "Water Resource Management" in 2013-2015. The EIEC organized public discussions with local communities and governments, NGOs, and other stakeholders in 20 municipalities throughout the country. The main roles of the EIEC have been to coordinate public discussions on these draft laws, provide expertise, facilitate access to information for the wider public, conduct awareness-raising campaigns, and facilitate policy dialogue among stakeholders. The Centre also analysed the compliance of both draft laws with the requirements of the Aarhus Convention and provided recommendations to the MoENRP for consideration. This participatory review process contributed to the achievement of consensus among private and public sectors on the water legislation and the waste code in Georgia.

The Aarhus Centre has also dedicated considerable effort to ensuring improved public access to environmental information and public participation in decision-making processes. With the support of the OSCE, the Aarhus Centre in Georgia developed a web-based register/portal for environmental permits issued by the MoENRP. The portal has been in operation since 2009 and has been upgraded several times. It provides the public with easy and

centralized access to environmental impact assessment reports (EIA reports) and environmental permits, thus contributing significantly to increased transparency.

Participatory Flood-Risk Management in Serbia

The disastrous floods that hit wide parts of Bosnia and Herzegovina, Serbia, and Croatia in May 2014 revealed that the dissolution of the civil emergency structures of the former Yugoslavia had left a gap in co-ordinated disaster prevention and response. Not only are local communities the first to be affected by and to respond to such disasters, but they also possess historical and practical knowledge that is often underutilized. The OSCE Mission to Serbia was engaged in improving flood management practices in Serbia long before 2014 and has built on this experience to support Aarhus Centres in the country in improving public participation in the prevention and management of flood risks

With support from the OCEEA and the OSCE Mission to Serbia, the Aarhus Centres in Novi Sad and Nis helped to establish local disaster risk reduction (DRR) networks. In East Serbia, a local “Flood Risk Action Alliance for the Timok River Basin” was set up in conjunction with the Aarhus Centre of South and East Serbia (Aarhus Centre Nis), with members drawn from central government, the private sector, local authorities, the media, and NGOs. After identifying the highest risk communities as their targets, the alliance agreed on an action plan aimed at fostering community resilience to floods. As part of this action plan, the Aarhus Centre Nis organized a flood risk disaster awareness campaign. Similar alliances were also established in Vranje and Bajina Basta. Following this example, the Aarhus Centre Novi Sad promoted the establishment of a local DRR network. Novi Sad is the second biggest city in Serbia (with around 360,000 inhabitants) and is prone to disasters such as fires, floods, and landslides. The DRR network includes 20 representatives of the media, financial institutions, state agencies dealing with water and environment, and civil society organizations, including those dealing with people with special needs. These local networks and alliances strengthen co-operation among local actors in order to improve disaster preparedness, facilitate training, and co-ordinate the dissemination of information among citizens.

These are only a few examples of Aarhus Centre activities. By carrying out activities of this kind, the Aarhus Centres have proved themselves to be important players in the implementation of the 2030 Agenda for Sustainable Development at local level. The Aarhus Centres make a contribution to meeting several Sustainable Development Goals (SDGs) through their engagement in monitoring, preventing, and reducing pollution; disaster risk reduction; water management; climate change adaptation; and mobilizing youth and women. Most important, however, is their role in SDG 16 on promoting

peaceful and inclusive societies for sustainable development, providing access to justice for all, and building effective, accountable, and inclusive institutions at all levels. More specifically, the Centres contribute directly to targets 16.6 (develop effective, accountable, and transparent institutions at all levels), 16.7 (ensure responsive, inclusive, participatory, and representative decision-making at all levels) and 16.10 (ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements).

Inter-Agency and Intra-Agency Co-operation

The Aarhus Centres network also represents an exemplary case of co-operation and synergy among OSCE executive structures and between the OSCE and other international organizations.

The OSCE co-operates closely with the UNECE Aarhus Convention Secretariat. The Convention's policy documents provide strategic guidance for the work of the Aarhus Centres, while the Aarhus Centres work closely with the Convention National Focal Points to implement the Convention on the ground and generate input for the further enforcement of the Convention and the improvement of relevant tools. The Secretariat participates in relevant OSCE and Aarhus Centre meetings, helping to shape strategic discussions. In return, the OSCE participates in meetings under the Aarhus Convention and enables the participation and active contribution of Aarhus Centres in those meetings.

The Aarhus Centres have also received significant support via the ENVSEC Initiative. The ENVSEC Initiative is a partnership of the OSCE, the UNDP, UN Environment, the UNECE, and the Regional Environmental Centre for Central and Eastern Europe (REC). Aarhus Centres participate in ENVSEC public outreach projects and receive training on specific topics (e.g. climate change and disaster risk reduction). Multi-country ENVSEC projects also link Aarhus Centres from different countries (see also below).

The network of Aarhus Centres has evolved to its current situation through close collaboration and the use of synergies between the OCEEA and the field operations. In most cases, it is the field operations that establish Aarhus Centres upon request of the national and local authorities in the host countries and provide them with basic support. Depending on the available budget, they also support Centres' activities. The OCEEA, on the other hand, raises extra-budgetary funds for regional and cross-regional projects in which the staff of selected Aarhus Centres participate and receive training and grants for activities on awareness raising and public participation. These joint efforts make it possible to sustain the network with the limited funds available within the OSCE.

The OSCE has supported not only the activities of Aarhus Centres at local level, but also their networking at national, sub-regional, and regional levels, as a contribution to dialogue and trust-building. There are four aspects to such efforts:

1. National networking facilitated by OSCE field operations

In many countries, the OSCE field operations organize regular joint training events and annual meetings that bring together Aarhus Centres from all the regions of the country for an exchange of information, mutual learning, and joint training.

2. Multi-country projects at regional and cross-regional level by the OCEEA

In numerous regional or cross-regional extra-budgetary funded projects implemented by the OCEEA (sometimes through ENVSEC projects), Aarhus Centres participate in project components related to capacity-building and public outreach. Some of the projects developed by the OCEEA are exclusively targeted at the Aarhus Centres, such as the recent projects “Strengthening the capacities of Aarhus Centres in disaster risk reduction (DRR) to enhance awareness of local communities” and “Strengthening the role of the Aarhus Centres in addressing environmental challenges in Eastern Europe”. In these projects, Aarhus Centres from various countries (and sometimes also regions) participate in joint training, develop and implement activities, and share their experiences, thereby learning from each other and strengthening their ties and understanding.

3. Regional and bilateral activities

Aarhus Centres are becoming increasingly engaged at the regional level through their joint activities across borders, as well as their active participation in international meetings, transboundary consultations, and decision-making processes. In two instances, such networking has resulted in formal commitments.

In the Fergana Valley – which is shared by Kyrgyzstan, Tajikistan, and Uzbekistan, and which faces many serious environmental challenges ranging from environmental degradation to water scarcity, uranium legacy sites, and natural hazards – the OSCE supports the Aarhus Centres in Osh, Kyrgyzstan, and Khujand, Tajikistan. These two Centres have been collaborating for several years within the framework of the OSCE projects to face these joint challenges. They have, for example, conducted joint eco-journalism competitions and offered joint training. In 2014, the Aarhus Centres in Osh and Khujand signed a Memorandum of Co-operation and developed a joint working plan to tackle environmental challenges in the Fergana Valley.

In South-eastern Europe, the Aarhus Centres formalized their collaboration as well. In 2015, the 13 Aarhus Centres from Albania, Bosnia and Herzegovina, Montenegro, and Serbia signed a joint declaration on co-operation. In it, they state their commitment to strengthening their partnership to reinforce their promotion and implementation of the Aarhus Convention, to facilitate dialogue among civil society organizations across borders, and to address common environmental concerns more effectively.

4. Annual co-ordination meetings organized by the OCEEA

Since 2008, the OCEEA has regularly brought together Aarhus Centres, national Aarhus Convention Focal Points, and representatives from other international organizations from the entire OSCE region. These meetings focus on information exchange and discussion of joint future priorities and take place on an annual basis.⁶ They also support capacity building on selected topics of joint concern.

Lessons Learned and the Way Forward

2017 marks the 15th year since the establishment of the first Aarhus Centre, and this is a good point to review the experiences and draw key lessons that have been learned, as summarized below.

Government ownership is a prerequisite: Government ownership and support, as well as the active engagement of the Aarhus Convention National Focal Points in the activities of the Aarhus Centres, are among the prerequisites for the success of the Aarhus Centres.

The process itself is important: Most of the Aarhus Centres are hosted by local administrations or local NGOs and interact closely with the communities in their localities. The active engagement of local stakeholders in Aarhus Centre activities contributes to good local governance. It also enables Aarhus Centres to be fully aware of local needs and priorities and ensures the relevance of their activities.

Building local capacities: Enhancing the ability of Aarhus Centres and their local stakeholders to address priority environmental challenges increases the sustainability of local initiatives.

Learning from each other: Annual Aarhus Centre Meetings, sub-regional meetings, and exchange visits among Aarhus Centres have enabled the sharing of experiences and lessons learned and have led to the replication and expansion of best practices.

Partnerships are essential: The close co-operation between the OSCE and the UNECE Aarhus Convention Secretariat and collaboration with other ENVSEC partners have played an important role in the success of the Aarhus

6 Though no meeting was held in 2012.

Centres, as did the complementary engagement of the OCEEA and field operations.

No blueprint model: The institutional set-up of Aarhus Centres varies from country to country, and even within countries. Some are hosted by ministries with a professional team and serve as their public outreach tool; others are located in remote areas and depend on one or two dedicated individuals and a small group of volunteers. Some of the host NGOs are strong and experienced, with Aarhus Centre activities being merely one of the many activities they perform; other NGOs need a lot of support and capacity-building. This diversity reflects the variety of challenges and resource needs, and it can be a source of mutual learning and inspiration. It also means, however, that the same level of effectiveness and professionalism cannot be expected of all Aarhus Centres.

Despite their achievements, the Aarhus Centres face two main challenges in the future. First, most of the Aarhus Centres depend on financial support from the OSCE. While some of them have sought to mobilize resources from other donors, only a few have been successful. This is partly related to their limited fundraising capacities and partly to their institutional structure, since not all Aarhus Centres have the status of a legal entity, which would allow them to receive funds. The Centres' financial sustainability is therefore an important issue in the current discussion among the OCEEA, the field operations, and their partners. The second challenge is linked to the difficulties encountered in sustaining effective support for Aarhus Centres in countries without OSCE field operations. What needs to be discussed is how the experiences gained in Belarus and Georgia can be applied in other countries and to a larger number of Aarhus Centres.

The further consolidation and strengthening of the network is therefore a priority, particularly due to the wide-ranging services and benefits the Aarhus Centres provide to their host countries (and can provide in the future), including in the implementation of the 2030 Agenda on Sustainable Development. Aarhus Centres are ideal platforms for localizing the SDGs, reinforcing local ownership and raising awareness of the goals. They can contribute to national and local SDG review processes and assist in the implementation of relevant SDGs.

Conclusion

After 15 years, Aarhus Centres have developed into an integral and widely recognized part of the OSCE's work in the second dimension. They have developed close interaction with central and local government agencies, civil society, and other stakeholders, which allows them to jointly address various challenges, including sensitive issues. Their long-term prospects remain insecure to a certain extent, since their capacities and funding still depend mostly

on OSCE resources. However, with the knowledge and expertise they have accumulated on various environmental topics, the Aarhus Centres are now respected partners of governments, NGOs, and increasingly donors, who provide new openings for them to expand their partnerships and to benefit from future funding opportunities. For the OSCE, the Aarhus Centres Network, with its 60 members in 14 countries, remains a crucial tool to address environment and security challenges at local level and to promote co-operation among a wide array of stakeholders within and across borders.

III.

Organizational Aspects

OSCE Institutions and Structures

A Retrospective of My Time as OSCE High Commissioner on National Minorities

Major Events

From August 2013 to August 2016, I held the position of High Commissioner on National Minorities (HCNM). When history looks back on this period, two events that directly impacted the work of this institution will stand out. The first was the crisis in and around Ukraine and how it damaged some fundamental features of European security agreements. The second event was the large increase in the number of refugees coming to Europe from the summer of 2015. Of course, many other developments influenced the mood in participating States, including terrible terrorist attacks, new forms of hybrid warfare, and the ongoing difficult economic situation. But as events with direct relevance for the mandate of the HCNM, the two first mentioned were of major importance.

In parallel to these events, and, to a certain extent, as a result of them, an increase in nationalist rhetoric could be observed in almost the entire OSCE area. “Others” were portrayed as a danger, especially for so-called titular nations, and hate speech continued to be propagated. More and more emphasis was being placed on the importance of borders. Any talk of autonomy or increased self-administration was instantly labelled as separatism, with the effect of preventing meaningful discussions on inter-ethnic coexistence. Exclusivist historical narratives were promoted.

There were few positive developments regarding the situation of national minorities.¹ Some minorities had to accept inferior forms of multilingual education instead of more comprehensive models previously advocated by the HCNM. And while some newer EU member states started to behave according to double standards towards minorities, double standards were not restricted to EU member states. Countries that were not willing to discuss the situation of national minorities in their own country were very interested in the fate of their kin in other countries.

The adoption and preparation of integration strategies according to the Ljubljana guidelines could be seen as positive steps.² Some progress could also be seen in the opening of higher education to all minority groups living

Note: The views contained in this contribution are the author’s own.

1 For the sake of brevity, I am using the term “national minorities” as shorthand where the formal OSCE language would talk about the rights of “persons belonging to national minorities”.

2 OSCE High Commissioner on National Minorities, *The Ljubljana Guidelines on Integration of Diverse Societies*, November 2012, at: <http://www.osce.org/hcnm/ljubljana-guidelines>.

in southern Serbia, which went hand in hand with a reduction of tensions in the area. The prospect of EU accession remained a positive incentive for reforms in candidate countries. The office started to prepare two new sets of recommendations or guidelines.

But before we consider these events in detail, I would like to briefly go over what the HCNM is and what he or she does.

What Is the HCNM for?

Because it is the least known instrument and institution of the OSCE, thanks to the fact that its main tool is “quiet diplomacy”, there is a constant need to remind external actors what the HCNM is for. In short: The HCNM is a conflict prevention instrument. The Commissioner is not an ombudsperson and does not have the task of promoting the situation of national minorities. This distinction was captured in the institution’s very name: the High Commissioner “on” and not “for” national minorities.³ But this is a difference that is not easily translated into the languages of all the different participating States, and thus, even in the Permanent Council, the wrong version could sometimes be heard. In Swedish, for instance, the translation “*angående nationella minoriteter*” (literally “regarding national minorities”), is clumsy, and the official Finnish translation, “*Vähemmistövaltuutettu*” is just the equivalent of ombudsperson and, thus, entirely misleading.

It is well-known that the OSCE works in three different dimensions: the politico-military, the economic and environmental, and, finally, the human dimension. The two other autonomous institutions of the OSCE, the Office for Democratic Institutions and Human Rights (ODIHR) and the Representative on Freedom of the Media (RFOM), are clearly human dimension instruments. Thus it is a challenge to get across that, unlike the other two, the HCNM has a cross-dimensional character. It is also important to stress that the HCNM is certainly not a monitoring body, but rather an honest arbiter that seeks to mediate and find solutions to inter-ethnic tensions. During my tenure, it was customary for me to appear in front of the Human Dimension Committee, but not the other committees, which was a pity.

During the 1990s, when there was a continual fear that new inter-ethnic conflicts could develop into serious challenges for the stability and prosperity in Europe, many critical situations merited the attention of the HCNM. The institution was also set up during what we now consider to have been the golden years of international co-operation. Almost all participating States had an appetite to listen to advice, and the Moscow Mechanism had been adopted.

3 For details of the negotiations on the name, cf. Olivier A. J. Brenninkmeijer, *The OSCE High Commissioner on National Minorities: Negotiating the 1992 Conflict Prevention Mandate*, PSIO Occasional paper 5/2005, Geneva 2005.

When it was established, the institution was given what is considered to be an unusually intrusive mandate. It is up to the High Commissioner's judgement whether the conflict potential of a situation is so great that the HCNM needs to become involved. Many have argued, as they did on the 20th anniversary of the institution's founding, that in today's world it would be virtually impossible to reach consensus around these formulations. However, the intrusiveness might have been slightly overestimated.

At a certain point the tide turned, and more and more countries had less appetite for international co-operation. This was also seen in a certain fatigue with monitoring duties in other organizations. National sovereignty was in fashion.

The Perception of a National Minority

It is a well-known fact that there is no definition of a national minority in the mandate of the HCNM, just as there is no such thing in other relevant international instruments either. We often quoted the first HCNM, Max van der Stoep's, famous statement that "even though I may not have a definition of what constitutes a minority, I would dare to say that I know a minority when I see one". As Walter Kemp remarks, this quote is quite often taken out of context, omitting Max van der Stoep's next sentence, in which he notes that a minority is a group with linguistic, ethnic, or cultural characteristics distinguishing it from the majority.⁴ He also made reference to such a group's efforts to maintain its identity and to give a stronger expression to that identity.

It appears to me that many people, perhaps because Europe's most recent violent conflicts around minority questions were the wars in the Balkans, tend to equate national minorities with ethnic groups, forgetting the other two characteristics mentioned above. In former Yugoslavia, there were also conflicts between groups that largely shared a common language but were divided by ethnicity and religion. Of course I cannot prove it, but sometimes I got the feeling that diplomats were more inclined to believe something like: "language, culture or religion – those are things you can change, but not your ethnicity." This is not correct in my view, and it contradicts one of the basic principles of human rights and the rights of persons belonging to national minorities – that an identity should never be imposed upon persons.

Of course, the existence of different conceptions of a national minority relates to the different use of words, such as nationality or national identity, in different languages. Max van der Stoep tried to distinguish between civic and ethnic nationalism. One could also distinguish between civic identity and national identity, with the former more applicable to multilingual and multi-ethnic countries.

4 Cf. Walter Kemp (ed.), *Quiet diplomacy in Action: The OSCE High Commissioner on National Minorities*, The Hague 2001, pp. 29-30.

The question of religion sometimes created discussions, such as whether we should work with religious minorities. The definitions provided by Max van der Stoep did not specifically mention religion but, on the other hand, the mandate is very clear in my view: in para. 26 (b) concerning provisions on who are parties directly concerned and, thus, can provide specific reports to the HCNM, religious groups are expressly mentioned.

During my years as the HCNM, a number of questions of religion merited attention, such as situations where conflicts inside the same Christian denomination could trigger a local conflict. However these questions included both national legislation and canon law – which are sometimes incompatible – and it was extremely difficult to see any progress or rapprochement.

However another trend could be observed, which was when a linguistic or ethnic minority would increasingly also take on a religious dimension in, for instance, cases where the religious space seemed to be the only area in which a minority felt safe. This entailed both a risk of radicalization of the minority and an intensification of the minority's feeling of isolation from the majority, thus making integration of society more difficult.

The Conflict Cycle from the Perspective of the HCNM

The well-known and central element of the mandate of the HCNM merits quoting once more. From Article 3:

“The High Commissioner will provide ‘*early warning*’ and as appropriate ‘*early action*’ at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States, requiring the attention of and action by the Council or the CSO”.⁵

As can be seen from the text, there are two formal elements: early action and early warning. But for the HCNM, a great deal of “action” comes before a formal early warning is issued. As Sabine Machl has argued,⁶ an early warning is to be issued as a last resort for the HCNM, when a situation has gone beyond a level at which the HCNM is able to contain it (cf. articles 13-15 of the mandate). When the early warning is issued, the potential conflict is primarily in the hands of the Chairperson-in-Office (CiO). Thus, early action on the part of the HCNM is something different from what other actors

5 Helsinki Decisions, II. CSCE High Commissioner on National Minorities, in: Conference for Security and Co-operation in Europe, 1992 Summit, Helsinki, 9-10 July 1992, *CSCE Helsinki Document 1992, The Challenges of Change*, para. 3, at: <http://www.osce.org/mc/39530> (emphasis added).

6 Cf. Sabine Machl, Early warning – no action, in: *Security and Human Rights* 3/2010, pp. 170-175, here: p. 170.

perceive when discussing early action; for the HCNM it is early prevention. I feel the institution has developed over the years: The first HCNM acted as a kind of fire-brigade, but later there has been much more emphasis on activities that could well be described as structural prevention. Or to extend the metaphor: creating structures that prevent fire.

Prevention Is the Key in the Work of the HCNM

Early or structural prevention is the key word – whether we are dealing with the first time a conflict turns violent or a reoccurrence, the important thing is to put an end to the vicious circle of the conflict cycle. At the inception of the HCNM, this emphasis on prevention was unique, and it still is to some degree, as other regional organizations do not have a similar kind of emphasis on a tool designed to prevent ethnic conflicts – the form so many of the conflicts worldwide take – or are at least portrayed as taking.

Today, prevention is much more prominent on the international agenda. Intergovernmental organizations and many NGOs are now trying to make prevention more powerful, as it is so much more cost efficient than crisis management. The new United Nations Secretary-General (UNSG) has put prevention at the centre of his work, and one of the Special Rapporteurs at the UN Human Rights Council (UNHRC) is due, together with the Special Adviser of the UNSG, to present a joint study on the contribution of transitional justice to preventing gross violations of human rights and related crimes. Some hope that the Responsibility to Protect (R2P) doctrine (World Summit 2005) could also be interpreted as part of the prevention agenda.

What works in prevention? What factors uphold stability instead of triggering conflict? These questions are much studied and debated. Inequalities are said to lead to conflict, but recent research shows that it is horizontal more than vertical inequality that triggers conflict: when a person can see that, although their social and economic conditions are similar, they are treated differently because they belong to a disfavoured group. This can certainly be confirmed in cases from Central Asia to Western Europe.

The promotion of basic rights, to ensure that everyone feels secure, has access to justice, and can participate in society, whether as an elected official or in some other part of the public sector, is something we also saw as an important factor in prevention. This is why we drafted recommendations on access to justice.⁷

Transitional justice and truth and reconciliation commissions are important tools, but they are not really issues for the HCNM. On the other hand,

7 OSCE High Commissioner on National Minorities, *The Graz Recommendations on Access to Justice and National Minorities*, November 2017, at: <http://www.osce.org/hcnm/graz-recommendations>.

much of the HCNM's work could also be labelled as mediation in a non-conflict setting.

Sometimes we noticed that finding common development projects was a more useful form of prevention and of uniting societies than projects directed separately to different groups in society.

Power-sharing arrangements are often a part of peace treaties, but unfortunately there are plenty of examples where such arrangements might perpetuate divisions and lead to political clientelism, often making it more difficult to reform societies.

The HCNM originally dealt with education primarily in terms of the rights of persons belonging to national minorities, but later on, the institution has tried to tackle the features of education that separate people, as well as how national historical narratives can be detrimental for reconciliation. If different historical narratives are not allowed, if education does not promote critical thinking and listening to the history of other groups, then there is a risk of conflicts perpetuating.

The bilingual higher education established in Bujanovac, directed at Albanian-speaking, Serbian-speaking, and Roma youngsters in Southern Serbia, is a nice example of a successful project aimed at improving the prospects of economic development in the region and true interaction between youngsters of different backgrounds.

Early Warnings Should Be Used Carefully

As mentioned earlier, the HCNM was established to provide participating States with early warnings. Since those days, many other international organizations have developed early-warning mechanisms, including the OSCE, whose Vilnius 2011 Conflict Cycle decision was mentioned above. This decision led to further work inside the OSCE to conceptualize and organize the handling of crises that risked developing into conflicts, including the issuing of early warnings. However I sometimes feel that this work did not necessarily make the preventive work more efficient. Let us hope that the report on lessons learned from Ukraine will make a difference.⁸

The HCNM has only ever issued two early warnings, one in 1999 concerning FYROM/Macedonia and the second in 2010 on Kyrgyzstan, on which Machl⁹ can provide first-hand information. In her article, a certain kind of frustration can also be felt. The HCNM at the time, Knut Vollebæk, called in his 2010 early warning for the OSCE to bring the matter of Kyrgyzstan to the UN Security Council, but that did not take place. A certain response was

8 Cf. *Lessons learned for the OSCE from its engagement in Ukraine. Interim Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project*, June 2015.

9 Cf. Machl, cited above (Note 6), pp. 170, 174.

given, but matters did not really go the way the HCNM suggested. Unfortunately, early warnings, alerts, or similar actions by many other organizations have also failed to result in follow-up action.

Although I did not issue any early warnings during my mandate, there were two cases where my office gave it very serious consideration. One concerned FYROM/Macedonia. For several months between 2015 and 2017, there was a political crisis that could have turned into an inter-ethnic conflict. An incident in Kumanovo, in the mainly Albanian part of the country alerted not only the HCNM, but also the OSCE Mission to Skopje. Other incidents happened regularly, though none was of the same magnitude. A close co-ordination in the spirit of the Vilnius decision took place between the different branches of OSCE.

But the HCNM was very careful to use correct language about the situation in the country. Our statements were that it was a political crisis that could turn ethnical if not resolved with political means. If an early warning had been issued, it could have diverted attention from the political process. The obvious conclusion as to early warning is that it is a tool to be used very carefully, not to give an excuse to political leaders for inaction.

The other case concerned Ukraine. The difficulties of conflict prevention and questions around the efficacy of early warning have been intensively debated in the Interim Report.¹⁰ Even though the actions of the OSCE institutions in Ukraine are accounted for only very, very briefly in the report, it does contain some frank descriptions of the possibilities and constraints that the OSCE faces in terms of prevention. It mentions one limitation of the OSCE, namely the mandates of the missions, which are becoming more restricted year by year, and exclude political reporting. In such a situation, the independence of the autonomous institutions is even more valuable in the mind of most participating States. Unfortunately, there are also participating States that do not see it this way.

Ukraine held the OSCE Chairmanship in 2013, and the HCNM observed how unwelcome any involvement was in Crimea. Then in 2014, under the Swiss Chairmanship, co-ordination started with a view of preventing escalation. But it must be admitted that events in February and March 2014 went with a speed few could have predicted. Both the rapid changes in the mood and government in Kyiv, as well as the events in Crimea can be described in this way.

No formal early warning was issued by my institution regarding mainland Ukraine, primarily because of the way the events developed. I do believe that the first actions taken against the new regime in some regional capitals were motivated primarily by politics and not inter-ethnic relations. However, false information regarding the nationalist intentions of the new

10 *Interim Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project*, cited above (Note 8).

regime had been spread to inflate the opposition after Yanukovych fled the country.

A powerful tool was given to the “separatists” in the form of the hasty abolition of the 2012 language law, which had the potential to give Russian and other minority languages an official position in municipalities and regions. In a revolutionary mood, the Ukrainian parliament, the *Verkhovna Rada*, abolished the law, and I had no choice but to make a public statement – a kind of alert both to the Ukrainian acting president and to the participating States, that this move could increase the risk of a conflict.¹¹ Ultimately, the president did not sign the decree of abolition, but the damage was, in many ways, already done – the abolition was taken as a sign of the malign attitude of the new forces in power in Kyiv.

