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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 Buttanni 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).