The events unfolded even more quickly in Crimea – from the seizing of Crimea’s parliament building in the early morning of 27 February, to the illegal referendum. With events unfolding at this pace, and with access to the territory restricted, an early warning would not have made a difference.

Ukraine – What Kind of Minority Questions Are There?

As a consequence of the crisis in and around Ukraine, I visited the country more than ten times from the start of 2014 and I was able to pay visits to nearly all areas where minorities live, including the western parts of the country. My first and last visit to Crimea took place in early March 2014, immediately after the transfer of regional power. After this visit I was not allowed back onto the peninsula. This is why I had to denounce the lack of respect for commitments in my statement to the Permanent Council in July 2015.¹²

My institution also participated in two assessment missions to Ukraine, the first in March-April 2014 and the second (to Crimea) in 2015.

The more the crisis developed, the less I felt there was an understanding of the linguistic and ethnic diversity in Ukraine. This was even evident in the OSCE context, where, for instance, I heard that “language is not always a reliable guide to ethnicity”, or that there is not really a minority question, as most people were considered ethnic Ukrainians. In some contexts, I had the feeling that, because the divisions in Ukraine were not only based on ethnic factors, some parts of the international community would not accept that the crisis built on identity grievances.

11 OSCE HCNM, *Restraint, responsibility and dialogue needed in Ukraine, including Crimea*, says OSCE High Commissioner on National Minorities, The Hague, 24 February 2014, at: <http://www.osce.org/hcnm/115643>.

12 Cf. OSCE HCNM, *Statement by Astrid Thors, OSCE High Commissioner on National Minorities, to the 1007th Plenary Meeting of the OSCE Permanent Council*, HCNM.GAL/2/14/Rev.2*, Vienna, 10 July 2014, at: <http://www.osce.org/hcnm/121065>.

One of the best descriptions of the diversity in Ukraine was written by Iryna Ulasiuk, legal adviser at the HCNM.¹³ In her article, she notes that most authors working on Ukraine agree that, since 1991, the country has been engaged in a linguistically oriented nation-building project and has pursued a policy of promoting a new national identity based on the titular language and culture. This partly explains why language has often been such a contentious issue. And, as the article also notes, the divisions in the country are not only based on ethnicity or language nor does ethnicity equal language. As we at the HCNM noted, religious adherence and different interpretations of history are also divisive factors.

The Many Years of Engagement in Ukraine

The HCNM has been working in Ukraine's complex environment for years. And alongside what Walter Kemp has written,¹⁴ the role of the HCNM in Ukraine has also been described and evaluated by many others, including Angela Kachuyevski¹⁵ and Volodymyr Kulyk.¹⁶

Over the years, three key questions have remained on the agenda: Relations between the Ukrainian-speaking majority and the minorities, the autonomy of Crimea, and the Crimean Tatars and other people formerly deported from Crimea.

Kachuyevski notes that, in the early days of the HCNM, the institution was unable to convince the national and regional authorities to implement the majority of its recommendations; the sticking block was the recommendations that would have run contrary to the policy of reviving the Ukrainian language and culture. It seems this difficulty has remained ever since. I also encountered it in Ukraine as in other countries that are trying to establish a new identity as independent states.

It is understandable that a country that gains or regains independence would want to promote its state language, but a patriotic or nationalistic ideology that emphasizes only one language can, on occasion, make a country unnecessarily vulnerable to propaganda from abroad when, for instance, minority groups do not even understand official information provided by the government. I often warned governments about this. It is not just a problem in Ukraine, but was also acute in Georgia, as I observed when changes to visa

13 Cf. Iryna Ulasiuk, *Europeanization of Language Rights in Russia and Ukraine: A Myth or a Reality?* Saarbrücken 2010.

14 Cf. Kemp, cited above (Note 4).

15 Cf. Angela Kachuyevski, *The Possibilities and Limitations of Preventive Action: The OSCE High Commissioner on National Minorities in Ukraine*, in: *International Negotiation* 3/2012, pp. 389-415.

16 Cf. Volodymyr Kulyk, *Revisiting a Success Story, Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Ukraine, 1994-2001*, CORE Working Paper 6, Hamburg 2002.

requirements and residence permits were made and the minorities were targeted with disinformation.

Ukraine had been deeply divided in terms of language, history, economic development, and other factors for many years – even membership in the Orthodox Church. Language and identity questions have often been used to mobilize voters at elections. In 2012, the result of one such mobilization was the hasty adoption of the State Language Law – against which my predecessor warned. The warning was twofold – the adoption was very hasty, but it was also far from clear how the law would work in practice. During my mandate, we could observe that it had really not been implemented by many state authorities but, in areas of local self-government where the Hungarian minority was present, there had been concrete effects.

However, there is evidence that use of the Ukrainian language has expanded greatly over the 25 last years. Areas where Russian had dominated have become more bilingual, and many Russian speakers and persons identifying as of Russian ethnicity now consider themselves to be Ukrainian citizens.¹⁷ In the early phases of the demonstrations in Kyiv in 2013-2014, many reported hearing much Russian being spoken.

The terrible war, even if it is not formally called such, has led to more than 10,000 deaths, many more injured, extensive human rights abuses, and a huge population living in extreme difficulties in the vicinity of the line of separation in the east of Ukraine. Fortunately, a combination of skilful diplomacy and good leadership has been guiding the OSCE Special Monitoring Mission (SMM) to Ukraine. I highly regard the good co-operation we had with Chief Monitor Ambassador Ertugrul Apakan, Principal Deputy Chief Monitor Alexander Hug, and the entire Mission.

My prediction is that these events will have another casualty – a less obvious one – and that is the Russian language and culture, both in Ukraine and, possibly, in other parts of the OSCE. Many factors will contribute to this development. Since early 2014, Ukrainian legislators have weakened the position of languages other than Ukrainian in various sectors of Ukrainian society. These measures have not been sweeping, as was the effort to abolish the State Language Law, but have affected specific legislation. First, the law on higher education was amended to forbid tuition in languages other than Ukrainian, and, in the autumn of 2016, the law regulating primary education was amended. This change was itself motivated by the new provisions of the law on higher education. However, the Council of Europe Venice Commission (VC) did not endorse this law in a ruling in December 2017, finding it discriminatory against the Russian language, as it would only have permitted

17 Cf. Anna-Lena Laurén, *Frihetens pris är okänt* [The Price of Freedom is Unknown] Helsinki 2013, pp. 103-107.

teaching in EU languages in some circumstances.¹⁸ The VC also made many recommendations on how the law should be implemented.

The structures and resources devoted to minority questions are also very weak in Ukraine, despite numerous recommendations by the HCNM down the years. However, the Committee on Human Rights, National Minorities and Inter-ethnic Relations of the *Verkhovna Rada* has co-operated with the HCNM to strengthen these structures.¹⁹ It is always rather dangerous to compare figures between countries, but my impression was that even Lithuania had a stronger administration for minority issues, at least when counting the persons dealing with these issues in the central administration.

Crimea

My work as HCNM came to be closely associated with Crimea – partly because of the dramatic events during my tenure, but also because the institution was one of the few in Europe that kept a close eye on Crimea down the years, and especially on the situation of the Crimean Tatars. On the last day of his mandate, High Commissioner Vollebæk published the needs assessment the institution had drawn up concerning the Tatars and other groups that had been deported in 1944.²⁰ The report was not appreciated in Kyiv in the autumn of 2013 and the only authority that approved of the HCNM's views was the Ombudsperson. The report showed that support to reintegrating the Tatars was very low and that there was absence of legal security for many Tatars. Relations with the *Mejlis*, the Tatars' representative body, were also tense.

Max van der Stoep had been instrumental in de-escalating a crisis over a referendum on the status of Crimea in 1994. A solution including autonomy for the peninsula was established. It is interesting to note Angela Kachuyevski's observations regarding Crimea.²¹ She finds that, alongside the agility and skills of the first HCNM, the absence of Russian action in favour of separatists in Crimea was a further reason for the successful resolution of the crisis. We can see the strong difference in comparison to the present situation.

While a solution was found in 1994, even during my brief visit in March 2014, I was able to note that some of the provisions of the autonomy

18 Cf. European Commission for Democracy through Law (Venice Commission), *Ukraine – Opinion on the provisions of the Law on Education of 5 September 2017, which concern the use of the State Language and Minority and other Languages in Education*, Strasbourg, 11 December 2017, CDL-AD(2017)030-e, available at: [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)030-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)030-e).

19 Cf. <http://www.osce.org/Hcnm/226841>, a roundtable organised together with the Committee on Human Rights, National Minorities and Interethnic Relations of the Verkhovna Rada.

20 Cf. OSCE HCNM, *The integration of formerly deported people of Crimea, Ukraine: Needs assessment*, available at: <http://www.osce.org/hcnm/104309>.

21 Cf. Kachuyevski, cited above (Note 15), p. 393.

arrangement were not being respected. But that was a situation that had occurred prior to 2014. Various appointments of officials in Crimea also showed how Kyiv wanted to hold a tight grip on the peninsula.

In spite of the attitude that Kyiv held towards them for many years, the Crimean Tatars and their leadership have come to represent a strong force to work internationally for the end of the illegal annexation of Crimea. I have also commended them for not resorting to violence and I hope that violence will be avoided in the future.

Now, unfortunately, Crimea can be added to the list of regions of conflict where international organizations have virtually no access – as is so often the case in precisely those places where one is needed.

Working Methods – Greatly Developed since the Original Mandate

Already following the term of the first High Commissioner, it was clear that the mandate had developed and been upheld in a way the drafters might not have imagined.

Also in this context, it is worth noting that personalities matter – particularly when it comes to personal relations. The institution owes so much to Max van der Stoep and his many skills, and, not least, to his good relations with many actors. A good example is his relationship with the former Swedish Minister for Foreign Affairs and the third-ever OSCE Chairperson-in-Office (CiO), Margaretha af Ugglas. The way the first High Commissioner interpreted his mandate in co-operation with af Ugglas has guided the institution ever since. Of course, their excellent co-operation was also partly due to the fact that Sweden had been the first country to suggest creating a position, such as the High Commissioner. Sweden maintained a keen interest in and a helpful attitude towards the institution during my years. That certainly also had something to do with the fact that the second High Commissioner was Rolf Ekéus, himself a Swede.

Over the years, the tradition had been established that the High Commissioner would appear twice a year before the OSCE ambassadors in the Permanent Council. We were very careful to ensure that we followed the letter of the law by presenting a statement by the High Commissioner, which stresses the independence of the institution, even though the OSCE document system always calls the statement a report. I tried to make the intervention more lively by making a presentation in addition to the statement. During my tenure, the Permanent Council did not adopt a text following these statements.

The most important characteristics of the work remain the same: The institution is an instrument of conflict prevention. It is not part of the human dimension of the OSCE, but cross-dimensional and quiet diplomacy is the working method with all the challenges that this entails.

The level of publicity around the institution has also varied over the years. The use of quiet diplomacy and the preventive aspect of the work make it hard to show evidence of efficacy. It is not possible to explain in detail all the factors that contribute to successes – and, even where the HCNM can be credited with a success, other actors are certainly also to be commended.

Although the HCNM is an instrument of quiet diplomacy, Max van der Stoep did not entirely rule out publicity as a last resort to influence parties to a conflict or to make his point clear to the participating States. Sometimes he published his recommendations to the states concerned. This was not a practice that has continued. The institution has worked more behind the scenes in later years. This contribution has also been written with restrictions stemming from our use of quiet diplomacy.

The educational work undertaken by the institution, both in The Hague and Vienna and in other capitals, cannot be underestimated. The office has some of the best experts on the former Soviet space, including Central Asia and I am very grateful to all of them. We made continual efforts to make that expertise available to all who needed it.

No Stick, Very Few Carrots

In diplomacy, there are many ways to reach results: Carrots and sticks, the sharing of information, and united efforts by many actors, among others. The HCNM does not have any sticks, but, in the best of worlds, he or she can convince a participating State that it is in its self-interest to respect the rights of minorities, thereby furthering harmonious relations, and integration.

As to carrots, during my tenure as HCNM, I continued to see that positive incentives related to EU accession and EU Partnerships consistently brought results, in spite of the fact that the Juncker Commission (2014-2019) declared that no accession would take place during their mandate.

In this context, it should not be forgotten that probably the single most important words for the improvement of the situation of national minorities in Europe are those contained in the 1993 Copenhagen Criteria. These rules define the conditions a country must fulfil in order to start negotiations with the EU. Contained in the conclusions of the European Council in Copenhagen, they state that “membership requires that the candidate country [...] has achieved stability of institutions guaranteeing [...] human rights, respect for and protection of minorities”.²²

22 *European Council in Copenhagen, 21-22 June 1993, Conclusions of the Presidency*, SN 180 7 93 REV 1, p. 13, at: <http://www.consilium.europa.eu/media/21225/72921.pdf>.

Wolfgang Zellner undertook a very interesting evaluation of factors contributing to the effectiveness of the HCNM in 2013.²³ It considers the HCNM's work in Estonia, Latvia, Romania, Macedonia, and Ukraine from 1993 to 2001. Zellner finds that the possibility of a country's integrating into Western institutions and the willingness of the country's elites to seek to do so were important factors for the success of the institution in those years. Another factor was the specificity of the recommendations of the EU Commission on ethno-political conflicts. Very interestingly, Zellner notes the lack of specificity of the EU recommendations concerning Ukraine. I am not sure that that has changed over the years.

The work we conducted in Serbia and Albania was closely related to their EU aspirations. Albania took into consideration the EU Commission's assessment of the need for new legislation on minority issues and the HCNM worked together with the OSCE Mission in Albania to support Albania in preparing it.

There is an unfortunate tendency towards double standards on the part of newly ascended EU states. I observed that countries did not continue to implement strategies or commitments concerning inter-ethnic relations or minority protection after accession as they had promised in accession negotiations. In spite of that, the same countries were very eager to promote the situation of their kin in candidate countries. That is something that Serbia has experienced, as it has many neighbours who are already inside the "club".

Double standards is an issue not only in relation to the question of minorities in the accession procedure, as Emily von Sydow noted,²⁴ in reference to a discussion between Aldo Moro and Olof Palme, the prime ministers of Italy and Norway, respectively. Moro had explained that the European Community reminded him of the Catholic Church: You must be pure to enter, but when you are inside, you can commit sins and be forgiven.

The EU's Eastern Partnership

Association Agreements, which provide, among other things, increased political dialogue, are key instruments the EU uses to reach the objectives of its Eastern Partnership. Such agreements have been at the centre of political controversies, including at the start of the 2013-2014 demonstrations in Kiev, when President Viktor Yanukovych suddenly declined to sign the Ukraine-European Union Association Agreement. These instruments have been central to the EU's relations with Moldova, Georgia, and Ukraine.

23 Cf. Wolfgang Zellner, Working without Sanctions: Factors Contributing to the (Relative) Effectiveness of the OSCE High Commissioner on National Minorities, in: *Journal on Ethnopolitics and Minority Issues in Europe* 3/2013, pp. 25-62.

24 Emily von Sydow: *När Luther kom till Brussel, Sveriges första år i EU*, [When Luther Came to Brussels, Sweden's First Years in the EU], Stockholm 1999, p. 16.

Many factors have played a role in determining how the governments of EU partnership countries have dealt with minority issues. Sometimes, an integration strategy was politically and financially affordable, while other avenues had higher costs. The level of engagement of the head of the EU delegation may also have played a role as did the composition of the government and the balance between forces who understood the value of integration of the society and hard nationalists. The position previously taken by the EU Commission may also have played a role.²⁵

But the fact remains that two of the three countries with an Association Agreement, Moldova and Georgia, were among the first to adopt an integration strategy in accordance with the Ljubljana guidelines.²⁶ This is not to say that it was an easy process to get that far and Moldova finished the procedure after the expiration of my mandate.

As for Moldova, prior to the adoption, many international experts had to be brought in to explain the principles contained in the Ljubljana Guidelines. There were long debates about the meaning of the title – did the strategy concern the integration of the society or the integration of the minorities into the society? That debate really showed some fundamental differences about the role of minority groups in society as well as the role of the titular nation. Is integration seen as just a one way street, or is it understood that the majority should learn more about the history and the culture of the minority?

As the English proverb has it, “the proof of the pudding is in the eating”. The proof of any integration strategy is its implementation: Would it be adequately resourced? And is the political will behind it genuine? In the cases in question it is still too early to tell.

The Dramatic Increase of Refugees, a.k.a. the Migration Crisis

With the memory of the early warning in 1999 concerning the influx of refugees to FYROM/Macedonia still fresh, the institution was very attentive to what effects the steep increase in the number of refugees arriving in late summer and autumn 2015 via the “Balkan Route” might have on inter-ethnic relations and relations between countries. Would the situation merit action from our side in the short or longer term?

German Chancellor Angela Merkel’s “*Wir schaffen das*” (“We will cope”) alleviated our fear. Moreover, the countries we observed did not face situations reminiscent of the dramatic events in 1999, when the population in FYROM increased by more than ten per cent, the increase consisting of 250,000 ethnic Albanians, thereby changing the inter-ethnic balance in the country dramatically.²⁷ This is not to say that we were not aware of the suf-

25 Cf. Zellner, cited above (Note 23).

26 Cf. *The Ljubljana Guidelines*, cited above (Note 2).

27 Cf. Kemp, cited above (Note 4), pp. 191-192.

fering of asylum seekers and the hardship they endured, but that was a matter for other organizations. However, we were concerned about a number of strongly worded statements made by the authorities in the affected states, including several foreign ministers.

Our conclusion was that, in the short term, no action was needed from our side, but we noted with gratitude the interest in the Ljubljana Guidelines by many others who saw that the principles in those guidelines could also be applied to integration policies for new arrivals. I understand that the Ljubljana Guidelines were a source of inspiration when the Council of Europe elaborated the Guidelines of the Committee of Ministers to the Member States on the Protection and Promotion of Human Rights in Culturally Diverse Societies.²⁸

Already before this crisis, many observations had been made about how nationalistic rhetoric was on the rise and how various minority groups were being targeted as “other”. The refugee wave was used in the same way by many politicians. Hate speech was being tolerated in a way that had not been experienced for a long time.

It is self-evident that this atmosphere will make it harder to achieve good inter-ethnic relations, but let us hope that the result will not be conflict.

In the Best of Worlds

My years as the HCNM were extremely intense and gave me many insights into various participating States. I am also very grateful to all the dedicated experts and wonderful colleagues in the office of the HCNM for their industrious, intelligent, and insightful work and collaboration during my tenure. The office is a unique team of people devoted to conflict resolution and prevention. I have not been able to deal with many interesting matters here, including the autonomy of Gagauzia and several other questions in Moldova and the importance of co-operation in education in Central Asia, to mention but two.

My time in office also reminded me of how lucky my own country has finally been. I was recently reminded of that in a book by a great poet and historian from Finland, my home, who, in a textbook used by generations of people living in Finland from 1875 until the Second World War, formulated his thesis: “one people – two languages”.²⁹ Not only that, he also wrote that everyone who lived on the soil of the country, respected the laws, and wanted to contribute to the well-being of Finland was part of the country. In other words, a conception of civic identity could be found in his writings.

28 Cf. Council of Europe, *Human Rights in Culturally Diverse Societies*, Strasbourg, June 2016.

29 Zachris Zacharias Topelius, *Boken om vårt land* [The Book of Our Country], published in 1875.

Formulating the nationalities question in terms of “*One People – Two or More Languages or Ethnicities*” is not common in the OSCE area. It builds upon the notion of the civic identity of persons living in a country, not their ethnic, religious, or linguistic identity. But, of course, a prerequisite of civic identity is that all persons are treated as citizens, as persons with rights and duties. When the rule of law gets weaker, the notion of civic identity also vanishes.

This is how I would see the participating States in the best of worlds: a state of affairs where, in addition to a civic identity, all people would be allowed to have multiple identities from which they could choose. Let us hope that there will continue to be solidarity between people, and that borders will not be closed. Closed borders can also mean decreased possibilities for national minorities.

A lot of reconciliation and education is needed, beginning with combating hate speech. My dream is that other countries will not make the same mistakes that were made in 20th century Europe.

External Relations and Influence

The OSCE Asian Partnership for Co-operation: Concept, Development, Trends

In 2015, the OSCE Asian Partnership for Co-operation celebrated its 20th anniversary, marking two decades since the Permanent Council decision, shortly before the 1995 Budapest Ministerial Council, to apply the term “Partners for Co-operation” to Japan and the Republic of Korea.¹ This new framework established the basis for more Asian States to join the Partnership, starting with Thailand in 2000, followed by Afghanistan in 2003, Mongolia in 2004, and Australia in 2009.² In addition, following a decision of the Permanent Council in 2003, the Contact Group with the Asian Partners for Co-operation was officially established, providing a permanent forum for informal dialogue between the OSCE and the Asian Partners.³

Since 2000, the OSCE and its Asian Partners have also co-organized an annual conference to discuss “common challenges and common opportunities”,⁴ underlining the growing interconnectedness of the regions and highlighting issues of common concern.⁵ Recurring themes of the OSCE Asian Partnership have included confidence-building measures, options for addressing transnational threats, and the potential for enhancing economic co-operation. Many of the events held within this partnership framework have sought to cover all three dimensions of security. The same topics are covered in the Contact Group meetings as well as in other events organized at the initiative of Asian Partners, which have contributed substantially to the OSCE’s dialogue on many different aspects of comprehensive security.

Several Asian Partners have also provided financial support for OSCE activities over the years and decades, contributing significantly to the stabilization and democratization processes in the Balkans in the 1990s, to Af-

Note: The contribution reflects the personal views of the authors and does not necessarily reflect the official position of the OSCE, its participating States, and Partners. The article covers developments up to July 2017.

1 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 94*, PC.DEC/94, 5 December 1995, available at: <http://www.osce.org/pc/20366>.

2 Mongolia eventually became a participating State in 2012.

3 Until then, the Asian Partners had been integrated into the Mediterranean Contact Group. The latter had already been established in 1994 by Chapter X of the CSCE Budapest Document, cf. CSCE, *Budapest Document 1994. Towards a Genuine Partnership in a New Era*, 21 December 1994, pp. 44-45, available at: <https://www.osce.org/mc/39554>.

4 This was the motto of the 2017 OSCE Asian Conference, which was held in Berlin on 19-20 June; cf. OSCE, Office of the Secretary General, Section for External Co-operation, *2017 OSCE Asian Conference on Common Challenges and Common Opportunities, 19-20 June 2017, Federal Foreign Office, Berlin, Consolidated Summary*, SEC.GAL/109/17, 27 July 2017, available at: <https://www.osce.org/partners-for-cooperation/asian/374029>.

5 Cf. *Opening speech by the Special Representative for the OSCE, Gernot Erler*, PC.DEL/820/17, 19 June 2017.

ghanistan-related activities in Central Asia, and to the Special Monitoring Mission to Ukraine. Furthermore, several Asian Partners for Co-operation have provided staff to the OSCE by regularly seconding experts to OSCE field operations and election observation missions undertaken by the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

Nonetheless, within the day-to-day life of the Organization, the OSCE Asian Partnership is somewhat marginalized, as reflected by, among other things, the comparably low level of attention paid to Asian Contact Group meetings in Vienna.⁶ In addition, since the outbreak of the conflict in and around Ukraine, the OSCE's engagement with its Asian Partner Afghanistan has decreased, despite the reaffirmed commitment to further strengthening the OSCE's engagement across the three dimensions with Afghanistan as expressed in the 2014 Basel Ministerial Council Declaration on Co-operation with the Asian Partners.⁷

Regional organizations, such as the ASEAN Regional Forum (ARF), the Trilateral Cooperation Secretariat (TCS), the Conference on Interaction and Confidence-Building Measures in Asia (CICA), and the Shanghai Co-operation Organisation (SCO), are invited to relevant OSCE events and activities, and staff-to-staff co-operation in specific areas is promoted wherever applicable. There is certainly more potential to develop co-ordinated responses to the increasingly complex security challenges in today's globalized world.

The Framework of the OSCE Asian Partnership

The 20th anniversary of the OSCE Asian Partnership for Co-operation in 2015 provided a good opportunity to take stock of this format, look back at what it has achieved, and articulate prospects for increased co-operation between the OSCE, its Asian Partners, and regional organizations in Asia. The results of this process were documented in a small publication, which was presented on 5 November 2015 on the margins of the Permanent Council and supported by the Asian Partner Delegations. The publication describes how the Partnership has evolved over the years, while also giving examples of the different priorities set by the various Asian Partners within this rather heterogeneous group. Despite these differences, the Asian Partners have shown growing interest in deepening their understanding of the OSCE's expertise in confidence- and security-building measures (CSBMs). This desire has been taken up by the OSCE in various forums, which underlines the Organiza-

6 The situation is slightly easier for the OSCE's Mediterranean Partners, who are not only geographically closer, but also more homogeneous, simplifying the formation of common priorities.

7 Organization for Security and Co-operation in Europe, Ministerial Council, Basel 2014, Ministerial Declaration on Co-operation with the Asian Partners, MC.DOC/10/14, 5 December 2014, available at: <http://www.osce.org/mc/130566>.

tion's readiness to support initiatives aimed at sharing and promoting best practices in Asia. There was broad agreement that the starting point for such discussions should be the OSCE's experience and best practices relating to the development and implementation of CSBMs, including those stemming from the Vienna Document, small arms and light weapons (SALW) commitments, and the OSCE Code of Conduct on Politico-Military Aspects of Security. Consequently, during the Mongolian Chairmanship of the OSCE Forum for Security Co-operation (FSC) in the first trimester of 2015, a conference was held in Ulaanbaatar in March 2015 on the Code of Conduct for participating States and Asian Partners for Co-operation.⁸ The event initiated a discussion and dialogue with Central Asian countries and the Asian Partners for Co-operation about the key principles and commitments of the Code of Conduct. While the event in Ulaanbaatar was perceived as a promising first step in initiating dialogue on the Code of Conduct with the Asian Partners for Co-operation, the original idea of a follow-up conference hosted by one of the Asian Partners has not, so far, been taken up.

During recent Asian Contact Group Chairmanships, most recently Germany's in 2017, the OSCE Asian Partnership has been the subject of increased engagement on the part of OSCE Troika members.⁹ At the tenth Asia-Europe Meeting (ASEM) Summit on 16-17 October 2014 in Milan, the then OSCE Chairperson-in-Office, Didier Burkhalter of Switzerland, highlighted the three priorities of his country's upcoming Asian Contact Group Chairmanship, namely: 1. to strengthen co-operation between the OSCE and its current Partners in Asia, 2. to promote dialogue and co-operation between the OSCE and multilateral forums in Asia, and 3. to encourage co-operative security in the Asian context.¹⁰ In 2015, he remained personally committed to the OSCE Asian Partnership framework, by addressing both the International Institute for Strategic Studies' (IISS) Shangri-La Dialogue and the OSCE

8 Cf. OSCE, *Mongolia hosts OSCE conference on the role of armed and security forces in democratic societies*, press release, Ulaanbaatar, 10 March 2015, at: <http://www.osce.org/fsc/144226>, and OSCE, *The OSCE Asian Partnership for Co-operation: Reflections and Perspectives*, 5 November 2015, available at: <http://www.osce.org/partners-for-cooperation/asian/197801>.

9 The OSCE Rules of Procedure from 2006 state that the Contact Group with the Asian Partners for Co-operation shall be chaired by a representative of the preceding Chairmanship, cf. Organization for Security and Co-operation in Europe, Ministerial Council, *Rules of Procedure of the Organization for Security and Co-operation in Europe*, MC.DOC/1/06, 1 November 2006, para. V(A)2(c), available at: <http://www.osce.org/mc/22775>. Switzerland and Serbia, who followed a joint working programme during their consecutive Chairmanships in 2014 and 2015, were highly engaged in the Partnership, particularly in 2015, and continue to remain particularly committed. Germany is also dedicated to the Partnership and has contributed considerably to OSCE projects; it was involved in the work of the Contact Group well before its own Chairmanship year.

10 Cf. OSCE Switzerland 2014, Statement by Didier Burkhalter, President of the Swiss Confederation and Chairperson-in-Office of the OSCE, "Cooperative security à la OSCE: Building bridges in Europe and Asia", 10th Asia-Europe Meeting (ASEM10), "Enhancing Dialogue and Cooperation between Europe and Asia and the Future Directions of ASEM", Milan, 17 October 2015, available at: <http://www.osce.org/cio/125673>.

Asian Conference in Seoul.¹¹ As a follow-up to the Conference, the Swiss Chairperson of the Asian Contact Group proposed increasing co-operation in the following areas: counter-terrorism, disaster risk reduction, information and communications technology security (ICT)/cyber-security, and structured co-operation with Asian regional organizations, namely ASEAN and the ASEAN Regional Forum.¹²

The subsequent Serbian Asian Contact Group Chairmanship incorporated these suggestions into its planning and ensured they were reflected in the regular dialogue between the participating States and the Asian Partners in the context of the Asian Contact Group, the rolling schedule of the Asian Contact Group itself, the agenda of the 2016 OSCE Asian Conference in Bangkok, and other side events. As a result, the Conference in Bangkok was the first OSCE Asian Conference ever to be addressed by the ASEAN Secretary General. It was also the first OSCE event to dedicate an entire session to the promotion of the United Nations' (UN) 2030 Agenda for Sustainable Development, thereby launching a new debate on the OSCE's potential contribution to the attainment of the UN's 2030 Agenda.¹³ To date, the OSCE Asian Partnership remains the only formal OSCE framework in which a discussion about the link between security and sustainable development has taken place. The Asian Conference in Bangkok was also notable for kick-starting a debate on cyber-security: Through a side event chaired by the Permanent Representative of the USA to the OSCE, who was then also the Chairperson of the Informal Working Group established by PC Decision No. 1039, it provided a forum to share the OSCE's experience in the development of confidence-building measures in cyber-security.¹⁴ The side event ultimately led to the incorporation of a paragraph in Ministerial Council Decision No. 5/16 stating that the "OSCE Partners for Co-operation [are invited] to enhance dialogue on efforts to reduce the risks of conflict stemming from the use of information and communication technologies".¹⁵ This suggestion was

11 In his speech at the 2015 Shangri-La Dialogue, Chairperson of the OSCE Asian Contact Group, Didier Burkhalter, emphasized the relevance of a strengthened security dialogue between Asia and Europe, and promoted a co-operative security approach to the global challenges, cf. International Institute for Strategic Studies (IISS), 14th Asia Security Summit, The IISS Shangri-La Dialogue, *Special Session 5. Avoiding Military Competition and Arms-Racing in Asia*, 30 May 2015, Provisional Transcript, at: <https://www.iiss.org/en/events/shangri-la-dialogue/archive/shangri-la-dialogue-2015-862b/special-sessions-315c/session-5-2c9b>.

12 Cf. PC.DEL/1553/15, 16 November 2015.

13 Cf. OSCE, Office of the Secretary General, Section for External Co-operation, *2016 OSCE Asian Conference, Strengthening Comprehensive Security, Bangkok, Thailand, 6-7 June 2016, Consolidated Summary*, SEC.GAL/121/16, 26 July 2016, available at: <http://www.osce.org/partners-for-cooperation/asian/280701>.

14 Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 1309, Development of Confidence-Building Measures to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies, PC.DEC/1039, 26 April 2012, available at: <http://www.osce.org/pc/90169>.

15 Organization for Security and Co-operation in Europe, Ministerial Council, Hamburg 2016, *Decision No. 5/16. OSCE Efforts Related to Reducing the Risks of Conflict Stem-*

taken up by the Republic of Korea, which, supported by the OSCE Secretariat, organized the first-ever inter-regional conference on ICT/Cyber Security in Seoul on 4 and 5 April 2017.¹⁶

The Mechanisms

With the adoption of the OSCE Rules of Procedure in 2006, the Asian Partnership for Co-operation was fully formalized, and the Partners have since been included in OSCE activities wherever applicable.¹⁷ They have gained access to official OSCE documents and are invited to take part in meetings of the OSCE decision-making bodies and a number of its informal subsidiary bodies. The Asian Partners' own forum for dialogue, the Asian Contact Group, is one of these informal subsidiary bodies.¹⁸ There are five Asian Partners, and at least five meetings are held per year at ambassadorial level, each co-organized by the Chairmanship of the Contact Group and one of the Partners, along with the state holding the Chair of the Contact Group. The Partner State determines the choice of topic, submits a concept note, and selects keynote speakers, which is the means by which they impact the overall design of the annual rolling schedule. The meetings are generally perceived as a key opportunity for the Partner to present and discuss a security topic that they consider to be of particular relevance. As a result, in recent years, the agendas of Contact Group meetings have included a number of recurring topics with only limited relevance to the OSCE agenda.¹⁹ While the Asian Partners seek to encourage the OSCE to pay more attention to Asia and to make a long-term commitment to deal with security concerns in Asia, delegations of the participating States tend to make their attendance at Asian Con-

ming from the Use of Information and Communication Technologies, MC.DEC/5/16, 9 December 2016, para. 11, available at: <http://www.osce.org/cio/288086>.

- 16 Cf. Organization for Security and Co-operation in Europe, Inter-Regional Conference between OSCE and Asian Partners on Cyber/ICT security, at: <http://www.osce.org/secretariat/304946>. See also the contribution by Velimir Radicevic entitled Promoting Cyber Stability between States: OSCE Efforts to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies (ICTs) in the Context of Global and Regional Security, in this volume, pp. 201-212.
- 17 The 2006 Rules of Procedure provide Japan with a special status and rights, as stipulated in IV.1(D)3 and V(A)7(a), and this is regularly questioned by the other Asian Partners. For Japan's special status see also Timur Dadabaev, The Evolution of Japanese Diplomacy towards Central Asia since the Collapse of the Soviet Union, in: Institute for Peace Research and Security Policy at the University of Hamburg (ed.), *OSCE Yearbook 2011*, Baden-Baden 2012, pp. 441-458; Takako Ueta, Japan and the OSCE, in: Institute for Peace Research and Security Policy at the University of Hamburg (ed.), *OSCE Yearbook 1997*, Baden-Baden 1998, pp. 387-395.
- 18 Cf. para. II(C)1, in: OSCE Rules of Procedure, cited above (Note 9). Since Partners can participate in most thematically focused OSCE meetings, covering all the relevant topics, the meetings of the Contact Group have to seek to complement these discussions.
- 19 Cf. *Rolling schedule 2015*, PC.INF/2/15, 4 March 2015; *Revised tentative work plan for 2016*, PC.INF/7/16/Rev.1, 18 April 2016; *Rolling schedule 2017*, PC.INF/5/17, 12 March 2017.

tact Group meetings dependent on the topic's relevance to the OSCE agenda. Consequently, the attendance of OSCE participating States in Contact Group meetings has, with a few exceptions, been rather low in recent years, despite increased efforts by the various Contact Group Chairs to increase the meetings' attractiveness by better linking the chosen topics to the OSCE agenda and inviting prominent external speakers.

Similar challenges also occur when planning the OSCE Asian Conferences. Based on decisions adopted by the participating States, the Conference is considered as the annual highlight of the Partnership, complementing the regular exchange of information in Vienna by means of a visible political dialogue at the level of representatives from national capitals. These meetings are generally hosted by one of the Asian Partners, but an exception was made in 2017, when the German Contact Group Chairmanship hosted the event in Berlin.²⁰ The discussions in Berlin once again illustrated the variety of topics common to the Asia-Pacific and the OSCE regions, establishing the common ground for a mutually enriching dialogue. The regional focus on Afghanistan was also well received, and the participation of Afghanistan's Deputy Foreign Minister for Economic Co-operation ensured high-level representation for that country at the Conference. By ensuring the participation of the First Deputy Minister of Foreign Affairs of Kyrgyzstan and the Deputy Minister of Foreign Affairs of Kazakhstan, Germany was also successful in raising attention among the Central Asian participating States.

Priority Issues within the Asian Contact Group

The issues prioritized within the Contact Group reflect the heterogeneity of the Asian Partners, and the Group has a wide range of concerns that stretch across all three dimensions. The OSCE is increasingly aware of the potential for involving Partners in OSCE activities, and the Hamburg Ministerial Council proved particularly successful, with one declaration and three decisions explicitly mentioning the Partners – on the issues of counter-terrorism, migration and refugees, connectivity and good governance, and ICT/cyber-security.²¹

20 Cf. *2017 OSCE Asian Conference on Common Challenges and Common Opportunities*, cited above (Note 4).

21 In the documents adopted by the Hamburg Ministerial Council, the Partners are variously invited to join participating States in affirming a declaration, encouraged to voluntarily implement relevant provisions, invited to enhance dialogue on respective efforts, and encouraged to use the OSCE platform to continue addressing respective issues and improve dialogue. Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Hamburg 2016, *Declaration on Strengthening OSCE Efforts to Prevent and Counter Terrorism*, MC.DOC/1/16, 9 December 2016; Organization for Security and Co-operation in Europe, Ministerial Council, Hamburg 2016, *Decision No. 3/16, OSCE's Role in the Governance of Large Movements of Migrants and Refugees*, MC.DEC/3/16, 9 December 2016; Organization for Security and Co-operation in Europe, Ministerial Council, Hamburg 2016, *Decision No. 4/16, Strengthening Good Governance and Promoting Connect-*

The Organization's engagement with Afghanistan is based on the Madrid Ministerial Council Decision No. 4/07 and was reinforced by the Vilnius Ministerial Council Decision No. 4/11. While the earliest assistance projects for Afghanistan focused primarily on border management and border security, later projects gradually expanded to cover aspects of customs control, combating drug trafficking, as well as education, gender-sensitive capacity-building, and support for election processes. Nonetheless, financial support from participating States for Afghanistan-related projects remained fairly limited, and much potential for engagement was unused. Except for the five ODIHR election support teams deployed in Afghanistan between 2004 and 2014, consensus was never reached authorizing the implementation of project activities inside Afghanistan.²²

With the crisis in and around Ukraine the overall priorities on the OSCE's security agenda changed. This has resulted in a significant reallocation of funds to OSCE programmes focused on Ukraine, which has reduced the funds available to programmes and projects in other OSCE field operations, including in Central Asia. The participating States reconfirmed their specific commitment to engagement with Afghanistan in the Basel Ministerial Declaration No. 10/14, which emphasized the focus on border co-operation.²³ Additional policy recommendations were, however, not articulated. In 2015 and 2016, Japan contributed a total of more than 1.5 million euros to the Border Management Staff College (BMSC) in Dushanbe – a significant level of support for the training courses and seminars run by the BMSC, which are also attended by Afghan border and custom officials. The implementation of Afghanistan-related projects remains fully dependent on

ivity, MC.DEC/4/16, 9 December 2016; Organization for Security and Co-operation in Europe, Ministerial Council, Hamburg 2016, *Decision No. 5/16, OSCE Efforts Related to Reducing the Risks of Conflict Stemming from the Use of Information and Communication Technologies*, MC.DEC/5/16, 9 December 2016; all documents are available at: http://www.osce.org/event/mc_2016.

22 For an analysis of the OSCE's (limited) engagement with Afghanistan up to 2013, see Arantazu Pagoaga Ruiz de la Illa, *OSCE Engagement with Afghanistan: Recent Developments, Opportunities, and Challenges*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2013*, Baden-Baden 2014, pp. 285-297; Marc Perrin de Brichambaut, *OSCE Engagement with Afghanistan*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2008*, Baden-Baden 2009, pp. 361-368; Boris Wilke, *Regional Security Strategies for Afghanistan and Its Neighbours – A Role for the OSCE?* In: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 347-355; Robert L. Barry, *The Future Tasks of the OSCE*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 27-32, here: p. 29.

23 Organization for Security and Co-operation in Europe, Ministerial Council, Basel 2014, *Ministerial Declaration on Co-operation with the Asian Partners*, MC.DOC/10/14, 5 December 2014, para. 4, available at: <http://www.osce.org/mc/130566>.

efforts to secure funding. The BMSC is a special case as it is funded entirely by extra-budgetary contributions.²⁴

As well as the participating States' limited political engagement and financial support for Afghanistan-related projects, the OSCE's engagement with Afghanistan is also impacted by the geopolitical context, particularly with regard to Afghanistan's relations with its Central Asian neighbours.²⁵ In practice, most of these projects are implemented in OSCE field operations in Central Asia, with the consent of the relevant host country.

Australia

Australia, the most recent state to become an Asian Partner for Co-operation, has contributed to a variety of OSCE activities in all three dimensions. In doing so, it has paid particular attention to the human dimension and the protection of human rights. Australia supported a project implemented by ODIHR between 2012 and 2015 that aimed at enhancing capacities to ensure protection of the human rights of trafficked persons and vulnerable groups in Central Asia. The Asian Partners have contributed significantly to OSCE efforts towards integrating a gender perspective into comprehensive security and Australia dedicated the 2013 OSCE Asian Conference to the topic of improving the security of women and girls, with discussions on combating violence against women and human trafficking, as well as increasing women's economic participation.²⁶ So far, the distance between Australia and the OSCE region means that this has been the only OSCE conference hosted in Australia.²⁷ At the same time, however, feedback on the 2013 Conference indicated the relevance of an agenda that seeks to cover all three dimensions of security – an approach that the following Chairmanships of the Contact Group have also pursued.

In 2017, Australia has shifted its focus more to security dynamics in the Indo-Pacific, while still attempting to raise cross-regional awareness and emphasizing a constructive and committed partnership that will help to maintain

24 A number of OSCE participating States oppose including the BMSC in the OSCE Unified Budget, and this option is currently not open for discussion. This has a strong impact on the sustainability of the BMSC, which is otherwise often portrayed as an OSCE flagship project.

25 For Afghanistan in the regional context of Central Asia cf. Sebastian Schiek, *The Afghanistan Conflict As a Power Resource for Central Asia?* In: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2014*, Baden-Baden 2015, pp. 301-313.

26 In an Asian Contact Group meeting in 2016, Australia also presented its perspectives on the implementation of UN Security Council Resolution 1325 on women, peace and security, cf. Organization for Security and Co-operation in Europe, Ministerial Council, Hamburg 2016, *Report by the Chairperson of the Contact Group with the Asian Partners for Co-operation to the Twenty-Third Meeting of the Ministerial Council*, MC.GAL/2/16, 2 December 2016, p.3, available at: <http://www.osce.org/cio/286376>.

27 In 2018, Australia will host the annual OSCE Asian Conference for the second time.

a rules-based system to foster the overall objectives of peace, security, and prosperity.²⁸ It is through the OSCE that Australia conveys its message and calls for Europe's continued, active support to reinforce global rules and norms and pursue constructive engagement with Indo-Pacific countries including China.

Japan

As the longest-standing Asian Partner (since 1992), Japan enjoys a special status among the OSCE's Asian Partners. This is based on the early commitment it made in the context of the G7 to contribute to reform and reconstruction following the fall of the Iron Curtain.²⁹ Japan is deeply committed to the OSCE and participates actively in meetings and events. Since 2001, Japan has hosted four OSCE Asian Conferences and has regularly sought to broaden the OSCE agenda. The OSCE has greatly benefited from Japan's extra-budgetary contributions, and Japan is ranked among the ten top extra-budgetary contributors due to its significant financial support for projects in the Balkans, Central Asia, and Ukraine. Since 1999, Japan has regularly seconded experts to OSCE field operations, including the OSCE Mission in Kosovo, the OSCE Mission to Bosnia and Herzegovina, and the OSCE Special Monitoring Mission (SMM) to Ukraine.

Japan's current focus lies on addressing common security challenges and increasing co-operation on security issues impacting the OSCE Asian Partners, such as the threat posed by the Pyongyang's missile and nuclear programmes, which have reached a new level since 2016, and the tensions in the South China Sea. It has called for joint efforts to build on an international rules-based order and has identified connectivity as a key factor for confidence-building to promote peace, stability, and prosperity.

The Republic of Korea

Since 1994, the Republic of Korea has contributed both substantially to the OSCE's dialogue and financially to OSCE activities.³⁰ It has hosted four OSCE Asian Conferences as well as several other workshops and events co-organized with the OSCE. Since 2016, it has further enhanced its engagement with the OSCE by increasing its financial contributions to OSCE extra-

28 Cf. invitation and concept note distributed as PC.GAL/108/17/Rev.1, 30 June 2017, and Keynote by Mr. Robert McKinnon, The Indo-Pacific Security Dynamic, at the OSCE Asian Contact Group Meeting on 7 July, PC.DEL/961/17, 11 July 2017.

29 Cf. footnote 17.

30 Cf. Soong Hee Lee, The OSCE and South Korea, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 433-440.

budgetary projects, indicating a clear preference for cyber security-related topics. This priority was also evident in the first ever inter-regional conference on ICT/cyber-security, which was held in Seoul at the initiative of the Republic of Korea.

Against the background of the situation in the Korean peninsula, the Republic of Korea is promoting opportunities to share experiences with the OSCE as a platform for dialogue, primarily with a view to the Organization's expertise in CSBMs. While the Republic of Korea has reiterated its willingness to contribute to regional initiatives and to continue looking into the OSCE as a model of regional co-operation, it is also striving to place the security challenges in the Korean peninsula prominently on the OSCE agenda and to identify and adapt a suitable set of CSBMs.

Thailand

As the only Asian Partner for Co-operation that is also an ASEAN member state, Thailand has often underscored its role as a bridge-builder between the OSCE and the Asia-Pacific. Even before becoming an OSCE Partner State, it hosted a workshop on potential future co-operation. Since 2000, Thailand has co-organized many OSCE Asian Conferences and workshops looking into the application of a comprehensive concept of security in the Asian context. Thailand is also well represented at OSCE events, including Ministerial Council Meetings.

Thailand's top foreign-policy goals include the implementation of the UN's Agenda 2030 and Sustainable Development Goals (SDGs), and the agency responsible within the Thai government is personally chaired by the Thai prime minister. Consequently, Thailand sent an expert from the prime minister's office to the 2017 conference in Berlin to present its policy and progress in attaining the SDGs. Thailand has also been working with ASEAN member states on the implementation of the ASEAN Master Plan on Connectivity to improve infrastructure and digital networks and has shown great interest in the OSCE's activities in the field of economic co-operation and connectivity. In addition, Thailand has lately shown an increasing interest in the area of cyber-security, and actively participated at the inter-regional conference in Seoul in April, also hosting a workshop on security co-operation between ASEAN member countries in June 2017. Migration, with its various facets, is another area of OSCE activity in which Thailand has been deeply interested. Following similar discussion at the 2016 Conference in Bangkok, Thailand is planning to co-organize a Contact Group meeting in 2017 on "irregular" migration and challenges to regional security and development.

In his opening remarks at the 2017 OSCE Asian Conference, the outgoing OSCE Secretary General, Lamberto Zannier, reiterated the Organization's increased efforts to work on expanding inter-institutional co-operation with regional organizations in the Asia-Pacific region and establishing relations with a number of regional frameworks in Asia, including ASEAN, the ASEAN Regional Forum, CICA, the Heart of Asia initiative, the TCS, and the SCO.³¹ During his tenure, the OSCE's readiness and willingness to engage further in inter-regional co-operation had been constantly addressed in relevant meetings and forums. However, in many cases, relations did not go beyond formal meetings, and the basis for in-depth, working-level co-operation could not be developed due to a lack of common interests or for operational reasons. There were always great expectations regarding the possibility of relations with the ARF.³²

Particularly during its term as Chair of ASEAN (2008-2009), Thailand strongly advocated for deepening relations between the OSCE and ASEAN, using Contact Group meetings for briefings on ASEAN and the ARF and highlighting areas for potential co-operation, including CSBMs, anti-terrorism, maritime security, non-proliferation, and disarmament. In November 2011, an ARF High-Level Workshop on CSBMs and Preventive Diplomacy was held in Berlin, co-hosted by Germany on behalf of the EU, and by the Republic of Indonesia as the then ARF Chair. In the run-up to its next ASEAN Chairmanship in 2019, Thailand has again increased its active promotion of ASEAN/ARF relations with the OSCE, issuing invitations to ASEAN Regional Workshops dealing with preventive diplomacy and cybersecurity co-operation in the ASEAN region.³³

From the OSCE Annual Security Review Conference (ASRC) in Vienna to the Shangri-La Dialogue in Singapore, major security conferences in

31 On regional co-operation in the Asia-Pacific cf. Elena Atanassova-Cornelis, *Northeast Asia's Evolving Security Order: Power Politics, Trust Building and the Role of the EU*, IAI Working Papers 17/04, January 2017; Michael D. Swaine et al., *Conflict and Co-operation in the Asia-Pacific Region: a strategic net assessment*, Washington, DC, 2015. Charles E. Morrison, The Asia-Pacific Cooperation Agenda: Moving from Regional Co-operation Toward Global Leadership, in: *AsiaPacific Issues*, No. 116, October 2014, pp. 1-6; Alfred Gerstl, The China Factor in Regional Security Cooperation: The ASEAN Regional Forum and the Shanghai Cooperation Organization, in: *ASEAS – Österreichische Zeitschrift für Südostasienwissenschaften* 2/2008, pp. 118-139.

32 The Swiss perception paper from 16 November 2015 (PC.DEL/1553/15) also promoted increased co-operation with ASEAN/ARF and saw great potential for the OSCE and ASEAN secretariats and chairmanships, together with Thailand, as the only ASEAN member state that is also an OSCE Partner, to take the lead in developing inter-institutional dialogue of this kind.

33 The OSCE Secretariat participated in this workshop, which was held in Bangkok; cf. Ministry of Foreign Affairs of the Kingdom of Thailand, *Press Release: Strengthening and Enhancing Cybersecurity Cooperation in the ASEAN Region: Towards an Integrated Approach in Addressing Transnational Crime*, 22 June 2017, at: <http://www.mfa.go.th/main/en/news3/6886/78632-Strengthening-and-Enhancing-Cybersecurity-Cooperat.html>.

Europe and Asia alike share the perception that the regional security environment is becoming increasingly challenging and that there is an advantage in developing existing forums to foster collaboration in areas, such as countering terrorism and responding to cyber threats. Asia's increasing economic and geostrategic weight has a considerable impact on stability and security in Europe and will continue to do so. The Asia-Pacific and Euro-Atlantic areas face common security challenges and have a common interest in co-ordinating their responses. The question of what form this co-ordination should take is yet to be explored.³⁴

The Untapped Potential of the OSCE Asian Partnership

The OSCE participating States and the Asian Partners for Co-operation are jointly affected by increasingly complex and increasingly global security threats that require international co-operation and joint action. The Asian Partnership offers a valuable platform for all stakeholders to share experiences and best practices and to create new synergies. Continued efforts to advance dialogue and co-operation with the Asian Partners and Asian regional organizations have constantly been reiterated. However, in practical terms, the Asian Partnership is only reflected in the OSCE agenda to a limited extent. This could be due to the generally difficult situation the Organization has been facing in recent years, including severe security crises in Europe. On the other hand, there is still a lack of awareness of the added value of the Partnership and of concrete action to involve the Partners in the OSCE schedule.

The OSCE Security Days on “Creating inclusive, safe and sustainable cities: Local approaches to global challenges” in Vienna in March 2017, at which the mayor of Seoul was the keynote speaker, were a good example of how this should work. The OSCE would benefit from including officials and experts from Asia in OSCE events more systematically, both as speakers and as moderators, to diversify discussion and share lessons learned. Another prominent example was the address by Afghanistan's deputy foreign minister for economic co-operation to the Permanent Council on the invitation of the 2016 German OSCE Chairmanship. There is also a need to increase awareness of how Asian security concerns are linked to the OSCE agenda and to enhance relevant dialogue. Asian regional organizations could be invited more frequently to participate and engage in OSCE events. The annual programme of the Contact Group and the annual OSCE Asian Conference agenda should consistently reflect the inter-institutional exchange of best practices between the OSCE and Asian regional organizations and/or actors.

34 Cf. Keynote by Dr. Tim Huxley, Executive Director IISS-Asia, OSCE Asian Contact Group Meeting, 7 July 2017, PC.NGO/8/17, 20 July 2017.

Beyond the regular meetings and the Conference, practical co-operation with the Partners can be realized in multiple ways, including via projects, workshops, and side-events. Through the Partnership Fund, Germany, together with other participating States and Partners, has also made funds available for Partnership projects, which include participation by Partners in OSCE events and a young professional programme for junior diplomats from Partner countries.³⁵ Co-operation activities are offered depending on the needs and interests expressed by individual Partners and there is still potential for more.

35 The Partnership Fund was introduced in 2007 by PC.DEC/812 to foster deeper relations with the Partners by implementing Partner-relevant OSCE projects and activities. Cf. Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 812, Establishment of a Partnership Fund, PC.DEC/812, 30 November 2007, available at: <http://www.osce.org/pc/29502>.

The OSCE and NATO: Side by Side in a Turbulent World

Introduction

Of all the international organizations that play a role in the Euro-Atlantic region, the OSCE, a true “Transatlantic Security Organization”,¹ is undoubtedly the one which has the most similarities with NATO (the North Atlantic Treaty Organization). Both organizations were born in the 20th Century, during the Cold War. Both have gone through in-depth transformation and, to remain relevant, have adapted their mandate and *modus operandi* to the new realities of the 21st Century.² Both – each in its unique way – have adopted policies of conflict prevention and crisis management.³ Both have reached out to the wider European neighbourhood. Both have common members – either directly or through NATO’s Partnership for Peace (PfP) – an overlap which certainly helps to keep the lines of communication open.

These two institutions are the cornerstones of the “New Security Architecture” that the November 1991 NATO Rome Summit defined. Both work to reach common objectives – establishing security and promoting democratic ideals in the Euro-Atlantic and Eurasian region. Both make decisions on the basis of consensus, although the OSCE does it on a larger scale. Both share the same co-operative approach to security.⁴ Both had – a few years apart – the same intuition that “the challenges we will face in this new Europe cannot be comprehensively addressed by one institution alone, but only in a framework of interlocking institutions tying together the countries

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 Robert Barry, *The OSCE: A Forgotten Transatlantic Security Organization*, British American Security Information Council, BASIC Research Report 2002.3, July 2002. On the OSCE as a security organization and a “theory-guided view on the current OSCE as security actor”, cf. Andrea Gawrich, *Emerging from the Shadows – The Ukrainian-Russian Crisis and the OSCE’s Contribution to the European Security Architecture*, in: *Die Friedens-Warte*, 1-2/2014, pp. 59-80, here: pp. 61ff and 65ff.
- 2 Sten Rynning’s remarkable discussion of NATO’s 25 years of existence has considerably enhanced our understanding of the Alliance, cf. Sten Rynning, *The geography of the Atlantic peace: NATO 25 years after the fall of the Berlin Wall*, in: *International Affairs* 6/2014, pp. 1383-1401.
- 3 Cf. Emmet Tuohy, *NATO and its Conflict Management Toolbox*, in: Samuel Goda/Oleksandr Tytarchuk/Maksym Khylyko (eds), *International Crisis Management: NATO, EU, OSCE and Civil Society*, NATO Science for Peace and Security Series, E: Human and Societal Dynamics, vol. 127, Amsterdam 2016, pp. 54-65.
- 4 Cf. Antonio Ortiz, *Neither fox nor hedgehog: NATO’s Comprehensive Approach and the OSCE’s concept of security*, in: *Security and Human Rights* 4/2008, pp. 284-297.

of Europe and North America”.⁵ Viewed in ideal terms, NATO and the OSCE could “each represent half of a comprehensive European security organization”.⁶

At the same time, however, the OSCE and NATO remain significantly different institutions. As Henry Kissinger noted, the concepts of collective security and of alliances are “diametrically opposed”: Collective security organizations, such as the UN (and the OSCE), presume a global common interest, whereas collective defence alliances, such as NATO, presume a specific potential adversary.⁷ The Alliance’s member states share a high degree of integration, mutual trust, and collective security, and seek ways to speak with one voice and promote their common interests. The OSCE, by contrast, represents a large community with Euro-Atlantic and Eurasian dimensions and is composed of states with different perceptions of risks, threats, and challenges, which the Organization needs to take on board and manage. Significant differences between the OSCE and NATO also exist in terms of governance, funding, and staffing.

Practically, what can the OSCE bring to NATO?

The OSCE, like the Conference on Security and Co-operation in Europe (CSCE) before it, is designed to provide a unique, inclusive, values-based forum, with equal buy-in from all participating States, for pan-European security in its broadest sense. It can serve as a natural anchor for a broad-based strategic dialogue and can still provide a useful platform for NATO States to engage Russia and other partners (including Afghanistan, which is an OSCE Asian Partner for Co-operation) and to promote initiatives that usefully complement NATO’s own efforts and partnership structures.

In 2000, the then NATO Secretary General George Robertson stated that “the OSCE remains the sole organisation capable of setting standards of security behaviour through the commitments and obligations which all OSCE member states take on as they join the Organisation.”⁸ With the Helsinki Final Act, the Charter for European Security, and the subsequent OSCE “*acquis*”, the Vienna-based Organization remains a standard-bearer of democracy and human rights and a repository of shared norms, principles, and commitments whose full implementation is a major element in the building of a truly effective security community. The OSCE can serve as a clearing house

5 *Rome Declaration on Peace and Cooperation*, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Rome, 8 November 1991, Press Communiqué S-1(91)86, at: <https://www.nato.int/docu/comm/49-95/c911108a.htm>.

6 Jonathan Dean, OSCE and NATO: Complementary or Competitive Security Providers for Europe? A Long Range Perspective, in: Institute for Peace Research and Security Policy at the University of Hamburg/ Ken Kesey IFSH (ed.), *OSCE Yearbook* 1999, Baden-Baden 2000, pp. 429-434, here p. 429.

7 Cf. Henry Kissinger, *Diplomacy*, New York 1994, p. 247.

8 *Intervention by Secretary General at the OSCE Permanent Council*, Vienna, Austria, 2 November 2000, at: <https://www.nato.int/docu/speech/2000/s001102a.htm>, circulated within the OSCE as PC.DEL/668/00, 2 November 2000.

and a forum for sharing information and ensuring maximum transparency and synergy.

Since the OSCE and NATO share common values and objectives, certain OSCE norms can help participating States in their efforts to accede to the Atlantic Alliance, in a way complementary to NATO's Individual Partnership Action Plans (IPAPs). OSCE principles and documents are referred to several times in the 1995 *Study on NATO Enlargement*.⁹ For instance, the OSCE Code of Conduct on Politico-Military Aspects of Security¹⁰ corresponds to the requirements to be met by candidates for NATO membership, including, prominently, democratic control over the armed forces.¹¹ In Montenegro, the OSCE co-operated with the United Nations Development Programme (UNDP) to implement the Montenegro Demilitarization (MONDEM) programme, which played a major role in Montenegro's NATO accession process. Montenegro became a NATO member on 5 June 2017.

In some regions, the Organization has a significantly denser network than NATO. OSCE field operations in Central Asia,¹² for instance, are particularly well-placed to assist the host countries in addressing emerging transnational threats and challenges and offer the potential for closer NATO-OSCE co-operation on the ground, where participating States wish to pursue it.

Like the European Union, NATO is able to work both *with* and *within* the OSCE. Used wisely, the OSCE can provide an effective complement to NATO's own capabilities, and reinforce the Alliance's efforts to promote long-term security and stability, and vice versa. But NATO member states, which represent more than half of the OSCE 57 participating States, can also help to shape the Organization's future from the inside. This is the *raison d'être* of the NATO caucus in the OSCE, where the ambassadors of the 29 NATO states that are also OSCE participating States gather each Wednesday afternoon in Vienna to co-ordinate their policies on first-dimension issues (Forum for Security Co-operation/FSC issues, Treaty on Conventional Armed Forces in Europe/Open Skies-related topics).

9 "States which have ethnic disputes or external territorial disputes, including irredentist claims, or internal jurisdictional disputes must settle those disputes by peaceful means in accordance with OSCE principles" (Section 6); "NATO enlargement would proceed in accordance with the provisions of the various OSCE documents which confirm the sovereign right of each state to freely seek its own security arrangements, to belong or not to belong to international organisations, including treaties of alliance" (Section 7); see also Sections 12 and 14-16, North Atlantic Treaty Organization, *Study on NATO Enlargement*, 3 September 1995, at: http://www.nato.int/cps/po/natohq/official_texts_24733.htm.

10 Cf. Loïc Simonet, The OSCE Code of Conduct on Politico-Military Aspects of Security after the First Annual Discussion on Its Implementation (11 July 2012): State of Play and Prospects, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2012*, Baden-Baden 2013, pp. 343-360.

11 Cf. *Study on NATO Enlargement*, cited above (Note 9), section 72.

12 The Office of the NATO Liaison Officer for Central Asia in Tashkent was closed on 1 April 2017.

The adoption of the Platform for Co-operative Security at the 1999 OSCE Istanbul Summit is commonly seen as providing the “legal” basis for OSCE-NATO co-operation, since it was aimed at outlining general principles and modalities of co-operation with other international organizations sharing OSCE “values”.¹³ Even if this initiative indeed created a new potential for NATO-OSCE co-operation, the common history of the two organizations had been forged long before, and the Platform offered merely a formalization of the fruitful co-operation they had already developed.

The OSCE and NATO from 1990 to 2015: Two Key Elements of the European Security Architecture

NATO and the OSCE have often been seen as engaged in rivalry and a struggle for dominance. P. Terrence Hopmann, former fellow at the Wilson Center, well recalls how the evolution of the CSCE in the early 1990s, its transformation into a fully-fledged organization in 1995, and the power and tools provided to the OSCE have, to a large extent, mirrored NATO’s own evolution as an instrument of European security.¹⁴ From the Alliance’s full commitment to the OSCE in the 1990s to NATO’s readiness to contribute to peacekeeping operations under the OSCE’s leadership, the interaction between the two organizations has, since their joint involvement in Kosovo, evolved towards a more balanced – and more distant – relationship. Kosovo, together with NATO’s eastward enlargement, has obviously contributed to the OSCE’s “identity crisis”.

*“A Strong CSCE Is in the Alliance’s Interests”*¹⁵

The 1992 Helsinki Document provided the CSCE/OSCE with a “central role” in “fostering and managing change in [the Euro-Atlantic] region”.¹⁶ How did NATO react to this statement?

13 Cf. *Operational Document – The Platform for Co-operative Security*, adopted at the OSCE 1999 Istanbul Summit, para. 1, in: Charter for European Security, Istanbul, November 1999, in: Organization for Security and Co-operation in Europe, Istanbul Summit 1999, *Istanbul Document 1999*, Istanbul 1999, January 2000/Corr., pp. 1-45, here: pp. 43-45, p. 43, at: <http://www.osce.org/mc/39569>. For commentary, see Sandra Sacchetti, The OSCE’s Platform for Co-operative Security: An opportunity for multilateral coherence, in: *Security and Human Rights* 1/2014, pp. 119-129.

14 Cf. P. Terrence Hopmann, The United States and the CSCE/OSCE, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 63-81, here p. 76.

15 “The Alliance has long recognised that a strong CSCE is in its interests”, NATO Assistant Secretary General for Political Affairs Gebhardt von Moltke at the meeting of the CSCE Parliamentary Assembly in Helsinki on 9 July 1993, quoted in: Pol De Witte, The Past, Present and Future of OSCE-NATO Relations, in: Victor-Yves Ghebali/Daniel Warner/Barbara Gimelli, *The Future of the OSCE in the Perspective of the Enlargements of NATO and the EU*, PSIO Occasional Paper 1/2004, Geneva 2004, pp. 43-89, here: p. 51.

The 1990s saw a trend towards building cross-references between NATO and the CSCE/OSCE in terms of norms, standards of behaviour, and instruments of security management. NATO, European integration, and the CSCE were seen as “the three key elements of the European architecture”,¹⁷ each complementing the others in an architecture “firmly based on the principles and provisions of the Helsinki Final Act and the Charter of Paris”.¹⁸ From the earliest proposals to institutionalize the CSCE process, NATO nations have been at the forefront of giving the CSCE/OSCE an operational dimension.

At their meeting in Brussels on 19 December 1991, shortly after the collapse of the Soviet Union, NATO foreign ministers expressed their readiness to make NATO’s “own collective experience available to CSCE”.¹⁹ At this time, the Allies remained “fully committed to the CSCE as political process”.²⁰ In particular, NATO supported the CSCE’s potential for conflict prevention, crisis management, and the peaceful settlement of disputes by appropriate means, such as creating a suitably structured emergency consultation mechanism and strengthening the Conflict Prevention Centre.²¹ At their Madrid Summit in July 1997, where the emergence of a “new Europe” was highlighted, NATO leaders reaffirmed their commitment “to further strengthening the OSCE as a regional organization according to Chapter VIII of the Charter of the United Nations and as a primary instrument for preventing conflict, enhancing cooperative security and advancing democracy and human rights”.²²

The Partnership for Peace was regarded as both complementary to and supportive of CSCE/OSCE activities. Even the 1997 Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation placed the OSCE at the core of the relationship between these two actors: “NATO and Russia will help to strengthen the Organisation for Security and Cooperation in Europe, including developing further its role as a primary instrument in preventive diplomacy, conflict prevention, crisis man-

16 Helsinki Summit Declaration, para. 19, in: Conference for Security and Co-operation in Europe, 1992 Summit, Helsinki, 9-10 July 1992, *CSCE Helsinki Document 1992, The Challenges of Change*, at: <http://www.osce.org/mc/39530>.

17 North Atlantic Council, *Final Communiqué*, Brussels, 17-18 December 1990, para. 7, at: <http://www.nato.int/docu/comm/49-95/c901218a.htm>.

18 *Partnership with the Countries of Central and Eastern Europe*, Statement issued by the North Atlantic Council Meeting in Ministerial Session in Copenhagen, 6-7 June 1991, para. 5, at: <http://www.nato.int/docu/comm/49-95/c910607d.htm>.

19 North Atlantic Council, *Final Communiqué*, Brussels, 19 December 1991, para. 10, at: <http://www.nato.int/docu/comm/49-95/c911219a.htm>.

20 *Partnership with the Countries of Central and Eastern Europe*, cited above (Note 18), para. 4.

21 Cf. *ibid.*, para. 5.

22 *Madrid Declaration on Euro-Atlantic Security and Cooperation*, Issued by the Heads of State and Government, Meeting of the North Atlantic Council, Madrid, 8 July 1997, para. 21, at: <http://www.nato.int/docu/pr/1997/p97-081e.htm>.

agement, post-conflict rehabilitation and regional security cooperation, as well as in enhancing its operational capabilities to carry out these tasks”.²³

In theory, NATO enlargement was also meant to fully respect the OSCE’s key role in the European security architecture. The 1995 *Study on NATO Enlargement* acknowledged the OSCE’s unique role and pre-eminence: “As the most inclusive institution in the European security architecture, the OSCE has a key role to play in maintaining security and transcending divisions in Europe and should continue to be strengthened independently of enlargement of NATO”.²⁴ The study offered its vision of the European security architecture in which NATO and the OSCE would jointly operate: “The activities of the OSCE and of NATO are complementary and mutually reinforcing. [...] A strengthened OSCE, an enlarged NATO, an active NACC and PfP would, together with other fora, form complementary parts of a broad, inclusive European security architecture, supporting the objective of an undivided Europe”.²⁵

Such a commitment from the Atlantic Alliance, in the 1990s, raised the hope of a “triumph of multilateralism”. Experts even imagined the fusion of NATO and the OSCE into a “Northern Hemisphere Alliance (NHA)”, a kind of perfect soft-power/hard-power combination,²⁶ able to make use of a comprehensive spectrum of instruments for crisis prevention and post-conflict rehabilitation.²⁷

From Bosnia and Herzegovina to the Former Yugoslav Republic of Macedonia: The “Golden Age” of NATO-OSCE Co-operation

Relations between NATO and OSCE have been driven by events in the field, and expanded throughout the 1990s as a result, in part, of practical co-operation in peace support operations.

The Failed Attempt to Contribute to Peacekeeping Operations under CSCE/OSCE Control

The NATO Secretary General had already suggested in November 1991 that “there may well be scope for the Alliance to contribute its logistics, intelli-

23 *Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation*, 27 May 1997, at: http://www.nato.int/cps/cn/natohq/official_texts_25468.htm.

24 *Study on NATO Enlargement*, cited above (Note 9), section 15.

25 Ibid., section 16. The North Atlantic Cooperation Council (NACC) was established by the Allies in 1991 as a forum for dialogue and co-operation with NATO’s former Warsaw Pact adversaries, and replaced in 1997 by the Euro-Atlantic Partnership Council (EAPC; see below pp. 309-310).

26 Cf. Stanley R. Sloan/Heiko Borchert, *The Soft-Power Solution: US-European Relations in and beyond Europe*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 75-87, here: p. 78.

27 Cf. Heiko Borchert/Daniel Maurer, *Co-operation, Rivalry or Insignificance? Five Scenarios for the Future of Relations between the OSCE and the EU*, in: *OSCE Yearbook 2003*, cited above (Note 26), pp. 403-417, here pp. 405-406.

gence resources and even rapid reaction forces to CSCE or United Nations-mandated peace-keeping operations or observer missions”.²⁸ Indeed, the 1991 Gulf War had triggered a debate on whether the Alliance’s resources could be made available to allies involved in conflict prevention or resolution, whether or not NATO itself was formally involved. The transformation of the CSCE into a regional arrangement in the sense of Chapter VIII of the United Nations Charter, at the 1992 Helsinki Summit, facilitated such input. The CSCE Heads of State or Government acknowledged that NATO had “offered practical support for the work of the CSCE”, and welcomed “[EC, NATO and WEU] readiness to support CSCE peacekeeping activities, including by making available their resources”.²⁹ Such a contribution by NATO could take different forms: “an Alliance material or non-material contribution in the framework of a CSCE peacekeeping operation; provision of Alliance common assets to a peacekeeping operation; and/or Alliance support of participation by individual Allies in a peacekeeping operation”.³⁰ In 1993, the NACC *Ad Hoc* Group on Cooperation in Peacekeeping, in which the CSCE/OSCE participated actively, reached a common understanding.³¹ Altogether, these developments “gave many observers the impression that the CSCE could mandate NATO non-Article 5 operations”.³² At one point, the possibility was even considered that the OSCE could take control of NATO’s Partnership for Peace.³³ The NATO-Russia Founding Act itself reflected just this trend: The two partners agreed to plan, prepare, and carry out “joint operations, including peacekeeping operations, on a case-by-case basis, under the authority of the UN Security Council or the responsibility of the OSCE”.³⁴

This was never translated into operational arrangements, and the Alliance later moved away from the model of mandate-based security governance towards building an independent capacity to act in crisis management. As a result, NATO has never directly supported OSCE operations, but merely provides security, logistics, information, and communications support for OSCE activities in territories where Alliance forces have been deployed.

28 Manfred Wörner, NATO transformed: the significance of the Rome Summit, in: *NATO Review* 6/1991, at: <http://nato.int/docu/review/1991/9106-1.htm>.

29 *Helsinki Summit Declaration*, cited above (Note 16), paras 10 and 20.

30 *NATO Deputy Secretary General’s Address to the CSCE Ministerial Council in Stockholm on 15 December 1992*, p. 2.

31 Cf. De Witte, cited above (Note 15), p. 50. The Russian Federation had suggested a NACC-OSCE “contact group” be established “to include peace-keeping tasks”. John Borawski, The OSCE: In Search of Cooperative Security, in: *Security Dialogue* 4/1996, pp. 401-408, here: p. 403.

32 David S. Yost, *NATO and International Organizations*, NATO Defence College, Forum Paper 3, Rome, September 2007, pp. 124-125.

33 Cf. Vincent Ramelot/Eric Remacle, *L’OSCE et les conflits en Europe*, Les Dossiers du GRIP, Brussels, 1 July 1995, p. 101.

34 *Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation*, cited above (Note 23).

Co-operation Instead of Competition, Synergy rather than Hierarchy: The Division of Labour in the Balkans

In contrast to “the disgraceful competition that characterised the activities of security-related institutions in the early phases of the conflict in the former Yugoslavia”,³⁵ later co-operation between the OSCE and NATO in the Balkans offers a good example of “mutually reinforcing activities”.

- Co-operation in the field first developed in Bosnia and Herzegovina, where NATO’s Implementation Force (IFOR) and, subsequently, Stabilisation Force (SFOR) provided vital support for the OSCE field operation. While NATO was assigned a military mandate in Annex IA of the General Framework Agreement for Peace (commonly known as the Dayton Agreement) of 14 December 1995, the OSCE was given the challenging new mission of implementing virtually all its non-military parts, encompassing a full spectrum of democracy-building activities (including supervision of the preparation and holding of free and fair elections) and the enforcement of the disarmament provisions.³⁶ In carrying out these tasks, IFOR/SFOR and the OSCE Mission (particularly the Mission’s Joint Operations Centre, JOC) developed a great deal of practical co-operation, with each appointing a liaison officer assigned for co-ordination and information exchange purposes. NATO-OSCE consultations led the North Atlantic Council (NAC) to authorize IFOR to provide priority support to the OSCE in the planning and conducting of the elections in Bosnia and Herzegovina on 14 September 1996, through the establishment of a secure environment for these elections, particularly with regard to planning, logistics, and communications. This kind of co-operation was again undertaken for the April 2000 municipal elections and the November 2000 general election. SFOR personnel also participated in situation awareness briefings and mines-awareness training provided to OSCE supervisors. SFOR liaison teams were deployed to the JOC and to all OSCE Regional Centres and Field Offices to provide on-the-spot advice and a smooth link with SFOR formations in the field and at headquarters.

Even if “responsibility for the implementation of virtually all non-coercive aspects of the Dayton Accords fell to the OSCE largely by default”,³⁷ post-Dayton Bosnia provided a good example of burden sharing between NATO and the OSCE. The successes of the OSCE – together with other international actors – in establishing an improved se-

35 Ortiz, cited above (Note 4), p. 294.

36 Cf. Flavio Cotti, The OSCE’s increasing responsibilities in European security, in: *NATO Review* 6/1996, pp. 7-12, at: <http://www.nato.int/docu/review/1996/9606-2.htm>; Oya Dursun-Ozkanca, Does it take four to tango? A comparative analysis of international collaboration on peacebuilding in Bosnia and Herzegovina and Kosovo, in: *Journal of Balkan and Near Eastern Studies* 4/2010, pp. 437-456.

37 Hopmann, cited above (Note 14), p. 71.

curity environment, has permitted successive reductions in scale and scope of IFOR/SFOR, which was brought to a successful end in 2005, clearing the stage for the EU multinational stabilization force (EUFOR). Kosovo has raised OSCE-NATO co-operation to a higher level. In 1998-1999, the two organizations were assigned complementary verification tasks in Kosovo relating to compliance by all parties with the requirements of UN Security Council Resolution (UNSCR) 1199 (1998), and had to work together creatively in very demanding circumstances. The OSCE Kosovo Verification Mission (KVM), established in October 1998 and comprising 2,000 unarmed verifiers, operated under NATO protection (air reconnaissance mission *Eagle Eye*, consisting of NATO non-combatant reconnaissance platforms, and low- and medium-altitude manned reconnaissance platforms, and a NATO-led extraction force, both terminated after the safe withdrawal of the OSCE monitors from Kosovo when operation *Allied Force* began in March 1999). The Kosovo Verification Coordination Centre established in Kumanovo, in the Former Yugoslav Republic of Macedonia (FYROM), played an important role in liaison, planning, co-ordination and information exchange with the OSCE KVM headquartered in Pristina.³⁸ In 1999, the end of the 78-day air campaign and the adoption of UNSCR 1244 opened a new phase of co-operation, with an OSCE better mandated and equipped to work on institution building: the OSCE Mission in Kosovo (OMIK) as Pillar III of the UN-led mission in Kosovo (UNMIK).

Procedurally and operationally, the close liaison between the two organizations must be judged a success, characterized by good working relationships, reciprocal visits, an unusual degree of openness, and an unprecedented degree of co-operation. During the build-up phase of the KVM, NATO input was both timely and important. In the disappointment and confusion following the withdrawal of the KVM on 20 March 1999, NATO's moral and material support was very welcome and much appreciated. Many NATO officers deployed later on with the Kosovo Force (KFOR) gained invaluable insight and experience by working in the KVM as civilian verifiers, taking away a new appreciation of the importance of the OSCE and its democracy-building role in post-conflict rehabilitation.

Today, NATO and the OSCE remain a stabilizing factor in Kosovo. The OSCE has the central role in building democratic institutions and seeking to establish a stable order in which Kosovo's ethnic communities can re-establish positive relations with one another, whereas NATO's presence in Kosovo, even after the downsizing and significant restructuring of KFOR in 2011-2012, guarantees the security necessary

38 Cf. *Remarks by Dr. Javier Solana, Secretary General of NATO*, At the Inauguration of the Kosovo Verification Coordination Centre (KVCC), 26 November 1998, at: <http://www.nato.int/docu/speech/1998/s981126a.htm>.

for this work to move forward. Answering the request of the OSCE Secretary General, NATO once again assisted the OSCE staff in facilitating municipal elections in four northern Kosovo municipalities on 3 November 2013, as a third responder. Successful co-operation was also undertaken in the context of the gradual handover of KFOR's security responsibilities at religious/cultural heritage sites to the Kosovo Police, and in the area of police training.³⁹

- Co-operation between NATO and the OSCE in FYROM has further illustrated their joint capacity to manage crises, and has brought a new comprehensive approach to preventing conflict. Indeed, in 2000-2001, collective and co-ordinated NATO-OSCE efforts contributed significantly to the avoidance of a violent crisis in that country, not only by brokering temporary ceasefires but also by discouraging the authorities in Skopje from declaring a state of war and pressing for a political solution. On 26 July 2001, Javier Solana, the EU's High Representative for the Common Foreign and Security Policy, and NATO Secretary General Robertson, accompanied by the OSCE Chairman-in-Office, Romanian Foreign Minister Mircea Geoana, rushed to Skopje with the pledge that NATO, the EU, and the OSCE would assist in the implementation of the political framework agreement that would eventually be signed on 13 August in Ohrid. Following this agreement, the NAC authorized the deployment of 3,500 troops taking part in operation *Essential Harvest*, to implement the demobilization of the UCK/NLA within 30 days, and collect and destroy weapons voluntarily surrendered.⁴⁰ After the completion of *Essential Harvest*, and following the decision adopted by the OSCE Permanent Council (PC) on 29 September 2001 to further enhance its Spillover Monitor Mission to Skopje, NATO agreed, at Skopje's request, to retain a much smaller force in the country (*Amber Fox*). The role of this operation was essentially to support OSCE and EU observers tasked with confidence building, police training, and reporting on humanitarian issues, by providing capabilities for medical emergency evacuation as well for explosive ordnance disposal upon request, and a contingency capability for extracting international community monitors from dangerous situations if the government of FYROM was unable to do so.⁴¹ After 2001, the Security Principals (the EU and the US as the two guarantors of the Ohrid Framework Agreement, together with NATO and the OSCE) continued to meet regularly to hold

39 Cf. Dursun-Ozkanca, cited above (Note 36), p. 450.

40 Cf. Alice Ackermann, On the Razor's Edge: Macedonia Ten Years after Independence, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook* 2001, Baden-Baden 2002, pp. 117-135, here: pp. 128 and 130; Mihai Carp, Back from the brink, in: *NATO Review*, Winter 2002, at: <http://www.nato.int/docu/review/2002/Managing-Crisis/Back-from-brink/EN/index.htm>.

41 Cf. the exchange of letters between NATO Secretary General Robertson and OSCE Secretary General Ján Kubiš, dated 9 and 12 October 2001, SEC.GAL/206/01, 12 October 2001.

discussions, share information, and take joint action where appropriate (in the form of joint meetings with key interlocutors or joint statements) on issues affecting the political and/or security situation in the host country. On 14 February 2013, the Heads of Mission of the European Union, the NATO Liaison Office, the OSCE, and the United States in Skopje strongly urged all sides to enhance the political dialogue, to focus on the country's strategic priorities and to put the best interests of the country and its citizens first.⁴² More recently, the joint statement on incidents they presented to the parliament in Skopje on 2 May 2017 also had some effect.⁴³

In addition to this preventive diplomacy, NATO and the OSCE have co-operated in the Ohrid border management process initiated in May 2003, also involving the EU and the Stability Pact for South Eastern Europe.⁴⁴

- In the autumn and winter of 2000, regional tensions threatened to spill over from Kosovo into the Preševo valley in South Serbia, which is mostly inhabited by ethnic Albanians. Together with NATO, the OSCE managed to defuse the tensions, facilitated dialogue, promoted local self-government, and assisted with reforms including community policing.⁴⁵

Did NATO “eclipse” the OSCE in the Balkans?⁴⁶ Even worse, was the OSCE “instrumentalized” by NATO in 1999, as Russia argued,⁴⁷ and kept in a “secondary position in the institutional division of labour”?⁴⁸ Did it play the role of NATO’s “deputy sheriff”⁴⁹ in Kosovo or even “maidservant” in FYROM in 2001?⁵⁰ On the contrary, the soft-power/hard-power combination of the

42 Cf. SEC.PR/38/13, 14 February 2013.

43 Cf. *Joint statement of the Heads of EU Delegation, US Embassy, OSCE Mission and NATO Liaison Office in Skopje on yesterday's incidents at the Parliament*, Skopje 2 May 2017, at: https://eeas.europa.eu/headquarters/headquarters-homepage_en/25320/Joint-statement-of-the-Heads-of-EU-Delegation-US-Embassy-OSCE-Mission-and-NATO-Liaison-Office-in-Skopje-on-yesterday's-incidents-at-the-Parliament.

44 Cf. Yost, cited above (Note 32), p. 117.

45 Cf. North Atlantic Treaty Organization, *Address by the OSCE Chairman-in-Office Dr. Dimitrij Rupel for the Panel “Acting in Concert in the Balkans and Elsewhere – How Can Institutional Co-operation Make the World More Secure” at EAPC Security Forum, Åre, Sweden*, 25 May 2005, at: http://www.nato.int/cps/en/natohq/opinions_21768.htm?selectedLocale=en.

46 S. Neil MacFarlane, NATO in Russia's Relations with the West, in: *Security Dialogue* 3/2001, pp. 281-296, here: p. 281.

47 Wolfgang Zellner, Russia and the OSCE: From High Hopes to Disillusionment, in: *Cambridge Review of International Affairs* 3/2005, pp. 389-402, here: p. 393.

48 Boyka Stefanova, OSCE and Balkan security, in: *Journal of Balkan and Near Eastern Studies* 1/2009, pp. 43-60, here: p. 56.

49 Victor-Yves Ghebali, L'OSCE au Kosovo: vers un rôle de “shérif adjoint” de l'OTAN dans les Balkans?, in: *La Revue internationale et stratégique*, no. 33, Spring 1999, pp. 74-84.

50 Victor-Yves Ghebali, Growing Pains at the OSCE: The Rise and Fall of Russia's Pan-European Expectations, in: *Cambridge Review of International Affairs*, 3/2005, pp. 375-388, here: p. 381.

OSCE and NATO has worked quite effectively in dealing with these kinds of post-Cold War security issues in Europe. NATO was able to bring first Bosnia-Herzegovina and then Kosovo to the point of stability and peace where the OSCE could move in to help create a framework for the development of modern democratic states. As for the OSCE, the backing of NATO's forces and infrastructure was essential to allow it to play a critical soft-power role.

Having said that, two remarks should be made. First, the end of the war in ex-Yugoslavia signalled the end of the fiction of an Atlantic Alliance subordinated, at least in theory, to the OSCE: NATO emerged as the preeminent security and defence organization in Europe, as "first among equals".⁵¹ Second, the onset of the bombing campaign against the former Republic of Yugoslavia made OSCE co-operation with NATO a divisive issue in the OSCE PC, opening a period of relative disillusionment between the two parties and their member/participating States.

The Disillusionment of 2000: The OSCE at the Core of the Tumultuous Relationship between NATO and the Russian Federation

NATO's 1991 and 1999 Strategic Concepts clearly spelled out the Alliance's vision of the OSCE's role in the Euro-Atlantic security architecture. The 1999 Strategic Concept, adopted in the midst of the Kosovo intervention, mentions the OSCE three times and devotes a whole paragraph to it.⁵² On the contrary, the Strategic Concept adopted by the Heads of State and Government at the NATO Summit in Lisbon in 2010 does not say a word about the Organization.⁵³ How should this apparent reduction in the interest of the Atlantic Alliance in the OSCE, a few weeks before the Astana Summit, where the 56 participating States would "recommit (themselves) to the vision of a

51 Ingo Peters, 'The OSCE, NATO and the EU within the "Network of Interlocking European Security Institutions": Hierarchization, Flexibilization, Marginalization', in: *OSCE Yearbook 2003*, cited above (Note 26), pp. 381-402, here: p. 398. Cf. also the introduction by Hans Haekkerup, Special Representative of the UN Secretary-General for Kosovo and Head of UNMIK, to the special edition of the *Cambridge Review of International Affairs* on "Russia, the OSCE and Post-Cold-War European Security", 3/2005, pp. 371-373, here: p. 371.

52 "The OSCE, as a regional arrangement, is the most inclusive security organisation in Europe, which also includes Canada and the United States, and plays an essential role in promoting peace and stability, enhancing cooperative security, and advancing democracy and human rights in Europe. The OSCE is particularly active in the fields of preventive diplomacy, conflict prevention, crisis management, and post-conflict rehabilitation. NATO and the OSCE have developed close practical cooperation, especially with regard to the international effort to bring peace to the former Yugoslavia." NATO, *The Alliance's Strategic Concept, Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C.*, 24 April 1999, at: http://www.nato.int/cps/on/natohq/official_texts_27433.htm, para. 16; see also paras 14 and 31).

53 Cf. *Active Engagement, Modern Defence. Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, Adopted by the Heads of State and Government at the NATO Summit in Lisbon, 19-20 November 2010*, at: http://www.nato.int/strategic-concept/pdf/Strat_Concept_web_en.pdf.

free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok”, be interpreted? Had the OSCE, in the space of a decade, become irrelevant for NATO?

The – obviously negative – answer to that question might be found in the “Russian factor in OSCE crisis”.⁵⁴ The 1972-75 Conference on Security and Co-operation in Europe (CSCE) had taken place against a backdrop of intense rivalry between the US- and Soviet-led blocs. Academics have shown that, from its very inception, the OSCE has been at the crossroads of divergent approaches between Russia and the United States and its allies. Russia’s growing concerns about NATO policies, at the dawn of the 21st century, placed the OSCE, a forum for discussion in which the Russian Federation is fully engaged, in a delicate situation.

NATO Enlargement: The Elephant in the Room

“NATO enlargement and its role in peace support operations have tended to dominate the European security debate for the better part of the decade”.⁵⁵ Twenty years ago, the NATO “Cold War club” had 16 members. Following the four enlargement waves of 1999 (the Czech Republic, Hungary, and Poland), 2004 (Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia), 2009 (Albania and Croatia) and 2017 (Montenegro), it now has 29. Seven of them are former Soviet allies, and three used to be constituent republics of the USSR. The Atlantic Alliance has also set up distinct partnerships with former Soviet Republics. On 9 July 1997, soon after the signing of the NATO-Russia Founding Act, the Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine was signed at the meeting of the NAC in Madrid,⁵⁶ and an action plan was adopted in 2002 at the NATO-Ukraine Ministerial meeting in Prague.⁵⁷ As for Georgia, it was granted a “substantive package” of co-operation, which includes the establishment of a NATO-Georgian Joint Training and Evaluation Centre (JTEC) – inaugurated on 27 August 2015 – a logistical facility, and a defence school.⁵⁸

The opposition of the Russian Federation to NATO’s eastward enlargement – which, as a furious Boris Yeltsin put it in 1995, would “fan the flames of war throughout Europe”⁵⁹ – and especially the “problematic” extension of

54 Victor-Yves Ghebali, The Russian factor in OSCE crisis: A fair examination, in: *Helsinki Monitor* 3/2005, pp. 184-187.

55 Borawski, cited above (Note 31), p. 401.

56 *Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine*, 9 July 1997, at: https://www.nato.int/cps/in/natohq/official_texts_25457.htm.

57 NATO-Ukraine Action Plan, 22 November 2002, at: https://www.nato.int/cps/su/natohq/official_texts_19547.htm?selectedLocale=en.

58 With 885 staff currently deployed in Afghanistan, Georgia is the second largest contributor after the United States to NATO’s *Resolute Support* mission, which was established in January 2015.

59 Jelzin: Ost-Erweiterung der Nato wird in ganz Europa die Flamme des Krieges entfachen [Yeltsin: NATO’s Eastward Expansion Will Fan the Flames of War throughout Europe], in: *Frankfurter Allgemeine Zeitung*, 9 September 1995, p. 1, quoted by Egon Bahr/Rein-

offers of membership to Georgia and Ukraine at the 2008 Bucharest NATO Summit,⁶⁰ has been a constant aspect of its foreign policy. According to Wolfgang Zellner, it is “the most prominent negative Russian interest in the OSCE”.⁶¹ By 1999, following the admission of three new members and the start of NATO operations in Kosovo, an opinion poll indicated that 66 per cent of the Russian population considered the expansion of NATO to be harmful to Russia.⁶²

NATO enlargement has been a substantial irritant in Russia’s relations with the West, and this has clearly been reflected in the discussion within the OSCE.

Some Obvious Consequences for the OSCE

“It takes no great perspicacity to see that the enlargement of the European Union and NATO [...] are influencing relations between these structures and the OSCE and, consequently, the performance of the Organization itself and its ability to discharge its obligations as well”.⁶³ For Victor-Yves Ghebali, the enlargement of the European Union and NATO is one of the three main intersecting factors that explain the crisis in which the OSCE is presently enmeshed.⁶⁴ Indeed, NATO expansion is often seen as a determining factor in the eruption of events that have recently posed major challenges to the OSCE, such as the August 2008 conflict in Georgia⁶⁵ or the current crisis in and around Ukraine.⁶⁶ The process has also entailed direct consequences for

hard Mutz, *Do We Need a New European Security Culture? Why the Best of Détente Is Yet to Come*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2009*, Baden-Baden 2010, pp. 61-75, here: p. 65.

60 “We agreed today that these countries [Ukraine and Georgia] will become members of NATO”, *Bucharest Summit Declaration, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008*, 3 April 2008, para. 23, at: https://www.nato.int/cps/ua/natohq/official_texts_8443.htm.

61 Wolfgang Zellner, *Asymmetric Security in Europe and the Tasks of the OSCE*, in: *OSCE Yearbook 2003*, cited above (Note 26), pp. 61-73, here: p. 65.

62 Cf. MacFarlane, cited above (Note 46), p. 285.

63 Bronislaw Geremek, *The Organization for Security and Co-operation in Europe – Its Development and Prospects*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1998*, Baden-Baden 1999, pp. 27-36, here: p. 29.

64 Ghebali, cited above (Note 54), p. 184.

65 “In sum, Russia’s response to Georgia’s military operation in South Ossetia was also a response to the expansion of NATO and US influence in the area, which Russia perceives as its ‘traditional’ zone of interests.” Elena Kropatcheva, *Russia’s Response to Georgia’s Military Operation in South Ossetia*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2008*, Baden-Baden 2009, pp. 45-61, here p. 59.

66 The fear of a post-Yanukovych Ukraine joining NATO and closing Russia’s military base in Sevastopol has undoubtedly played a role in the upcoming annexation of Crimea by the Russian Federation: “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.” Vladimir Putin, *Address by President of the Russian Federation*, Moscow, 18 March 2014, at: <http://eng.kremlin.ru/news/6889>, also quoted by Graeme P. Herd, *Russia and Ukraine: Victory Is not Possible; Defeat Is not an Option*, in:

OSCE business in the first dimension, such as the suspension of the implementation of the CFE Treaty by the Russian Federation in 2007⁶⁷ or President Dmitry Medvedev's proposal of a European Security Treaty Initiative two years later,⁶⁸ which both very much reflect Russia's criticism of "NATO-centrism" in the European security architecture.⁶⁹ Alexandra Gheciu observes that the tension between Russia and the United States and its allies over NATO's enlargement – "aggressive expansion", for this author – "has further complicated an already difficult situation within the OSCE, making it extremely difficult for the Organization to transcend its problems, achieve normative consensus among participating States, and on this basis (re-)emerge as a more influential actor in the field of security". And Gheciu concludes: "In other words, problems associated with dynamics of NATO enlargement demonstrate that in certain instances the alliance and the OSCE have partly undermined each other".⁷⁰

NATO has not only been growing geographically, but has also greatly expanded its competencies "out of area", taking on functions in the field of security that originally belonged to the OSCE (for example, democratic control of the armed forces, police-related activities, the building of democratic institutions, energy security, etc.), undergoing functional de-specialization/generalization and, thereby, becoming more similar to the OSCE.⁷¹ Through the Partnership for Peace, NATO has taken over earlier OSCE programmes for promoting civil control of the military and training for peacekeeping. NATO's evolution from a strictly collective defence organization into a multipurpose security agency is reflected in the Alliance's Comprehensive Approach, which was formally introduced at the Riga Summit in November 2006. This transformation of the Alliance into a "global NATO"⁷² has changed the OSCE's environment, challenging its relevance and reducing the importance of its broad membership.

Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2014*, Baden-Baden 2015, pp. 199-214, here p. 204.

67 Cf. Loïc Simonet, *Trois ans après la suspension du Traité sur les forces conventionnelles en Europe par la Fédération de Russie: Retour sur les fondements juridiques d'un acte controversé*, in: *Revue générale de droit international public* 1/2011, pp. 157-173.

68 *The draft of the European Security Treaty*, 29 November 2009, at: <http://en.kremlin.ru/events/president/news/6152>.

69 Cf. Vladimir Voronkov, *The European Security Treaty after Corfu*, SEC.DEL/242/09, 14 September 2009.

70 Alexandra Gheciu, *Securing Civilization? The EU, NATO, and the OSCE in the Post-9/11 World*, Oxford 2008, p. 172. In 2017, the Russian Federation again commented that the decisions taken at the NATO Warsaw Summit, including regarding the Alliance's "open door policy", violate a number of NATO member states' commitments within the OSCE, Permanent Mission of the Russian Federation to the OSCE, *NATO vs OSCE. NATO summit decisions and their "compliance" with OSCE commitments*, at: <https://osce.mid.ru/web/osce-en/-/nato-vs-osce>.

71 Cf. Peters, cited above (Note 51), p. 399; Helga Haftendorn, "Das Ende der alten NATO [The End of the Old NATO]", in: *Internationale Politik* 4/2002, pp. 52-54.

72 Ivo H. Daalder/James M. Goldgeier, *Global NATO*, in: *Foreign Affairs* 5/2006, pp. 105-113; cf. also Zbigniew Brzezinski, *An agenda for NATO: toward a global security web*, in: *Foreign Affairs* 5/2009, pp. 2-20.

The Atlantic Alliance Remains a “Threat” for the Russian Federation, and Vice Versa

The 2015 National Security Strategy of the Russian Federation suffers no ambiguity: “The build-up of the military potential of the North Atlantic Treaty Organization (NATO) and the endowment of it with global functions pursued in violation of the norms of international law, the galvanization of the bloc countries’ military activity, the further expansion of the alliance, and the location of its military infrastructure closer to Russian borders are creating a threat to national security.”⁷³ Although the Atlantic Alliance has tried, since the collapse of the Soviet Union, to regard its successor not as an adversary, but rather as a partner in co-operation, NATO’s traditional image as the enemy and rival has recently made a comeback in Russia. Further to NATO’s “systematic, creeping expansion eastwards, which has led to deeper dividing lines in Europe and fuelled the ingrained Cold War instincts”,⁷⁴ NATO’s armed intervention in Serbia to resolve the case of Kosovo has, in the Russian view, reinforced the feeling that Russian national interests have been ignored.

The close association between NATO and the United States has reinforced this “new Cold War” perception.⁷⁵ After some initial achievements, US President Barack Obama’s *Reset* policy, which was intended to improve US-Russia relations in 2009, was waylaid by growing frictions over the situation in Libya, the civil war in Syria, and the Snowden case, among other conflicting issues. In 2014, the gap between a resurgent Russia and the West became even wider over the Ukraine Crisis.

On 1 April 2014, the NATO foreign ministers decided to suspend all practical civilian and military co-operation between NATO and Russia, though maintaining their political dialogue in the NATO-Russia Council, as necessary. Russia was no longer seen “as a partner, but as more of an adversary”.⁷⁶ In early March 2014, Poland and the Baltic states requested an emergency meeting of the NATO Council under Article 4 to discuss the Russian threat. At the Wales Summit later that year, the NATO leaders also decided to strengthen the Alliance’s eastern flank. In order to enhance the credibility

73 *Russian National Security Strategy*, December 2015, para. 15, available at: <http://www.ieee.es/Galerias/fichero/OtrasPublicaciones/Internacional/2016/Russian-National-Security-Strategy-31Dec2015.pdf>.

74 Delegation of the Russian Federation, *Statement by Mr. Alexander Grushko, Permanent Representative of the Russian Federation to NATO, at the 2017 Annual Security Review Conference*, Vienna, 27 June 2017, PC.DEL/853/17, 27 June 2017, p. 2, at: <http://www.osce.org/chairmanship/325791>.

75 Robert Legvold, *Managing the New Cold War. What Moscow and Washington Can Learn From the Last One*, in: *Foreign Affairs* July/August 2014, at: <https://www.foreignaffairs.com/articles/united-states/2014-06-16/managing-new-cold-war>.

76 *A new strategic reality in Europe, Speech by NATO Deputy Secretary General Ambassador Alexander Vershbow to the 21st International Conference on Euro-Atlantic Security, Krakow, Poland*, 4 April 2014, at: http://www.nato.int/cps/en/natohq/opinions_108889.htm.

of Article 5 guarantees, NATO approved a Readiness Action Plan aimed at shortening the reaction time of its forces in case of threat. To facilitate the deployment of both quick reaction forces and follow-on units, the Alliance decided to station the necessary facilities, equipment, and logistics specialists on the territories of Poland, Estonia, Latvia, Lithuania, and Romania.⁷⁷ On 10 July 2017, Secretary General Jens Stoltenberg, opening a session of the Ukraine-NATO Commission, reiterated “the Alliance’s solidarity with Ukraine and our firm support of sovereignty and territorial integrity of this country”, also stigmatizing Russia’s “aggressive actions”.⁷⁸

The new confrontation between the Russian Federation and the West not only distorts the relationship between the US/NATO and Russia; it might – and has obviously already done so – inflict serious harm on a broad array of international issues, including those discussed in the OSCE. “The tense relations between the USA and EU/NATO members, on the one side, and Russia, on the other, are expressed in regular disagreements on what the priorities of the Organization’s work should be. This leads to disputes over the establishment and mandates of missions and field operations and to disunity in budgetary questions. The split renders substantive institutional reform difficult if not impossible [...]”⁷⁹

As a conclusion to this first chapter, it is interesting to note that the relationship between NATO and the OSCE is still seen in terms of competition and hierarchy. As an Asian commentator recently stated, “during the Cold War, NATO took center stage to address conventional warfare and OSCE was in a supporting role. However, in the post-Cold War 21st century environment of unconventional warfare and new security challenges, it is important to have a paradigm shift so that now OSCE should take center stage, with NATO having a supporting role. Dialogue, confidence building, and crisis management – rather than military power – should lead modern diplomacy. Only when diplomacy via OSCE fails should the West then resort to NATO.”⁸⁰ This reluctance to consider NATO and the OSCE as equal partners, together with a “disenchanted” post-Cold war agenda, have not prevented the two organizations from maintaining a solid, confident, and pragmatic relationship, based on human and technical cross-fertilization.

77 Cf. Rynning, cited above (Note 2), p. 1396.

78 Cited in: 112 Ukraine, *NATO supports Ukraine in struggle with Russia*, – Stoltenberg, 10 July 2017, at: <https://112.international/politics/nato-supports-ukraine-in-struggle-with-russia-stoltenberg-18698.html>.

79 Daniel Trachsler, Switzerland’s OSCE Chairmanship in 2014: A Challenge and an Opportunity, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2013*, Baden-Baden 2014, pp. 69-79, here: p. 73.

80 Christina Lin, Move over NATO; OSCE is a better platform to engage China, in: *Asia Times*, 7 November 2016, at: <http://www.atimes.com/move-nato-osce-better-platform-engage-china>.

The OSCE's response to the crisis in and around Ukraine has put the Organization back in the spotlight, and has made it more visible in Brussels. In addition, as Pál Dunay points out, it has undoubtedly tightened the links between the Alliance and certain OSCE participating States which, rightly or not, might see it as the first in a series of Russian territorial claims.⁸¹

The Alliance immediately "welcome[d] the swift deployment of the OSCE Special Monitoring Mission, which must be able to operate unhindered and have access to all regions of Ukraine in order to fulfil its mandate",⁸² and further condemned impediments to the Mission's work and attacks on OSCE observers.⁸³ NATO allies have been among the major contributors to the Special Monitoring Mission, both in term of funds and human resources. At the same time, the Alliance has tightened its links with Ukraine.⁸⁴

In June 2016, arguing that an enhanced NATO presence in Vienna would contribute to actively promoting and strengthening the good relations between NATO and the OSCE, Secretary General Stoltenberg appointed his Representative to the OSCE in the person of Eirini Lemos Maniati, an experienced member of the NATO international staff.

As the NATO Heads of State and Government stated at their Summit in Istanbul in 2004: "The OSCE and NATO have largely complementary responsibilities and common interests, both functionally and geographically".⁸⁵ More than a decade on, this assertion remains more true than ever.

81 Cf. Pál Dunay, Lessons to Learn: The Effect of the Ukraine Crisis on European and Euro-Atlantic Security, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2014*, Baden-Baden 2015, pp. 237-259, here: pp. 245-246.

82 *Wales Summit Declaration, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Wales, 5 September 2014*, para. 27, at: http://www.nato.int/cps/en/natohq/official_texts_112964.htm.

83 Cf. *Warsaw Summit Communiqué, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw 8-9 July 2016*, para. 20, at: http://www.nato.int/cps/en/natohq/official_texts_133169.htm.

84 Cf. North Atlantic Treaty Organization, *Comprehensive Assistance Package for Ukraine*, Fact Sheet, July 2016, at: http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_09/20160920_160920-compreh-ass-package-ukraine-en.pdf. On the way NATO has handled the Russia-Ukraine conflict, cf. also Oleksandr Tytarchuk/Maksym Khylyko, NATO, the EU and the OSCE in the Handling of the Russia-Ukraine Conflict: Competitive Synergy or "Freezing" Crisis Management? In: Goda/Tytarchuk/Khylyko (eds), cited above (Note 3), pp. 87-100.

85 *Istanbul Summit Communiqué, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council*, para. 43, at: <http://www.nato.int/docu/pr/2004/p04-096e.htm>.

Although the OSCE and NATO have not adopted a co-operation agreement to define their interactions and areas of co-operation, cross-representation allows each organization to be fully aware of the other's activities and comparative advantages.

NATO Secretaries General have addressed the OSCE Permanent Council three times. George Robertson did it twice (2 November 2000,⁸⁶ the first time that a NATO Secretary General addressed the PC, and 6 November 2003⁸⁷), and Jaap de Hoop Scheffer spoke once (3 November 2005).⁸⁸ Anders Fogh Rasmussen also opened the 2011 Annual Security Review Conference.⁸⁹ The Istanbul Summit in 1999, which George Robertson addressed, was the first one ever addressed by a NATO Secretary General,⁹⁰ although his predecessor, Javier Solana, had taken the floor at the luncheon for Heads of State or Government at the OSCE Lisbon Summit on 2 December 1996.⁹¹ Other high-level personalities frequently attend OSCE events. NATO's Supreme Allied Commander Europe (SACEUR), US Marine Corps General James L. Jones, addressed the PC on 14 September 2006. Rose Gottemoeller, freshly appointed as the first female Deputy Secretary General of the Alliance, attended the OSCE Hamburg Ministerial Council in December 2016.

Although the OSCE is usually not invited to attend and observe NATO ministerial meetings and summits, the Wales Summit in 2014 was an exception. On 5 September 2014, the OSCE Chairperson in Office, Swiss Foreign Minister Didier Burkhalter,⁹² and Secretary General Lamberto Zannier were indeed able to take part in the event, organized on the margins of the summit by the government of the United Kingdom on implications of the crisis in and around Ukraine for European security at large, alongside EU High Representative on Foreign Affairs Catherine Ashton and Council of Europe Secretary General Thorbjørn Jagland.

Over many years, it has become a tradition for the OSCE Chairperson-in-Office to visit NATO's headquarters and address the NAC. Ambassador Gernot Erler, Special Representative of the Federal Government of Germany

86 *Intervention by Secretary General at the OSCE Permanent Council*, cited above (Note 8).

87 PC.DEL/1292/03, 6 November 2003, and SEC.PR/634/03, 6 November 2003.

88 *Speech by NATO Secretary General, Jaap de Hoop Scheffer at the OSCE Council*, Vienna, 3 November 2005, at: <http://nato.int/docu/speech/2005/s051103a.htm> and SEC.PR/490/05, 3 November 2005.

89 "NATO and the OSCE: building security together", Speech by NATO Secretary General Anders Fogh Rasmussen at the OSCE in Vienna, 30 June 2011, at: https://www.nato.int/cps/en/natohq/opinions_75886.htm, circulated within the OSCE as PC.DEL/652/11, 30 June 2011, cf. also SEC.PR/243/11, 30 June 2011.

90 SUM.DEL/68/99, 19 November 1999.

91 REF.S/135/96, 2 December 1996.

92 For Minister Burkhalter's statement, cf. CIO.GAL/158/14, 5 September 2014.

for the OSCE Chairmanship, did so on 27 January 2016,⁹³ as did Ambassador Florian Raunig, Head of the Task Force for the Austrian OSCE Chairmanship, together with Ambassador Christian Strohal, Special Representative, on 22 February 2017. When events justify it, the Chairperson-in-Office can further brief the Alliance on an ad hoc basis. On 19 August 2008, Finnish Foreign Minister Alexander Stubb met foreign ministers from NATO in Brussels to discuss the situation in Georgia and co-ordinate further action. He also held a press conference at NATO headquarters.⁹⁴

At headquarters level, the practice of regular staff talks has been established, hosted alternately by the two organizations, as an expression of the concept of “mutually reinforcing institutions”. The first OSCE-NATO staff-level meeting took place in Vienna on 7 July 1998. The number of staff talks per year reached four in 2004, before Secretary General Marc Perrin de Brichambaut suggested cutting them down to two in 2006, in order to establish a more consistent policy vis-à-vis other international organizations with which the OSCE co-operates. The two secretariats now meet once a year. For the first and only time, ad hoc joint staff talks were held in Vienna between the United Nations, the Council of Europe, the EU, NATO, and the OSCE on 29 June 2015 to discuss critical issues related to Euro-Atlantic and Eurasian security, with a particular focus on the crisis in and around Ukraine and fostering complementary roles on the ground. Targeted informal staff talks also occur at technical level, in the form of video-conferences, or when a delegation from NATO visits OSCE headquarters.⁹⁵

The Secretaries General of the two organizations have multiple opportunities to meet each other, including on the margins of the “high-level segment” of the UN General Assembly each year or the high-level retreat with heads of regional and other organizations that the UN Secretary General holds at Greentree Estate, Long Island, New York.

The OSCE Security Days which, under Lamberto Zannier’s mandate, have become one of the privileged forums for intensive debate on security issues, are also a place for exchanges with NATO. The 2016 Security Days on “Revitalising military confidence-building, risk reduction and arms control in Europe” offered Deputy Secretary General Alexander Vershbow the opportunity of one of his last interventions before he relinquished his position.⁹⁶

Last but not least, since 1998, OSCE observers have been invited to attend NATO-led planning exercises.

93 Cf. North Atlantic Treaty Organization, *NATO and OSCE discuss modernising tools of military transparency*, 27 January 2016, at: http://www.nato.int/cps/en/natohq/news_127481.htm.

94 Cf. SEC.PR/348/08, 19 August 2008.

95 For instance, a team from the NATO Allied Rapid Reaction Corps (ARRC) visited the OSCE headquarters on 9 March 2017.

96 Cf. NATO, *Remarks by NATO Deputy Secretary General Ambassador Alexander Vershbow at the OSCE Security Days*, 3 October 2016, at: http://www.nato.int/cps/en/natohq/opinions_135530.htm.

NATO and the OSCE have similar interests in and concerns about a growing number of technical issues, not only in relation to the Alliance's historical role and core business (collective defence and "hard security"), but also connected to a new and broader security "ecosystem".

Arms Control, Confidence- and Security-Building Measures, and Military Transparency

The OSCE offers a proven framework for the negotiation of conventional arms control and confidence- and security-building measures (CSBMs). In 2016, the Organization commemorated the 20th anniversary of its 1996 Framework for Arms Control, which was designed to create a web of interlocking and mutually reinforcing arms control obligations and commitments.⁹⁷

NATO's strong interest in the OSCE's first dimension discussions does not need to be explained. On 10 February 2017, NATO convened an informal workshop on how to reinforce security dialogue in the Euro-Atlantic region. It focused more specifically on the importance of three major regional organizations – NATO, the European Union (EU), and the OSCE – in supporting each other to improve existing arms control mechanisms.⁹⁸ At NATO headquarters in Brussels, the High-Level Task Force on Conventional Arms Control (HLTF), composed of representatives of NATO capitals, focuses more particularly on the implementation of the CFE Treaty.⁹⁹ Already in the early 1990s, the Alliance had designed VERITY, an unclassified database aiming at supporting the implementation of the Treaty by all its States Parties, including NATO partners.¹⁰⁰ In 1994, the OSCE Permanent Council agreed to the request of the Verification Coordinating Committee of NATO to install an end-user station of the CSCE Communications Network at its secretariat for the reception of agreed CSBM and CFE notifications.¹⁰¹

On 12 December 2007, the Russian Federation decided to suspend the implementation of the CFE Treaty, and requested negotiations to restore its

97 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Hamburg 2016, *From Lisbon to Hamburg: Declaration on the Twentieth Anniversary of the OSCE Framework for Arms Control*, MC.DOC/4/16, 9 December 2016, at: <http://www.osce.org/cio/289496>.

98 Cf. North Atlantic Treaty Organization, *Strengthening NATO-EU-OSCE security dialogue on arms control*, 10 February 2017, at: http://www.nato.int/cps/en/natohq/news_141728.htm.

99 The HLTF was set-up by allies in 1986 following the "Halifax Statement on Conventional Arms Control".

100 See the presentation on VERITY by Metin Paksoy, Arms Control Databases Sub-Section, Arms Control & Coordination Section (ACCS), Political Affairs and Security Policy Division, NATO, on "Databases as a tool for co-operation", delivered at the Special FSC Meeting on Civil Military Emergency Preparedness (CMEP) on 26 September 2007, FSC.DEL/490/07, 25 September 2007.

101 Cf. PC.DEC/3, 15 December 1994.

viability and ensure its continuous upgrading. After expressing its disappointment and concern,¹⁰² NATO presented a “parallel actions package”, which did not succeed in allowing the States Parties to overcome their divergences. Despite the conflict of August 2008 and the following unilateral recognition of South Ossetia and Abkhazia, which complicated the situation around the Treaty, consultations took place in Vienna in 2010 and early 2011 in the framework of the Group of 36, which consists of all the States Parties to the CFE Treaty, plus six additional NATO members. These consultations ended in failure and were suspended in 2011.¹⁰³ Since 2007, it has become a tradition for the NATO allies to issue a declaration on the CFE regime at the OSCE Ministerial Council, generally inspired by the communiqué issued by the Ministers of Foreign Affairs at their December meeting, underscoring the strategic importance of the Treaty as a cornerstone of Euro-Atlantic security and urging the Russian Federation to work co-operatively to preserve the benefits of this landmark regime.¹⁰⁴

The OSCE’s own unique set of complementary, mutually reinforcing arms control arrangements and confidence- and security-building measures – particularly the Vienna Document (VD), a politically binding instrument adopted in 1990 – has played a central role in fostering security in Europe. NATO strongly supports efforts to strengthen this mechanism for transparency and predictability and has repeatedly advocated in favour of modernizing the VD, inviting everyone to participate constructively in this work.¹⁰⁵ A number of NATO member states have tabled concrete proposals on how to modernize the document. In a time of growing competition in the Euro-Atlantic area, NATO’s “empowerment” of the OSCE to reinvigorate the VD and the corresponding “division of labour” between the two organizations to ensure that relations are characterized by predictability, confidence, and stability should be underlined and valued.¹⁰⁶ The OSCE and its VD could prove to be an advantageous and inclusive arena in which to discuss hazardous

102 Cf. North Atlantic Treaty Organization, *NATO response to Russian announcement of intent to suspend obligations under the CFE Treaty*, 16 July 2007, at: http://www.nato.int/cps/en/natohq/news_46613.htm.

103 Cf. Pierre von Arx, Recent Developments in the Field of Arms Control and Confidence- and Security-Building Measures, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.) *OSCE Yearbook 2011*, Baden-Baden 2012, pp. 201-223, here: pp. 216-217.

104 Cf. MC.DEL/86/08, 8 December 2008; MC.DEL/78/09, 2 December 2009.

105 Cf. *Warsaw Summit Communiqué*, cited above (note 83), para. 13; *Press conference by NATO Secretary General Jens Stoltenberg following the meeting of the NATO-Ukraine Commission at the level of Defence Ministers*, 15 June 2016, at: http://www.nato.int/cps/en/natohq/opinions_132488.htm; *NATO Secretary General stresses the importance of political dialogue after NATO-Russia Council*, 20 April 2016, at: http://www.nato.int/cps/en/natohq/news_130125.htm.

106 Cf. Kadri Liik/Merle Maigre, *NATO-Russia dialogue and the future of the NATO-Russia Council*, European Council on Foreign Relations, 5 July 2016, at: http://www.ecfr.eu/article/commentary_nato_russia_dialogue_and_the_future_of_the_nato_russia_council.

military incidents and resume dialogue on military transparency between Russia and NATO member states.¹⁰⁷

In the area of small arms and light weapons (SALW) and stockpiles of conventional ammunition, which is another recognized OSCE “niche”, with a considerable level of activity in all the OSCE’s sub-regions, the close co-ordination between NATO, the EU, and the OSCE also deserves to be mentioned. Co-ordination activities have been taken up on an ad hoc basis between all players, typically through regular video-conferences.

The 2016 Hamburg Ministerial Council launched the Structured Dialogue on the current and future challenges and risks to security in the OSCE area which, in 2017 under the Austrian Chairmanship, focused on threat perceptions, developments in military doctrines and trends in force postures, and military activities that have the potential to cause concern. While avoiding the “bloc-to-bloc” approach, the Alliance’s concerted position and clear guidance, at least on some key common points, in support of the Dialogue, has been and will remain helpful.

Counter-Terrorism and Counter-Narcotics

After the 9/11 attacks, both the OSCE and NATO identified international terrorism as a key threat to the Euro-Atlantic area and to international security more generally, and adapted their strategy and capacity to be able to combat that threat. The 2012 Consolidated Framework for the Fight against Terrorism mandates the OSCE to co-operate externally with other relevant international and regional organizations to avoid duplication of efforts and maximize synergies,¹⁰⁸ which echoes NATO’s Policy Guidelines on Counter-Terrorism, adopted that same year.¹⁰⁹ The OSCE and its Consolidated Framework are mentioned explicitly in NATO’s 2012 Guidelines.¹¹⁰

Co-operation between NATO and the OSCE on counter-terrorism occurs mainly at headquarters level through regular cross-invitations to conferences and events and via information exchange. For instance, the NATO Centre of Excellence – Defence Against Terrorism (COE-DAT) has regularly involved the OSCE’s Action against Terrorism Unit (ATU) in its meetings. Reciprocally, Ambassador Sorin Ducaru, NATO Assistant Secretary General

107 Cf. Loïc Simonet/Veera Tuomala, How can the OSCE help to reduce the risk of hazardous military incidents? In: *NATO Review*, November 2016, at: <https://www.nato.int/docu/review/2016/Also-in-2016/OSCE-help-reduce-risk-military-incidents/EN/index.htm>.

108 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1063, OSCE Consolidated Framework for the Fight against Terrorism*, PC.DEC/1063, 7 December 2012, Annex.

109 “NATO will promote complementarity with and avoid unnecessary duplication of existing efforts by individual nations or other International Organisations. NATO will seek to co-ordinate and leverage its expertise and resources and will focus on targeted programmes where it can contribute to and/or reinforce the actions of Allied nations and other international actors, as appropriate.” North Atlantic Treaty Organization, *NATO’s policy guidelines on counter-terrorism. Aware, Capable and Engaged for a Safer Future*, 21 May 2012, para. 8, at: http://www.nato.int/cps/en/natohq/official_texts_87905.htm.

110 Cf. *ibid.*, para. 12.

for Emerging Security Challenges, has been actively interacting with the OSCE relevant bodies these past few years. Both organizations have been involved in facilitating the implementation of the UN Global Counter-Terrorism Strategy in Central Asia, and have shared expertise on how to prevent weapons of mass destruction (WMD) terrorism and how best to implement UN Security Council Resolution 1540.¹¹¹

The potential for NATO-OSCE co-operation to combat terrorism should, however, be further explored. In particular, there is a need to move towards operationalizing NATO-OSCE co-operation on the ground, particularly on border- and police-related activities and training. Central Asian states, for instance, have repeatedly requested assistance from both NATO and the OSCE with regard to border security and management. There might be room for exploring the enhancement of co-operation between the two organizations in that region, perhaps with the involvement of other international partner organizations.¹¹² Co-ordination is needed to ensure that activities around Afghanistan¹¹³ are complementary and avoid duplication, while seeking to minimize “forum shopping”. More concretely, NATO and the OSCE could join forces in setting up mechanisms to encourage and facilitate information exchange between ISAF and the border services of neighbouring Tajikistan, Turkmenistan, and Uzbekistan. NATO could use the Border Management Staff College (BMSC), one of the OSCE’s most effective tools for fighting transnational threats in Central Asia, as a useful conduit for the training of officers from Afghanistan, side by side with officers from OSCE participating States in the region, and as a regional capacity building hub on issues relating to transnational threats (TNT).

In the area of counter-narcotics, NATO and the OSCE could consider co-ordinating training activities for Afghan and Central Asian counter-

111 “Continued cooperation with regional organisations such as the Organisation for Security and Co-operation in Europe (OSCE) can contribute to efforts to encourage member States to comply with relevant international agreements.” North Atlantic Treaty Organization, NATO’s *Comprehensive, Strategic-Level Policy for Preventing the Proliferation of Weapons of Mass Destruction (WMD) and Defending against Chemical, Biological, Radiological and Nuclear (CBRN) Threats*, 1 September 2009, para. 31, at: https://www.nato.int/cps/en/natolive/official_texts_57218.htm, circulated within the OSCE as SEC/DEL/278.09, 19 October 2009.

112 It is deeply to be regretted that the special mapping exercise between the OSCE, NATO, and the EU to analyse existing projects in Central Asia, identify gaps, and decide on actions to be taken in a co-ordinated manner in form of a matrix, which was launched in 2014, has never been brought to a conclusion.

113 Following similar efforts in 2004 and 2005, the OSCE was invited to support the presidential and provincial council elections in Afghanistan scheduled for 20 August 2009 and, under Permanent Council Decision No. 891, dated 2 April 2009, the participating States agreed to send an Election Support Team (EST) organized by ODIHR, to assist the Afghan government and international efforts. In that framework, the International Security Assistance Force (ISAF) provided in extremis medical support, including CASEVAC, MEDEVAC, rescue, and extraction. NATO/ISAF installations were also made available as safe havens if required. Through ISAF, NATO once again provided the security necessary for us to deploy an OSCE Election Support Team in support of the presidential and provincial elections of April 2014.

narcotics and law enforcement officials. Both organizations currently run similar training programmes, which could be synchronized for greater impact. Another idea is to set up mechanisms to facilitate information and intelligence sharing between ISAF/NATO counter-narcotics experts, and border agencies and counter-narcotics agencies in Afghanistan and neighbouring Central Asian states – a priority raised by the Afghan authorities.¹¹⁴

The NATO Science for Peace and Security (SPS) Programme, which spans a range of new security challenges and strives to bring together scientists, experts, and policy makers from NATO and partner countries to address emerging security challenges,¹¹⁵ could be the framework for OSCE-NATO joint activities on TNT-related issues.

Cybersecurity

NATO already began to address the issue of protecting its communication and information systems against cyber threats a long time ago. After the 2008 conflict in the Caucasus demonstrated that cyber attacks have the potential to become a component of military operations, NATO's 2010 Strategic Concept, adopted at the Lisbon Summit in 2010, recognized that "cyber attacks [...] can reach a threshold that threatens national and Euro-Atlantic prosperity, security and stability". The use of cyber attacks in 2014, in the context of hybrid operations in Crimea and Eastern Ukraine, and a disruptive Distributed Denial of Service (DDoS) attack against NATO that blocked the Alliance's website for more than ten hours, justified a third policy on cyber defence endorsed at the Wales Summit.¹¹⁶ Several bodies associated with NATO are also helping the Alliance to improve cyber defences, including the NATO Cooperative Cyber Defence Centre of Excellence in Tallinn, Estonia, which is a NATO-accredited research and training facility dealing with cyber defence education, research, and development.

Like NATO, the OSCE has focused increased attention on cybersecurity. Its work towards a body of confidence-building measures (CBMs) to reduce the risks of conflict stemming from the use of information and communication technologies led to the adoption, at the 2016 Hamburg Ministerial Council, of a decision on that matter.¹¹⁷ At the Warsaw Summit, without expressly mentioning the OSCE, NATO expressed its support for the work undertaken in other international forums, including efforts related to CBMs

114 Cf. Alexander Vinnikov, NATO and Central Asia: Security, interests and values in a strategic region, in: *Security and Human Rights* 1/2009, pp. 68-82, here: p. 80.

115 Cf. North Atlantic Treaty Organization, *Science for Peace and Security*, at: <http://www.nato.int/cps/en/natolive/78209.htm>.

116 Cf. *Wales Summit Declaration*, cited above (Note 82), para. 72.

117 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Hamburg 2016, *Decision No. 5/16, OSCE Efforts Related to Reducing the Risks of Conflict Stemming from the Use of Information and Communication Technologies*, MC.DEC/5/16, 9 December 2016, at: <http://www.osce.org/cio/288086>.

and the development of voluntary international norms of responsible state behaviour in cyberspace.¹¹⁸

NATO and the OSCE could build on their obvious synergies in this field. On 27 January 2014, the OSCE Co-ordinator of Activities to Address Transnational Threats briefed NATO's Defence Policy and Planning Committee (DPPC) on OSCE efforts related to the development of cyber/ICT security-related CBMs. More recently, on 22 March 2017, the NATO Assistant Secretary General for Emerging Security Challenges briefed the 64th Joint Meeting of the OSCE Forum for Security Co-operation (FSC) and the Permanent Council on "military aspects of cyber security".¹¹⁹ This active information exchange between NATO and OSCE in this area should continue and further deepen.

Economic Environment

NATO and the OSCE have partnered quite actively these past few years on the economic and environmental aspects of security, but on rather a piecemeal, project-by-project basis, and without an overall strategy or a comprehensive framework.

NATO, through its SPS Programme, has joined the Environment and Security Initiative (ENVSEC)¹²⁰ as an associate. ENVSEC provides the Alliance with the opportunity to join forces in addressing environmental challenges that have security implications. The first joint NATO-OSCE activity in that framework was a multi-year project on monitoring the Kura and Aras river system, which is shared by all three countries in the South Caucasus. From 2003 till 2008, NATO supported the installation of a central laboratory in each of the three countries, Armenia, Azerbaijan, and Georgia. The equipment that was purchased and installed with NATO SPS Programme funds were identical for the three countries and the experts were jointly trained in Norway and Belgium. This ensured that each country had a single central reference laboratory and that all of them were monitoring the water quality with the same high standards, allowing them to consolidate data with confidence, and providing a unique platform for information sharing in the region. OSCE provided funds to top up the salaries of the experts involved and the OSCE Mission in Georgia regularly assessed the laboratories on site and helped to ensure that end-users were kept informed. OSCE field operations in the re-

118 Cf. *Warsaw Summit Communiqué*, cited above (Note 83), para. 70.

119 Cf. FSC-PC.DEL/3/17, 23 March 2017.

120 ENVSEC was launched in 2003 simultaneously at the OSCE Economic Forum in Prague and the Environment for Europe Ministerial Conference in Kiev. The OSCE, the UNDP, and the UNEP are the founding members, and were joined by the UNECE, the Regional Environment Centre for Central and Eastern Europe (REC), and NATO in the following years. The primary objective of the initiative is to promote environmental co-operation as a tool for conflict prevention and confidence-building. ENVSEC works in four main areas: management of transboundary natural resources; hazardous substances and industrial legacies; climate change adaptation; and public awareness and participation.

gion have been instrumental in monitoring the project activities and bringing the project to the attention of local authorities.

In 2004 the OSCE, NATO, UNDP, and UNEP collaborated on an in-depth technical assessment of environmental risk factors in the Ferghana Valley. They also launched a 2.5 million dollar programme to deal with radioactive waste management, preventing and remedying industrial hazards, improving disaster preparedness and risk reduction, and to introduce sustainable management of land and water. More recently, in 2012, within the “Environmental Security” section of NATO’s SPS Programme, the OSCE submitted a project on “strengthening preparedness for floods and landslides in South Caucasus”, aiming at strengthening early warning and preparedness for natural disasters in Armenia, Azerbaijan, and Georgia, with specific focus on floods and landslides.

On 10 December 2007, in Valencia, Spain, a workshop on “Water Scarcity, Land Degradation and Desertification in the Mediterranean Region – Environment and Security Linkages” was jointly organized by the NATO Public Diplomacy Division, the OSCE Spanish Chairmanship, and the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA).¹²¹ Participants discussed the specific roles the OSCE, NATO, and other organizations could play in fostering environmental security in the Mediterranean region, following the adoption by the OSCE Ministerial Council of the Madrid Declaration on Environment and Security.

Finally, the neutralization of “melange”, an extremely reactive, volatile, and highly toxic missile fuel component that was used for rockets and guided missiles in the former Soviet Union, provided the OSCE with the opportunity to partner with the NATO Maintenance and Supply Agency (NAMS), which had set up a “melange joint board” to which the OSCE was invited to send an expert. A workshop on the disposal of this component of rocket fuel was held in Kyiv, Ukraine, on 6-8 July 2005¹²² and a joint trust fund specially dedicated to melange related projects was explored, but it does not seem that this initiative was pursued further. More tailored co-operation with NAMS could be envisaged. The OSCE could, for example, request the agency’s help in clearing up unstable munitions.

Countering Trafficking in Human Beings

NATO’s 2004 policy on trafficking in human beings mentions the OSCE’s work in the area.¹²³ The OSCE’s ambitious project on “Combating Human Trafficking along Migration Routes” has also aroused the Alliance’s interest.

121 Cf. SEC.PR/568/07, 10 December 2007.

122 Cf. SEC.PR/352/05, 8 July 2005.

123 “NATO will support and sustain further development of practical cooperation between nations and between NATO and other international institutions such as the UN, OSCE and International Organisation for Migration.” NATO, *NATO Policy On Combating Trafficking In Human Beings*, Policy document, 29 June 2004, para. 2, at: <http://www.nato.int/docu/comm/2004/06-istanbul/docu-traffic.htm>.

The Director of the NATO Stability Policing Centre of Excellence attended the opening ceremony of the first OSCE simulation-based training on human trafficking, conducted at the Center of Excellence for Stability Police Units (CoESPU) in Vicenza, Italy, on 14 November 2016, and the Alliance has observed the following exercises.

Women, Peace, and Security

The first NATO Policy on Women, Peace and Security dates back to 2007, and NATO's first Action Plan in this area was drafted in 2010. A revised Policy and a new Action Plan were adopted in 2014.¹²⁴ In September 2014, a NATO Education and Training Plan for Gender in Military Operations was approved, which unifies and synchronizes gender education and training at all levels. The Nordic Centre for Gender in Military Operations (NCGM) was designated the NATO Department Head for Gender in Military Operations. Furthermore, a network of gender advisors and Gender Focal Points has been established throughout the entire organization – on both the civilian and military side – in all departments, units, and levels of command. The nomination of a NATO Special Representative for Women, Peace and Security as a permanent NATO position has also been an important contribution to further institutionalizing and securing gender expertise within NATO, particularly at the strategic level. Last but not least, the appointment, in 2016, of the first-ever female Deputy Secretary General of the Alliance, in the eminent person of Rose Gottemoeller, gave an important signal.

NATO recently pledged to strengthen its partnership for gender equality with other international organizations, including the OSCE. Indeed, the OSCE has developed its own policies on how to include women at all stages of the conflict cycle and work on a wide range of issues covered by the women, peace, and security agenda, solidly based on its 2004 Action Plan for the Promotion of Gender Equality. The OSCE Gender Section supports participating States in the development, implementation, and evaluation of National Action Plans on the implementation of UNSCR 1325 on women, peace, and security and half of existing plans worldwide are from the OSCE region.

The OSCE and NATO regularly discuss common issues of interest, and potential areas for further co-ordination, including regarding the implementation of UNSCR 1325 in Ukraine. Ambassador Marriët Schuurman, NATO Special Representative for Women, Peace and Security, participated in two key OSCE events in 2016, addressing the Forum for Security Co-operation in February in connection with International Women's Day¹²⁵ and speaking on "Gender Mainstreaming in Operational Responses to Violent Extremism" at

124 Cf. North Atlantic Treaty Organization, *NATO/EAPC Policy for the implementation of UNSCR 1325 on Women, Peace and Security and related resolution*, 1 April 2014, at: http://www.nato.int/cps/de/natohq/official_texts_109830.htm.

125 Cf. FSC.DEL/18/16, 2 February 2016.

the conference organized by the OSCE Action against Terrorism Unit in November.

Contribution to NATO Curricula

The OSCE regularly contributes to the teaching programme of the NATO School at Oberammergau (including the courses on Environmental Management for Military Forces and European Security Co-operation). Since 2013, the OSCE has participated in the Comprehensive Approach Awareness Course, which is aimed at facilitating a shared understanding of the complex strategic considerations in contemporary crisis management processes among NATO partner organizations. The OSCE contribution to the activities of the NATO Defense College in Rome has also been regular and substantial. OSCE Secretary General Zannier gave an Eisenhower Lecture at the College on 31 October 2014, on “Current European Security Challenges and the Role of the OSCE”.

As for the OSCE Academy in Bishkek (Kyrgyzstan), despite some efforts, it has not yet managed to attract NATO’s involvement through provision of expertise and participation in high-level conferences, and, hence, to become a platform for consultations between NATO and regional experts, notably on Afghanistan-related issues.

Security sector governance and reform, a topic in which both NATO and the OSCE strive to enhance the co-ordination of their activities as well as the coherence of the support they deliver, and energy security, where NATO’s views are directly compatible with those of the OSCE, especially on the protection of critical energy infrastructures from terrorist attacks,¹²⁶ could offer avenues for further co-operation and joint activities.

New Perspectives to Explore

“History will judge this Conference not by what we say here today, but by what we do tomorrow”, Gerald Ford, the President of the United States, said at the signing of the Helsinki Final Act in 1975.¹²⁷ Will security around the Mediterranean one day be a matter of common concern between the OSCE and the Atlantic Alliance, in line with NATO’s new “Southern Strategy”? Above all, is there a need for a new framework for discussion between the two actors that would institutionalize what is, at present, a generally pragmatic and informal relationship?

126 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Madrid 2007, *Decision No. 6/07, Protecting Critical Energy Infrastructure from Terrorist Attacks*, MC.DEC/6/07, 30 November 2007, at: <http://www.osce.org/mc/29482>.

127 Address before the Conference on Security and Co-operation in Europe, CSCE/III/PV.5, p. 11.

The 1967 “Report of the Council on the Future Tasks of the Alliance”, also known as the Harmel Report, already encouraged the Allies to examine with particular attention the defence problems of the Mediterranean as an “exposed area”.¹²⁸ Fifty years after this milestone document, NATO’s “Southern flank” is again under scrutiny.

The geographical scope of the NATO Mediterranean Dialogue, launched in 1994 by the NAC with the aim of contributing to regional security and stability through improved mutual understanding, corresponds to the OSCE Mediterranean Partnership, with one exception: Mauritania, which is included in the NATO initiative, is not an OSCE Partner for Co-operation.¹²⁹ Many of the areas of NATO partners’ engagement mirror areas of OSCE interaction with its own partners. However, security around the Mediterranean has rarely been the basis for exchanges between the two organizations.

In 2002, at the invitation of 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 own dialogue.¹³⁰ During the latter meeting, it was suggested that expert-level meetings be convened between NATO and the OSCE on matters of common concern with reference to Mediterranean-related issues. 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 was also proposed. As a result of a decision taken at the NATO Prague Summit to strengthen the existing complementarity between the Alliance’s Mediterranean Dialogue and other international efforts, NATO-OSCE staff talks in 2003 offered, for the first time, the opportunity to discuss the two organizations’ Mediterranean dialogues. But nothing substantial happened until 2013, when the OSCE Secretariat took part in the NATO Policy Advisory Group meeting on the Mediterranean Dialogue.¹³¹ Similarly, little practical co-operation has been implemented, with the noticeable exception of the above-mentioned workshop on “Water Scarcity”.

The OSCE was not the only organization surprised by the Arab Spring: “The uprising against the regimes came as a surprise even for an institution

128 Cf. North Atlantic Treaty Organization, *The Future Tasks of the Alliance. Report of the Council – “The Harmel Report”*, 13 December 1967, para. 14, at: https://www.nato.int/cps/ua/natohq/official_texts_26700.htm.

129 On the OSCE Mediterranean Partnership for Co-operation, cf. Loïc Simonet, *The OSCE Mediterranean Partnership Four Years after the Start of the “Arab Spring”*, in: *OSCE Yearbook 2014*, cited above (Note 81), pp. 315-337.

130 Cf. SEC.GAL/139/02, 19 July 2002.

131 The OSCE was again invited to the 2017 edition of the NATO Policy Advisory Group meeting, in Nouakchott, Mauritania.

like NATO”,¹³² the Research Division of NATO Defense College in Rome confessed. Shortly thereafter, on 25 October 2011, the International Peace Institute’s (IPI) Vienna office hosted a workshop on how the uprisings and changes in the Arab world affect the partnership between the OSCE and its Mediterranean Partners for Co-operation.¹³³

NATO’s new “Southern Strategy”, as defined at the Warsaw Summit, could lead to closer co-operation with the OSCE. 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, interfaith dialogue, transnational threats (in particular managing challenges deriving from the situation in the Sahel) and enhancing interaction with regional organizations (African Union, ECOWAS). The situation in Libya, which applied to become an OSCE Partner for Co-operation in 2013 – so far to no avail – should also be a matter of joint concern. On 11 February 2004, at the Munich Security Conference, the then OSCE Chairman-in-Office, Bulgarian Foreign Minister Solomon Passy, suggested that an EU-NATO-OSCE Mediterranean conference could, perhaps, provide a good start for intensifying co-operation in the region.¹³⁴ This idea could be revisited.

The Alliance’s new anti-terrorism hub in Naples, whose blueprint was approved in February 2017 and which will serve as a focal point for monitoring threats growing along the Alliance’s southern doorstep, could offer a platform for interaction with other security organizations. Planned to be active by the end of 2017, it will be a centre of co-ordination for anti-terrorism, intelligence, and defence capacity-building to stabilize North Africa and the Middle East as well as warding off threats from the south.

Are New Forums and Tools for Co-operation Needed?

Inventing co-ordination mechanisms for international organizations has always been a difficult exercise, whatever the confident and constructive relationship they might enjoy. The 1999 Platform for Co-operative Security has remained a merely theoretical framework. Further to it, the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century (2003) had envisaged the creation of an ad hoc consultative mechanism between international organizations mandated to provide threat analysis and response. However, that mechanism never came into being due to a lack of interest on the part of some of the OSCE’s partner organizations.

Interestingly enough, such a mechanism does exist between NATO and the OSCE, but has recently been “frozen”. Created in 1997 as the successor

132 Florence Gaub/Sandy Guptill/Karl-Heinz Kamp/Pierre Razoux/Rolf Schwarz, *The Arab Explosion: Questions and Options for NATO*, Research Division, NATO Defense College, Rome, 23 February 2011, p. 1.

133 Cf. IPI, *The OSCE-Mediterranean Partnership and the Arab Uprisings*, December 2011.

134 Cf. SEC.PR/45/04, 11 February 2004.

to the NACC, the Euro-Atlantic Partnership Council (EAPC) has long been a forum for dialogue, political consultation, and co-operation between NATO and its partners and is critically important to European security in many areas, including regional issues, arms control and SALW,¹³⁵ peacekeeping, defence economic issues, civil emergency planning, and scientific and environmental issues. It was able to identify and discuss early warning and conflict prevention matters and provide contributions to confidence building in the Euro-Atlantic area, and was instrumental in promoting political change, assisting defence reform, and fostering a common security culture.¹³⁶

It is not easy to assess why the EAPC has declined and was finally made dormant. In 2000, Secretary General Robertson had suggested: “We should use the EAPC’s flexibility to explore innovative ways of addressing security challenges”, belying claims of the EAPC’s irrelevance.¹³⁷ Along similar lines, in 2001, the Romanian OSCE Chairmanship forwarded to NATO a Non-Paper on “Enhancing NATO-OSCE Co-operation with the EAPC Contribution”, prepared by the ambassadors of Austria, Portugal, and Romania. However, the Council’s briefing by the Chairperson of the PC in November 2013 seems to have been the last interaction between the OSCE and this body. Critics of the EAPC said that the Council played more or less the same role as the OSCE, with almost identical membership.¹³⁸ But the main reason for its downfall could simply be, once again, the deterioration of the NATO-Russia relationship.

The fate of the Partnership Interoperability Initiative, launched by NATO in 2014 as part of the implementation of the Strategic Concept adopted at the 2010 Lisbon Summit, has not, so far, been more positive. The initiative included two key elements. First, an Interoperability Platform: a framework for dialogue on co-operation and the compatibility of operational and strategic objectives between NATO and its partners in crisis management operations. This serves a similar purpose as the OSCE’s Platform for Co-operative Security, namely the advancement of strategic and operational coherence among intergovernmental organizations, though it is narrower in scope and audience than the OSCE initiative.¹³⁹ Second, a set of proposals to enhance NATO’s co-operation with the UN, the EU, and the OSCE in places where they have been deployed side-by-side with NATO, which included:

135 The EAPC had created an Ad Hoc Working Group on Small Arms and Light Weapons and Mine Action, which was addressed by the FSC Co-ordinator on that issue on 17 November 2004. An EAPC-OSCE co-sponsored Synergy Conference for Regional Organizations on the Implementation of the UN Programme of Action on SALW, was held at NATO headquarters on 28-30 May 2008.

136 OSCE Secretary General Perrin de Brichambaut addressed the EAPC on 11 July 2007.

137 *Intervention by Secretary General at the OSCE Permanent Council*, cited above (Note 8).

138 André Dumoulin, *Enjeux et signifiants de l’extension de l’OTAN*, in: *Etudes internationales* 3/1999, pp. 547-570, here: p. 568.

139 The main addressees of the Platform were NATO’s partner states; however, the ministers had agreed to invite the OSCE, the UN, and the EU to attend Platform meetings when relevant.

staff-to-staff contacts to share situation assessments and exchange information; exchange of good practices and lessons learnt related to training and operations; analysis of lessons learnt, including through NATO's Joint Analysis and Lessons Learnt Centre (JALLC), and proposals for corrective measures if necessary; and continued engagement of international organizations in NATO's crisis management exercises. To our knowledge, no concrete steps for the implementation of the Interoperability Platform have yet been taken and it is difficult to assess how it has been received by other key players.

Is there a need to persevere and design a dedicated platform for the dialogue between the Atlantic Alliance and its partners, including the OSCE? "What speaks against a European Security Forum convening regularly in Brussels with an agenda that also affects all other institutions in which political strategies are discussed, tasks distributed, synergies produced and frictional losses avoided?", a German diplomat asked.¹⁴⁰ Ad hoc, informal, and pragmatic co-operation has its merits for sure, especially given that the current political context might impede any further institutionalization, but a more formal structure would undoubtedly have a decisive advantage, both for the organizations and for their member states. In the same vein, although the co-operation between the EU and NATO since the Berlin Plus Agreement in 2003, which culminated in the joint declaration signed on 8 July 2016,¹⁴¹ is unlikely to be matched, nothing should prevent the OSCE from at least engaging with the Alliance via a declaration on Secretariat co-operation, following the model of the UN-NATO 2008 declaration,¹⁴² if deemed useful and necessary by the two parties.

Conclusion

In his book *Security Without Nuclear Deterrence*, Commander Robert Green, a retired Royal Navy officer and an outspoken opponent of nuclear weapons, imagines an Atlantic Alliance merged into the OSCE, the only organization able, in his opinion, to "provide a way out of what is known as the 'security dilemma', whereby unilateral pursuit of security leads to more insecurity in others who take measures to defend themselves, leading to perpetual hostility and arms racing [...] NATO would be transformed into a common safety net for all fifty-seven states 'from Vancouver to Vladivostok'. This would merit

140 Reinhard Bettzuege, *The OSCE of the 21st Century – A Departure for New Horizons?* In: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 39-45, here p. 44.

141 North Atlantic Treaty Organization, *Joint declaration by the President of the European Council, the President of the European Commission, and the Secretary General of the North Atlantic Treaty Organization*, 8 July 2016, at: http://www.nato.int/cps/en/natohq/official_texts_133163.htm.

142 Cf. *Joint Declaration on UN/NATO secretariat Cooperation*, signed in New York on 23 September 2008, at: <http://streitcouncil.org/uploads/PDF/UN-NATO%20Joint%20Declaration.pdf>.

a new name: perhaps the Organisation for Security and Co-operation in Europe, North Asia and North America (OSCENANA)?”¹⁴³

OSCENANA is unlikely to see daylight in the near future, but NATO and the OSCE must continue to work together on shared security concerns, optimizing the complementarity of their core activities under a co-operative security logic in a mutually beneficial way and in full respect of the institutional autonomy of each other. Such continued interaction is indispensable, as evidenced by the letter sent on 14 July 2017 to NATO Secretary General Jens Stoltenberg and OSCE Chairman-in-Office Sebastian Kurz by 50 European parliamentarians from 13 countries, urging these two key European security organizations to pursue dialogue, détente, and nuclear risk reduction in Europe.¹⁴⁴

Beyond the close and confident day-to-day co-operation between NATO and the OSCE, there is obviously a need for new “success stories”. Although continuing in 2017, the two organizations’ fruitful co-operation in the Balkans is largely behind us and it is arguably unlikely that their association in Kosovo could be repeated in the near future, given the controversy it raised. The fact that the OSCE Chairmanship will be held by two NATO member states in 2018 (Italy) and 2019 (Slovakia) might offer opportunities for new developments. But, the OSCE should also be courageous in aiming to transcend the political divides and free itself from (often self-imposed) constraints. As rightly pointed out in a recent paper discussing international crisis management, “the OSCE must find a formula for maintaining close interaction with other international organizations, especially the EU and NATO”. It must also “demonstrate constructive practical action in the re-establishing of cooperative European security”.¹⁴⁵ The situation that prevented NATO from taking the floor at the OSCE Ministerial Councils in 2015 and 2016, breaking a long-established tradition, is unacceptable and should be solved as a matter of urgency. The opening of a small OSCE liaison office in Brussels, which could cover both the EU and NATO, would facilitate this process. This would place the Organization in closer contact with the decision-shaping process and strategic thinking and enable it to react quickly to new measures, and to develop a network of contacts. This idea, which has been proposed several times in the past,¹⁴⁶ should no longer be

143 Commander Robert Green, Royal Navy (Ret’d), *Security Without Nuclear Deterrence*, Christchurch 2010, p. 122.

144 Cf. Parliamentarians for Nuclear Non-Proliferation and Disarmament (PNND), *European parliamentarians call on NATO and OSCE to reduce nuclear threats and support disarmament*, 14 July 2017, at: <http://www.pnnd.org/article/european-parliamentarians-call-nato-and-osce-reduce-nuclear-threats-and-support-disarmament>.

145 Tytarchuk/Khylko, cited above (Note 84), p. 97.

146 Cf. Gérard Stoudmann, *The OSCE: Still relevant to the new global security environment?* In: *Helsinki Monitor* 3/2005, pp. 199-203, here: pp. 199-200, and Lars-Erik Lundin, “Working together: the OSCE’s relationship with other relevant international organisations”. *Nine steps to effective OSCE engagement*, Food-for-thought paper commissioned by the CiO, CIO.GAL/83/12/Corr.1*, 9 July 2012.

taboo. A similar and equal opportunity should also be offered to international organizations “East of Vienna”, if desired by them. The 50th anniversary of the Harmel Report,¹⁴⁷ a key political and strategic document, which urged that détente and dialogue join defence as equal major functions of the Atlantic Alliance, is a timely moment to call for invention, pragmatism, and renewed political solutions.

Relations between the OSCE and NATO have been crucial in developing the security architecture of post-Cold War Europe. “NATO and the OSCE have a shared past in making Europe more stable and secure. Our job now, is to make tomorrow even more secure.”¹⁴⁸

147 North Atlantic Treaty Organization, *The Future Tasks of the Alliance*, cited above (Note 128).

148 “NATO and the OSCE: building security together”, cited above (Note 89).

Annexes

Forms and Forums of Co-operation in the OSCE Area

Group of Seven (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

European Economic Area (EEA)

Comprehensive and Economic Trade Agreement (CETA)

Commonwealth of Independent States (CIS)

Eurasian Economic Union (EAEU)

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)

Shanghai Cooperation Organisation (SCO)

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
EEA: <http://www.efta.int/eea>
CIS: www.cis.minsk.by
EAEU: www.eaeunion.org
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 cent² (OSCE ranking: 40)³

Area: 28,748 km² (OSCE ranking: 46)⁴

Population: 3,047,987 (OSCE ranking: 41)⁵

*GDP per capita in international dollars at PPP rates:*⁶ 4,147

GDP growth: 2.2 per cent (OSCE ranking: 27)⁷

Armed forces (active): 8,000 (OSCE ranking: 43)⁸

Memberships and forms of co-operation: CoE (1995), NATO (2009), EAPC, EU Candidate Country, 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: 76,965 (53)

GDP per capita in international dollars at PPP rates: 40,215⁹

GDP growth: -0.1 per cent¹⁰

Armed forces (active): none

Memberships and forms of co-operation: CoE (1994), special agreement with the EU (1990)¹¹.

3. Armenia

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 29,743 km² (45)

1 Compiled by Jochen Rasch.

2 This results in a total of 100,055.

3 Of 57 states.

4 Of 57 states.

5 Of 57 states.

6 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.

7 Of 52 states.

8 Of 52 states.

9 2013.

10 2013.

11 1990 agreement establishing a customs union (covering industrial goods) and 2004 (partial) co-operation agreement. https://eeas.europa.eu/headquarters/headquarters-homepage/2050/andorra-and-eu_en.

Population: 3,045,191 (42)
GDP per capita in international dollars at PPP rates: 3,606
GDP growth: 0.2 per cent (48)
Armed forces (active): 44,800 (17)
Memberships and forms of co-operation: CoE (2001), EU-Armenia Comprehensive and Enhanced Partnership Agreement (2017),¹² EAPC, PfP (1994), CIS (1991), Eurasian Economic Union, CSTO, BSEC, SCO Dialogue Partner.

4. Austria

Date of accession: June 1973
Scale of contributions: 2.51 per cent (13)
Area: 83,871 km² (30)
Population: 8,754,413 (25)
GDP per capita in international dollars at PPP rates: 44,177
GDP growth: 1.5 per cent (36)
Armed forces (active): 21,350 (30)
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 (29)
Population: 9,961,396 (20)
GDP per capita in international dollars at PPP rates: 3,877
GDP growth: -3.1 per cent (52)
Armed forces (active): 66,950 (13)
Memberships and forms of co-operation: CoE (2001), EU-Azerbaijan Partnership and Cooperation Agreement (1999),¹³ EAPC, PfP (1994), CIS (1991), BSEC, SCO Dialogue Partner.

6. Belarus

Date of accession: January 1992
Scale of contributions: 0.28 per cent (30)
Area: 207,600 km² (20)
Population: 9,549,747 (23)
GDP per capita in international dollars at PPP rates: 4,989
GDP growth: -2.6 per cent (51)
Armed forces (active): 48,000 (15)

12 The EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA) was signed on 24 November 2017. See: https://eeas.europa.eu/headquarters/headquarters-homepage/896/armenia-and-eu_en.

13 See: https://eeas.europa.eu/headquarters/headquarters-homepage/916/azerbaijan-and-eu_en.

Memberships and forms of co-operation: EAPC, PfP (1995), CIS (1991), Eurasian Economic Union, CSTO, CEI (1996), Observer State to the SCO.

7. Belgium

Date of accession: June 1973

Scale of contributions: 3.24 per cent (10)

Area: 30,528 km² (44)

Population: 11,491,346 (16)

GDP per capita in international dollars at PPP rates: 41,096

GDP growth: 1.2 per cent (42)

Armed forces (active): 29,600 (23)

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: 3,856,181 (38)

GDP per capita in international dollars at PPP rates: 4,709

GDP growth: 2.0 per cent (29)

Armed forces (active): 10,500 (39)

Memberships and forms of co-operation: CoE (2002), EAPC, PfP (2006), EU membership application,¹⁴ 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: 7,101,510 (28)

GDP per capita in international dollars at PPP rates: 7,351

GDP growth: 3.4 per cent (11)

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: 35,623,680 (11)

14 On 15 February 2016 Bosnia and Herzegovina officially submitted its application for EU membership. See: <http://www.consilium.europa.eu/en/policies/enlargement/bosnia-herzegovina>.

GDP per capita in international dollars at PPP rates: 42,158
GDP growth: 1.5 per cent (36)
Armed forces (active): 63,000 (14)
Memberships and forms of co-operation: G7 (1976), OECD (1961), NATO (1949), CETA,¹⁵ EAPC, Observer to the Barents Euro-Arctic Council, RCC, NAFTA.

11. Croatia

Date of accession: March 1992
Scale of contributions: 0.19 per cent (33)
Area: 56,594 km² (36)
Population: 4,292,095 (37)
GDP per capita in international dollars at PPP rates: 12,091
GDP growth: 2.9 per cent (15)
Armed forces (active): 15,550 (36)
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)¹⁶
Population: 1,221,549 (48)¹⁷
GDP per capita in international dollars at PPP rates: 23,324
GDP growth: 2.8 per cent (17)
Armed forces (active): 12,000 (37)¹⁸
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 (31)
Population: 10,674,723 (19)
GDP per capita in international dollars at PPP rates: 18,267
GDP growth: 2.4 per cent (23)
Armed forces (active): 21,950 (29)
Memberships and forms of co-operation: OECD (1995), CoE (1993), NATO (1999), EAPC, EU (2004), RCC, CEI (1990/1993).

15 The provisional application of the agreement started on 21 September 2017. See: https://eeas.europa.eu/headquarters/headquarters-homepage/640/canada-and-eu_en.

16 Greek sector: 5,896 km², Turkish sector: 3,355 km².

17 Total of Greek and Turkish sectors.

18 Turkish sector: 3,500.

14. Denmark

Date of accession: June 1973

Scale of contributions: 2.1 per cent (14)

Area: 43,094 km² (40)

Population: 5,605,948 (30)

GDP per capita in international dollars at PPP rates: 53,418

GDP growth: 1.3 per cent (40)

Armed forces (active): 16,600 (34)

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: 1,251,581 (47)

GDP per capita in international dollars at PPP rates: 17,575

GDP growth: 1.6 per cent (34)

Armed forces (active): 6,400 (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: 5,518,371 (31)

GDP per capita in international dollars at PPP rates: 43,090

GDP growth: 1.4 per cent (38)

Armed forces (active): 22,200 (28)

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: 67,106,161 (5)

GDP per capita in international dollars at PPP rates: 36,855

GDP growth: 1.2 per cent (42)

Armed forces (active): 202,950 (5)

Memberships and forms of co-operation: 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)¹⁹

Population: 4,926,330 (36)²⁰

GDP per capita in international dollars at PPP rates: 3,854

GDP growth: 2.7 per cent (19)

Armed forces (active): 20,650 (32)²¹

Memberships and forms of co-operation: CoE (1999), EAPC, PfP (1994), EU Association Agreement and DCFTA,²² BSEC.

19. Germany

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 357,022 km² (13)

Population: 80,594,017 (4)

GDP per capita in international dollars at PPP rates: 41,936

GDP growth: 1.9 per cent (32)

Armed forces (active): 176,800 (6)

Memberships and forms of co-operation: 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: 10,768,477 (18)

GDP per capita in international dollars at PPP rates: 18,104

GDP growth: 0.0 per cent (49)

Armed forces (active): 142,950 (9)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU (1981), RCC, SEECP, BSEC.

19 Abkhazia: 8,665 km². See: http://mfaapsny.org/en/helpful-information/general_information; South Ossetia: 3,900 km². See: <http://www.mfa-rso.su>.

20 Abkhazia: 243,564 (1 January 2016). See: http://ugsra.org/ofitsialnaya-statistika.php?ELEMENT_ID=142; South Ossetia: 53,532 (census October 2015). See: <http://ugosstat.ru/wp-content/uploads/2017/06/Itoqi-perepisi-RYUO.pdf> (p. 11).

21 Territory, where the government does not exercise effective control: 7,000 Russian forces.

22 The EU Association Agreement entered into force on 1 July 2016. See: https://eeas.europa.eu/headquarters/headquarters-homepage/1237/georgia-and-eu_en.

21. The Holy See

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 0.44 km² (57)

Population: 1,000 (57)

GDP per capita in international dollars at PPP rates: n/a

GDP growth: n/a

Armed forces (active): 110 (52)²³

Memberships and forms of co-operation: none.

22. Hungary

Date of accession: June 1973

Scale of contributions: 0.6 per cent (23)

Area: 93,028 km² (26)

Population: 9,850,845 (22)

GDP per capita in international dollars at PPP rates: 12,665

GDP growth: 2.0 per cent (29)

Armed forces (active): 26,500 (26)

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: 339,747 (52)

GDP per capita in international dollars at PPP rates: 59,977

GDP growth: 7.2 per cent (2)

Armed forces (active): none

Memberships and forms of co-operation: OECD (1961), CoE (1950), NATO (1949), EAPC, EEA (1994),²⁴ 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: 5,011,102 (35)

GDP per capita in international dollars at PPP rates: 61,607

GDP growth: 5.2 per cent (5)

23 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.

24 In March 2015, Iceland's government requested that "Iceland should not be regarded as a candidate country for EU membership". At: https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/iceland_en

Armed forces (active): 9,100 (41)

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: 62,137,802 (7)

GDP per capita in international dollars at PPP rates: 30,527

GDP growth: 0.9 per cent (47)

Armed forces (active): 174,500 (7)

Memberships and forms of co-operation: 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: 18,556,698 (14)

GDP per capita in international dollars at PPP rates: 7,510

GDP growth: 1.0 per cent (45)

Armed forces (active): 39,000 (18)

Memberships and forms of co-operation: EAPC, PfP (1994), Enhanced Partnership and Cooperation Agreement,²⁵ CIS (1991), Eurasian Economic Union, CSTO, SCO.

27. Kyrgyzstan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 199,951 km² (21)

Population: 5,789,122 (29)

GDP per capita in international dollars at PPP rates: 1,077

GDP growth: 3.8 per cent (10)

Armed forces (active): 10,900 (38)

Memberships and forms of co-operation: EAPC, PfP (1994), Partnership and Cooperation Agreement (1999),²⁶ CIS (1991), Eurasian Economic Union, CSTO, SCO.

25 Enhanced Partnership and Cooperation Agreement (EPCA) between the EU and Kazakhstan, signed on 21 December 2015. On 1 May 2016, most of the Trade and Business chapters of the EPCA provisionally entered into force. See: https://eeas.europa.eu/headquarters/headquarters-homepage/1367/kazakhstan-and-eu_en.

26 See: https://eeas.europa.eu/headquarters/headquarters-homepage/1397/kyrgyz-republic-and-eu_en.

28. Latvia

Date of accession: September 1991

Scale of contributions: 0.19 per cent (33)

Area: 64,589 km² (35)

Population: 1,944,643 (46)

GDP per capita in international dollars at PPP rates: 14,118

GDP growth: 2.0 per cent (29)

Armed forces (active): 5,310 (47)

Memberships and forms of co-operation: OECD (2016), 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: 38,244 (54)

GDP per capita in international dollars at PPP rates: 179,479²⁷

GDP growth: -1.2 per cent²⁸

Armed forces (active): none²⁹

Memberships and forms of co-operation: CoE (1978), EEA (1995).

30. Lithuania

Date of accession: September 1991

Scale of contributions: 0.19 per cent (33)

Area: 65,300 km² (34)

Population: 2,823,859 (43)

GDP per capita in international dollars at PPP rates: 14,880

GDP growth: 2.3 per cent (25)

Armed forces (active): 17,030 (33)

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: 594,130 (50)

GDP per capita in international dollars at PPP rates: 102,831

GDP growth: 4.2 per cent (8)

²⁷ 2014.

²⁸ 2009.

²⁹ In 1868, the armed forces were dissolved. See: <https://web.archive.org/web/20130508075411/http://www.liechtenstein.li/index.php?id=60&L=1>.

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: 2,103,721 (44)
GDP per capita in international dollars at PPP rates: 5,237
GDP growth: 2.4 per cent (23)
Armed forces (active): 8,000 (43)
Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1995), EU Candidate Country, RCC, SEECP, CEFTA, CEI (1993).

33. Malta

Date of accession: June 1973
Scale of contributions: 0.125 per cent (40)
Area: 316 km² (53)
Population: 416,338 (51)
GDP per capita in international dollars at PPP rates: 25,058
GDP growth: 5.0 per cent (6)
Armed forces (active): 1,950 (49)
Memberships and forms of co-operation: CoE (1965), EAPC, PfP (1995/2008),³⁰ EU (2004).

34. Moldova

Date of accession: January 1992
Scale of contributions: 0.05 per cent (49)
Area: 33,851 km² (43)³¹
Population: 3,474,121 (39)³²
GDP per capita in international dollars at PPP rates: 1,900
GDP growth: 4.1 per cent (9)
Armed forces (active): 5,150 (48)³³
Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), EU Association Agreement and DCFTA,³⁴ CIS (1991), RCC, SEECP, CEFTA, CEI (1996), BSEC.

30 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>.

31 Transnistria: 4,163 km². See: http://mfa-pmr.org/en/about_republic.

32 Transnistria: 555,347 (census 2004). See: <https://web.archive.org/web/20070217072904/http://pridnestrovie.net/2004census.html>.

33 Transnistria: 1,500 Russian forces (estimated, including 441 peacekeepers).

34 Entered into force on 1 July 2016. See: https://eeas.europa.eu/headquarters/headquarters-homepage/4011/eu-moldova-relations_bg.

35. Monaco

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 2.00 km² (56)

Population: 30,645 (56)

GDP per capita in international dollars at PPP rates: 162,010³⁵

GDP growth: 10.0 (2008)³⁶

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)

Population: 3,068,243 (40)

GDP per capita in international dollars at PPP rates: 3,687

GDP growth: 1.0 per cent (45)

Armed forces (active): 9,700 (40)

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: 642,550 (49)

GDP per capita in international dollars at PPP rates: 6,701

GDP growth: 2.5 per cent (21)

Armed forces (active): 1,950 (49)

Memberships and forms of co-operation: CoE (2007), NATO (2017), EAPC, 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: 17,084,719 (15)

GDP per capita in international dollars at PPP rates: 45,295

GDP growth: 2.1 per cent (28)

Armed forces (active): 35,410 (20)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), Observer to the Barents Euro-Arctic Council.

35 2011.

36 2008.

39. Norway

Date of accession: June 1973

Scale of contributions: 2.05 per cent (15)

Area: 323,802 km² (15)

Population: 5,320,045 (34)

GDP per capita in international dollars at PPP rates: 70,813

GDP growth: 1.1 per cent (44)

Armed forces (active): 24,950 (27)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EEA (1996), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), RCC.

40. Poland

Date of accession: June 1973

Scale of contributions: 1.35 per cent (17)

Area: 312,685 km² (16)

Population: 38,476,269 (10)

GDP per capita in international dollars at PPP rates: 12,372

GDP growth: 2.7 per cent (19)

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: 10,839,514 (17)

GDP per capita in international dollars at PPP rates: 19,813

GDP growth: 1.4 per cent (38)

Armed forces (active): 29,600 (23)

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: 21,529,967 (13)

GDP per capita in international dollars at PPP rates: 9,474

GDP growth: 4.8 per cent (7)

Armed forces (active): 70,500 (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: 142,257,519 (2)

GDP per capita in international dollars at PPP rates: 8,748

GDP growth: -0.2 per cent (50)

Armed forces (active): 831,000 (2)

Memberships and forms of co-operation: CoE (1996), EAPC, PfP (1994), NATO-Russia Council (2002),³⁷ CIS (1991), Eurasian Economic Union, 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: 33,537 (55)

GDP per capita in international dollars at PPP rates: 62,597³⁸

GDP growth: 1.9 per cent³⁹

Armed forces (active): none

Memberships and forms of co-operation: CoE (1988).

45. Serbia

Date of accession: November 2000⁴⁰

Scale of contributions: 0.14 per cent (39)

Area: 88,361 km² (28)⁴¹

Population: 9,006,274 (24)⁴²

GDP per capita in international dollars at PPP rates: 5,348⁴³

GDP growth: 2.8 per cent (17)⁴⁴

Armed forces (active): 28,150 (25)⁴⁵

37 In April 2014, NATO suspended all practical co-operation with Russia. Political dialogue in the NATO-Russia Council has been continued only at the Ambassadorial level and above. In 2016, three meetings of the NATO-Russia Council took place; the first meeting in 2017 was held on 30 March. See: https://www.nato.int/cps/ic/natohq/topics_50091.htm

38 2008.

39 2008.

40 Yugoslavia was suspended from 7 July 1992 to 10 November 2000.

41 This figure includes the area of Kosovo (10,887 km²).

42 This figure includes the population of Kosovo (1,895,250).

43 This figure does not include Kosovo.

44 This figure does not include Kosovo.

45 Kosovo Security Force: 2,500.

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: 5,445,829 (32)

GDP per capita in international dollars at PPP rates: 16,496

GDP growth: 3.3 per cent (12)

Armed forces (active): 15,850 (35)

Memberships and forms of co-operation: OECD (2000), CoE (1993), NATO (2004), EAPC, EU (2004), RCC, CEI (1990/1993).

47. Slovenia

Date of accession: March 1992

Scale of contributions: 0.22 per cent (32)

Area: 20,273 km² (48)

Population: 1,972,126 (45)

GDP per capita in international dollars at PPP rates: 21,305

GDP growth: 2.5 per cent (21)

Armed forces (active): 7,250 (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: 48,958,159 (8)

GDP per capita in international dollars at PPP rates: 26,529

GDP growth: 3.2 per cent (13)

Armed forces (active): 123,200 (10)

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: 9,960,487 (21)

GDP per capita in international dollars at PPP rates: 51,600

GDP growth: 3.2 per cent (13)

Armed forces (active): 29,750 (22)

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: 8,236,303 (27)

GDP per capita in international dollars at PPP rates: 78,813

GDP growth: 1.3 per cent (40)

Armed forces (active): 20,950 (31)

Memberships and forms of co-operation: OECD (1961), CoE (1963), EAPC, PfP (1996), EU Association Agreement (withdrawn 2016),⁴⁶ RCC.

51. Tajikistan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 144,100 km² (22)

Population: 8,468,555 (26)

GDP per capita in international dollars at PPP rates: 796

GDP growth: 6.9 per cent (3)

Armed forces (active): 8,800 (42)

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: 80,845,215 (3)

GDP per capita in international dollars at PPP rates: 10,788

GDP growth: 2.9 per cent (15)

Armed forces (active): 355,200 (3)

Memberships and forms of co-operation: OECD (1961), CoE (1950), NATO (1952), EAPC, EU Candidate Country,⁴⁷ RCC, SEECP, BSEC, SCO Dialogue Partner.

46 Switzerland formally withdrew its application for accession to the European Economic Community (EEC) of 20 May 1992 on 27 July 2016. See: https://www.eda.admin.ch/content/dam/dea/fr/documents/bundesrat/160727-Lettre-retrait-adhesion-CH_fr.pdf.

47 Accession talks with Turkey have currently come to a standstill. See: <https://www.euractiv.com/section/enlargement/news/turkeys-eu-membership-bid-set-to-enter-ice-age>.

53. Turkmenistan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 488,100 km² (10)

Population: 5,351,277 (33)

GDP per capita in international dollars at PPP rates: 6,389

GDP growth: 6.2 per cent (4)

Armed forces (active): 36,500 (19)

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)⁴⁸

Population: 44,033,874 (9)⁴⁹

GDP per capita in international dollars at PPP rates: 2,186

GDP growth: 2.3 per cent (25)

Armed forces (active): 204,000 (4)⁵⁰

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), NATO-Ukraine Charter/NATO-Ukraine Commission (1997), EU Association Agreement and DCFTA,⁵¹ 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: 64,769,452 (6)

GDP per capita in international dollars at PPP rates: 39,899

GDP growth: 1.8 per cent (33)

Armed forces (active): 152,350 (8)

Memberships and forms of co-operation: G7 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973),⁵² Observer to the Barents Euro-Arctic Council, RCC.

48 Including Crimea, Sevastopol and the territories where the government does not exercise effective control.

49 The estimated population as of 1 November 2017 was 42,418,235 (excluding Crimea and Sevastopol; no information available on the territories where the government does not exercise effective control). See: http://database.ukrcensus.gov.ua/Pxweb2007/eng/news/op_popul_e.asp

50 In addition, there are: Paramilitary: Ukraine 88,000+; separatist forces: Donetsk 20,000 (estimated), Luhansk 14,000 (estimated); foreign forces: Donetsk and Luhansk 6,000 (reported); Russian forces: Crimea 28,000.

51 The EU Association Agreement entered into force on 1 September 2017, the DCFTA has been provisionally applied since 1 January 2016. See: https://eeas.europa.eu/headquarters/headquarters-homepage/1937/ukraine-and-eu_en.

52 The UK will formally exit the EU on 29 May 2019.

56. USA

Date of accession: June 1973

Scale of contributions: 11.5 per cent (1)

Area: 9,833,517 km² (3)

Population: 326,625,791 (1)

GDP per capita in international dollars at PPP rates: 57,467

GDP growth: 1.6 per cent (34)

Armed forces (active): 1,347,300 (1)

Memberships and forms of co-operation: 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: 29,748,859 (12)

GDP per capita in international dollars at PPP rates: 2,111

GDP growth: 7.8 per cent (1)

Armed forces (active): 48,000 (15)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), SCO.

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/1196, 17 December 2015. <http://www.osce.org/pc/212816>

Area:

https://www.cia.gov/library/publications/the-world-factbook/rankorder/rawdata_2147.txt

Population:

(estimated as of July 2017) <https://www.cia.gov/library/publications/the-world-factbook/fields/2147.html>

GDP per capita in international dollars at PPP rates:

(as of 2016, unless stated to the contrary)

<http://data.worldbank.org/indicator/NY.GDP.PCAP.CD/countries>

GDP growth:

(as of 2016, unless stated to the contrary)

<http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG/countries>

Armed forces (active):

International Institute for Strategic Studies (ed.), The Military Balance 2017, London 2017

OSCE Conferences, Meetings, and Events 2016/2017

2016

1 September	OSCE Chairmanship: Informal Meeting of Foreign Ministers of OSCE Participating States: “Facing common challenges together”, Potsdam
6 September	OSCE Chairmanship/Office for Democratic Institutions and Human Rights (ODIHR)/Council of Europe (CoE)/Central Council of German Sinti and Roma: Conference on “Confronting discrimination against Roma and Sinti communities”, Berlin
7-8 September	OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB)/OSCE Chairmanship: Conference on “Prevention of trafficking in human beings for labour exploitation in supply chains”, Berlin
9 September	CoE/OSCE Chairmanship: International conference “Internet Freedom: a constant factor of democratic security in Europe”, Strasbourg
14-15 Sept.	OSCE Representative on Freedom of the Media (RFOM)/OSCE Mission to Serbia/Center for Media, Data and Society of the CEU School of Public Policy/SHARE Foundation: Digital media and journalism conference “Gaining a digital edge: freedom of expression”, Vienna
14-16 Sept.	OSCE Chairmanship/Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA): Concluding meeting of the 24th OSCE Economic and Environmental Forum on “Strengthening stability and security through co-operation on good governance”, Prague
15-16 Sept.	Gender Section of the OSCE Secretariat/Institute for Inclusive Security: Action Plans Academy on the implementation of UN Security Council Resolution 1325, Vienna
19-30 Sept.	ODIHR: Human Dimension Implementation Meeting 2016, Warsaw
5-6 October	OSCE Secretariat: 2016 OSCE Mediterranean Conference “Youth north and south of the Mediterranean: Facing security challenges and enhancing opportunities”, Vienna

13-14 October	OSCE Transnational Threats Department (TNTD)/Strategic Police Matters Unit (SPMU): 2016 OSCE-wide conference on combating threat of illicit drugs and diversion of chemical precursors, Vienna
17-18 October	OCEEA: Economic and Environmental Dimension Implementation Meeting, Vienna
20 October	OSCE Chairmanship Conference on Tolerance and Diversity, Berlin
26 October	OSCE/Austrian Ministry of Foreign Affairs: "Meet the OSCE" Exhibit for Austrian National Day, Vienna
27-28 October	ODIHR/OSCE Chairmanship/RFOM: Supplementary Human Dimension Meeting II: Freedom of expression and freedom of the media with a special focus on conflict situations, including protection of journalists and reporting during armed conflict, Vienna
4 November	OSCE Chairmanship Cyber Showcase Event: Who Dunnit?, Vienna
10-11 Nov.	ODIHR/OSCE Chairmanship/OSCE High Commissioner on National Minorities (HCNM): Supplementary Human Dimension Meeting III: National minorities, bridge building and integration, Vienna
21-23 Nov.	OCEEA: Aarhus Centres 2016 Annual Meeting, Vienna
21-23 Nov.	ODIHR: Human Dimension Seminar "Promoting effective and integral justice systems: How to ensure the independence and quality of the judiciary", Warsaw
22-23 Nov.	OSCE TNTD/ODIHR, with support from the OSCE Gender Section: "Gender mainstreaming in operational responses to violent extremism and radicalization that lead to terrorism", Vienna
25 November	OSCE Gender Section in co-operation with UNODC/Academic Council on the United Nations System (ACUNS)/Office of the UN Special Rapporteur on violence against women and Women Against Violence Europe (WAVE): Gender symposium on "Combating femicide", Vienna
8-9 December	OSCE Chairmanship: 23rd OSCE Ministerial Council, Hamburg
12 December	OSCE RFOM: Conference "Access to information: Measuring progress 250 years on", Vienna
13-14 Dec.	OSCE RFOM: 18th Central Asia Media Conference – Multi-faceted challenges to media freedom in Central Asia, Vienna

2017

1 January	Austria takes over the OSCE Chairmanship from Germany. Austrian Foreign Minister Sebastian Kurz becomes Chairperson-in-Office
23-24 January	OSCE Chairmanship/OCEEA: First Preparatory Meeting of the 25th OSCE Economic and Environmental Forum: Good governance, business partnerships, and prevention of radicalization, Vienna
25 January	OSCE Chairmanship Business Conference 2017, Vienna
15 February	OSCE Chairmanship: Conference on “Cyber security for critical infrastructure: Strengthening confidence building in the OSCE”, Vienna
23-24 February	OSCE Parliamentary Assembly (PA): 16th Winter Meeting, Vienna
3-4 March	OSCE Secretariat/OSCE Chairmanship/Institute for Peace Support and Conflict Management (IFK)/University of Vienna’s Department of Legal Philosophy/Austrian Institute for European and Security Policy (AIES)/European Commission/Federal Ministry of Defence and Sports: DASICON 2017: “Europe under pressure. The OSCE in a complex security environment”, Vienna
3 March	OSCE RFOM: Launch event: Joint declaration on freedom of expression and “fake news”, disinformation and propaganda, Vienna
30-31 March	OSCE/City of Vienna: Security Days: Creating inclusive, safe and sustainable cities: Local approaches to global challenges, Vienna.
3-4 April	OSCE OSR/CTHB: 17th Alliance against Trafficking in Persons Conference
4-5 April	South Korea’s Foreign Ministry/OSCE Secretariat: Inter-regional conference between OSCE and Asian Partners on Cyber/ICT security, Seoul
18-19 May	OSCE/Ministry of Foreign Affairs of the Czech Republic/Friedrich Ebert Stiftung: Security Days: Countering fragmentation and polarization: Re-creating a climate for stability in Europe, Prague
23-24 May	OSCE Chairmanship/TNTD: OSCE-wide Counter-Terrorism Conference 2017: “Preventing and countering violent extremism and radicalization that lead to terrorism”, Vienna
25-26 May	OSCE Secretariat/Spanish Ministry of Foreign Affairs and Cooperation: 2017 OSCE Youth Conference:

	“Working with youth for youth: Strengthening security and co-operation online”, Malaga
5-9 June	OSCE OSR/CTHB/Italian Carabinieri: Second live-simulation training course on human trafficking along migration routes, Vicenza
9 June	OSCE Chairmanship/Belarusian Presidency of the Central European Initiative (CEI): OSCE-CEI high-level panel discussion: “Beyond the emergency: Improving the international response to large movements of people”, Vienna
12-13 June	OSCE Chairmanship/OSCE Secretariat/ODIHR: Second OSCE Gender Equality Review Conference, Vienna
14-16 June	OSCE Chairmanship/OCEEA: Second Preparatory Meeting of the 25th OSCE Economic and Environmental Forum: “Green Economy as catalyst for sustainable development, security and stability”, Astana
19-20 June	OSCE Asian Partners for Co-operation: 2017 OSCE Asian Conference: “Common challenges and common opportunities”, Berlin
19-20 June	OSCE RFOM: Conference on “Media freedom in volatile environments”, Vienna
22-23 June	OSCE Chairmanship/ODIHR: Supplementary Human Dimension Meeting I: Freedom of religion or belief: Issues, opportunities, and the specific challenges of combating anti-Semitism and intolerance and discrimination against Christians, Muslims, and members of other religions, Vienna
27-29 June	OSCE: 2017 Annual Security Review Conference, Vienna
4 July	OCEEA: Expert meeting on “Strengthening resilience of local communities to the presence of migrants”, Vienna
5-9 July	OSCE PA: 26th Annual Session on “Enhancing mutual trust and co-operation for peace and prosperity in the OSCE region”, Minsk
10-11 July	OSCE Chairmanship/TNTD/SPMU: OSCE-wide conference on “Combating the threat of illicit drugs and the diversion of chemical precursors – The nexus between illicit drugs, organized crime and terrorism”, Vienna
11 July	OSCE Chairmanship: OSCE Informal Ministerial Meeting, Muerbach
20-21 July	OSR/CTHB/Ministry of Foreign Affairs of the Russian Federation: Conference on “Public-private partnership in the fight against human trafficking”, Moscow

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Abbreviations

ABM Treaty	Anti-Ballistic Missile Treaty
ACF	Action Contre la Faim
ACFE	Agreement on the Adaptation of the Treaty on Conventional Armed Forces in Europe/Adapted Treaty on Conventional Armed Forces in Europe
ACMF	Advisory Committee on Management and Finance
AIAM	Annual Implementation Assessment Meeting
AKP	Adalet ve Kalkınma Partisi/Justice and Development Party
APEC	Asia-Pacific Economic Cooperation
ARF	ASEAN Regional Forum
ARRC	Allied Rapid Reaction Corps
ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
ASFR	Arctic Security Forces Roundtable
ASRC	Annual Security Review Conference
ATU	Action against Terrorism Unit
AU	African Union
BBC	British Broadcasting Corporation
BMSC	Border Management Staff College
BSEC	Black Sea Economic Cooperation
BSMC	Border Security and Management Concept
BSMU	Border Security and Management Unit
CACO	Central Asian Cooperation Organization
CASEVAC	Casualty Evacuation
CBMs	Confidence-Building Measures
CBRN	Chemical, Biological, Radiological and Nuclear
CBSS	Council of the Baltic Sea States
CCDCOE	NATO Cooperative Cyber Defence Centre of Excellence
CEEA	Co-ordinator of OSCE Economic and Environmental Activities
CEFTA	Central European Free Trade Agreement
CEI	Central European Initiative
CEPA	Comprehensive and Enhanced Partnership Agreement
CERD	Committee on the Elimination of Racial Discrimination
CEU	Central European University
CFE	Conventional Armed Forces in Europe
CFE Treaty	Treaty on Conventional Armed Forces in Europe
CFSP	Common Foreign and Security Policy
CHP	Cumhuriyet Halk Partisi/Republican People's Party
CICA	Conference on Interaction and Confidence-Building Measures in Asia

CICTE	Inter-American Committee against Terrorism
CiO	Chairperson-in-Office
CIS	Commonwealth of Independent States
CLCS	Commission on the Limits of the Continental Shelf
CMEP	Civil Military Emergency Preparedness
CoE	Council of Europe
COE-DAT	Centre of Excellence – Defence Against Terrorism
CoESPU	Center of Excellence for Stability Police Units
CORE	Centre for OSCE Research
CPC	Conflict Prevention Centre
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment/Committee for the Prevention of Torture
CSBMs	Confidence- and Security-Building Measures
CSCE	Conference on Security and Co-operation in Europe (since January 1995 OSCE)
CSDP	Common Security and Defence Policy
CSIS	Center for Strategic and International Studies
CSO	Cyber Security Officer
CSO	Committee of Senior Officials
CSTO	Collective Security Treaty Organization
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DCFTA	Deep and Comprehensive Free Trade Area
DDoS	Distributed Denial of Service
DDR	Disarmament, Demobilization, Reintegration
DIIS	Danish Institute for International Studies
DPPC	Defence Policy and Planning Committee
DPR	Donetsk People’s Republic (self-declared)
DRR	Disaster Risk Reduction
EAEU	Eurasian Economic Union
EaP	Eastern Partnership
EAPC	Euro-Atlantic Partnership Council
EAS	East Asia Summit
EBRD	European Bank for Reconstruction and Development
EC	European Commission
EC	European Community
ECHR	European Convention on Human Rights
ECHR/ECtHR	European Court of Human Rights
ECJ	European Court of Justice
ECOWAS	Economic Community of West African States
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights
EEAS	European External Action Service
EEC	European Economic Community

EED	Economic and Environmental Dimension
EEF	Economic and Environmental Forum
EEZ	Exclusive Economic Zones
EIA	Environmental Impact Assessment
EIEC	Environmental Information and Education Centre
ENP	European Neighbourhood Policy
ENVSEC	Environment and Security Initiative
EOM	Election Observation Mission
EST	Election Support Team
EU	European Union
EUFOR	European Union Force
EUMM	European Union Monitoring Mission
FOPs	Field Operations
FSB	Federalnaya Sluzhba Bezopasnosti Rossiiskoi Federatsii/ Federal Security Service of the Russian Federation
FSC	Forum for Security Co-operation
FYROM	Former Yugoslav Republic of Macedonia
G7	Group of Seven
G20	Group of Twenty
GA	General Assembly
GCSP	Geneva Centre for Security Policy
GDP	Gross Domestic Product
GFAP	General Framework Agreement for Peace
GFCE	Global Forum for Cyber Excellence
GGE	Group of Governmental Experts
GNI	Gross National Income
GNP	Gross National Product
HACC	High Anti-Corruption Court
HCNM	High Commissioner on National Minorities
HDIM	Human Dimension Implementation Meeting
HDP	Halkların Demokratik Partisi/Peoples' Democratic Party
HIV	Human Immunodeficiency Virus
HLPG	High-Level Planning Group
HLTF	the High-Level Task Force on Conventional Arms Control
HPP	Hydroelectric Power Plant
HROAG	Human Rights Office Abkhazia, Georgia
HRW	Human Rights Watch
IAI	Istituto Affari Internazionali
IBRU	International Boundaries Research Unit
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination

ICESCR	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
IDPs	Internally Displaced Persons
IFIs	International Financial Institutions
IFOR	Implementation Force
IISS	International Institute for Strategic Studies
ILO	International Labour Organization
IMEMO	Institut mirovoj ekonomiki i mezhdunarodnykh otnoshenij/Institute of World Economy and International Relations
IMF	International Monetary Fund
INGOs	International Nongovernmental Organizations
IOM	International Organization for Migration
IPAP	Individual Partnership Action Plan
IPC	International Press Club
IPI	International Peace Institute
ISAF	International Security Assistance Force
IWG	Informal Working Group
JALLC	Joint Analysis and Lessons Learned Centre
JCCC	Joint Centre for Control and Co-ordination
JOC	Joint Operations Centre
JTEC	Joint Training and Evaluation Centre
KFOR	Kosovo Force
KVCC	Kosovo Verification Coordination Centre
KVM	Kosovo Verification Mission
LAS	League of Arab States
LPR	Lugansk People's Republic (self-declared)
MBFR	Mutual and Balanced Force Reductions
MC	Ministerial Council
MEDEVAC	Medical Evacuation
MFA	Ministry of Foreign Affairs
MGIMO	Moskovsky gosudarstvennyi institut mezhdunarodnykh otnoshenii (universitet)/Moscow State Institute of International Relations (University)
MHP	Milliyetçi Hareket Partisi/Nationalist Movement Party
MoENREP	Ministry of Environment and Natural Resources Protection
MONDEM	Montenegro Demilitarization Programme
MoU	Memorandum of Understanding
MP	Member of Parliament
MPCs	Mediterranean Partners for Co-operation
NABU	National Anti-Corruption Bureau of Ukraine

NAC	North Atlantic Council
NACC	North Atlantic Cooperation Council
NAFTA	North American Free Trade Agreement
NAMSA	NATO Maintenance and Supply Agency
NATO	North Atlantic Treaty Organization
NCGM	Nordic Centre for Gender in Military Operations
NGOs	Non-Governmental Organizations
NHA	Northern Hemisphere Alliance
NRC	NATO-Russia Council
OAS	Organization of American States
OCEEA	Office of the Co-ordinator of OSCE Economic and Environmental Activities
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OFA	Ohrid Framework Agreement
OGRF	Operative Group of Russian Forces
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
OIES	Oxford Institute for Energy Studies
OM	Observer Mission
OMIK	OSCE Mission in Kosovo
OS	Treaty on Open Skies
OSCE	Organization for Security and Co-operation in Europe
OSCEANA	Organization for Security and Co-operation in Europe, North Asia and North America
OSR/CTHB	Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings
OTP	Office of the Prosecutor
PA	Parliamentary Assembly
PACE	Parliamentary Assembly of the Council of Europe
PAS	Partidul Acțiune și Solidaritate/Party of Action and Solidarity
PC	Permanent Council
PCRM	Partidul Comuniștilor din Republica Moldova/Party of Communists of the Republic of Moldova
PCU	Project Co-ordinator in Ukraine
PDM	Partidul Democrat din Moldova/Democratic Party of Moldova
PEIC	Public Environmental Information Centre
PEP	Panel of Eminent Persons
PfP	Partnership for Peace
PISM	Polski Instytut Spraw Międzynarodowych/Polish Institute of International Affairs

PNND	Parliamentarians for Nuclear Non-Proliferation and Disarmament
POLIS	Policing OnLine Information System
PRTR	Pollutant Release and Transfer Register
PSRM	Partidul Socialiştilor din Republica Moldova/Party of Socialists of the Republic of Moldova
R2P	Responsibility to Protect
REC	Regional Environmental Centre for Central and Eastern Europe
RFOM	Representative on Freedom of the Media
RoC	Republic of Cyprus
SAA	Stabilisation and Association Agreement
SACEUR	Supreme Allied Commander Europe
SALW	Small Arms and Light Weapons
SAP	Stabilisation and Association Process
SAPO	Specialized Anti-Corruption Prosecutor's Office
SAR	Search and Rescue
SCO	Shanghai Cooperation Organisation
SDGs	Sustainable Development Goals
SEATO	South East Asia Treaty Organization
SECI	Southeast European Cooperative Initiative
SEECF	South-East European Cooperation Process
SFOR	Stabilisation Force
SG	Secretary General
SHDM	Second Supplementary Human Dimension Meeting
SIPRI	Stockholm International Peace Research Institute
SMM	Special Monitoring Mission
SOFA	Status of Force Agreement
SPMU	Strategic Police Matters Unit
SPS	Science for Peace and Security Programme
START	Strategic Arms Reduction Treaty
TCG	Trilateral Contact Group
TCS	Trilateral Cooperation Secretariat
TNT	Transnational Threats
TNTD	Transnational Threats Department
TPAO	Turkish State Petroleum Company
TRNC	Turkish Republic of Northern Cyprus
TRT	Türkiye Radyo ve Televizyon Kurumu/Turkish Radio and Television Corporation
UAV	Unmanned Aerial Vehicle
UCAV	Unmanned Combat Aerial Vehicle
UCK/NLA	Ushtria Clirimtare Kombetare/National Liberation Army
UDHR	Universal Declaration of Human Rights
UK	United Kingdom

UN/UNO	United Nations/United Nations Organization
UNCHR	United Nations Commission on Human Rights
UNCLOS	United Nations Convention on the Law of the Sea
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UN	
Environment	United Nations Environment Programme
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/United Nations Refugee Agency
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
UNIDIR	United Nations Institute for Disarmament Research
UNMIK	United Nations Interim Administration Mission in Kosovo
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
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
UNROCA	United Nations Register of Conventional Arms
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNSG	United Nations Secretary-General
USAID	United States Agency for International Development
USD	US Dollar
USSR	Union of Soviet Socialist Republics
UXO	Unexploded Ordnance
UZS	Uzbekistan Som
VC	Venice Commission
VD/VD11	Vienna Document/Vienna Document 2011
VERLT	Violent Extremism and Radicalization that Lead to Terror- ism
WCO	World Customs Organization
WEF	World Economic Forum
WMD	Weapons of Mass Destruction
WTO	World Trade Organization

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