OSCE Insights

Institute for Peace Research and Security Policy
at the University of Hamburg [Ed.]

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Identifying Common Ground

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Introduction to OSCE Insights 2021: Identifying Common Ground

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The year 2021 saw the intensification of the many crises facing the OSCE. For the second time in a row, this time for political reasons, the Human Dimension Implementation Meeting (HDIM) – Europe's largest human rights gathering – was cancelled. Russia had opposed holding the meeting, revealing the extent to which the third (human rights) dimension of the OSCE had become a political battleground. It also rejected an extension of the mandate of the OSCE Observer Mission at two Russian checkpoints on the Russian–Ukrainian border in eastern Ukraine. Instead, in late 2021, Russia sent a large number of troops near the border with Ukraine, raising the spectre of a major war.

The year also set a negative record in that it took until August for participating States to agree on the OSCE's budget, adding to the difficulties of strategic planning posed by annual budget cycles and budget freezes. After years of zero nominal budget growth, the Organization is reaching the limits of its operational capacity.

The Ministerial Council held in Stockholm in December 2021 demonstrated that participating States still want to use the OSCE as a platform for cooperation. Thus, they took a decision on climate change (even if vaguely worded) and issued a statement on Transdniestria. However, both the plenary sessions and the side events revealed deep rifts with Russia regarding Western support for democratization and human rights, which Russia viewed as illegitimate interventions in internal affairs. Throughout 2021, the Swedish Chair's high hopes of strengthening compliance with OSCE commitments failed to materialize.

These developments in 2021 thus confirmed that the OSCE is undergoing a deep crisis of legitimacy. Governments neither take decisions nor provide the resources the Organization needs to function; instead, they contest both each other's and the OSCE's practices and underlying norms. These negative developments are part of a broader crisis

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of multilateralism, democracy, and Western–Russian relations.

All this raises the following questions: Where do governmental interests dovetail, and where do they diverge? If interests diverge widely, can the OSCE still carry out its broad mandate? Should it be redesigned, and if so, how? These issues are addressed in this second edition of OSCE Insights, produced by the Centre for OSCE Research (CORE), Institute for Peace Research and Security Policy at the University of Hamburg (IFSH). They are painful questions, at least for supporters of cooperative and comprehensive security, but they cannot be ignored.

Contributions to the 2021 edition

The contributions to OSCE Insights 2021 can be divided into three groups. The first examines the extent to which divergent government interests continue to stymy the OSCE. The second considers the dilemmas facing the OSCE and presents options for redesigning the Organization, while the third suggests ways forward in specific areas within existing organizational capacities.

Divergent interests and their effects

A special issue edited by *Frank Evers* and *Argyro Kartsonaki* compares eight selected OSCE participating States: France (*Barbara Kunz*), Kazakhstan (*Rustam Burnashev* and *Irina Chernykh*), North Macedonia (*Ana Krstinovska*), Poland (*Łukasz Kulesa*), Russia (*Andrei Zagorski*), Sweden (*Lars-Erik Lundin*), Turkey (*Giray Sadik*), and the United States (*Daniel Hamilton*). While analysing governmental interests is crucial for understanding any international organization, this is particularly true of the OSCE: decisions require consensus, the OSCE lacks sticks for enforcing compliance with commitments, and civil society is largely excluded from the decision-making bodies.

The case studies reveal much variation in how participating States perceive the value of the OSCE. Variation also exists regarding the dimensions and topics of interest. Generally, the OSCE is seen as less important than other international organizations. Moreover, participating States interpret OSCE principles differently; thus, Russia would like to see a debate on how freedom of alliance squares with the indivisibility of security. States disagree on the third dimension in particular, with political regime type being the main determinant of where governments stand: autocracies contest liberal norms and the autonomy of institutions such as the OSCE Office for Democratic Institutions and Human Rights (ODIHR), and democracies insist on compliance with commitments.

However, the special issue also suggests that the OSCE will survive. All of the governments discussed share a minimum interest in maintaining the OSCE as a platform for dialogue, and there is no evidence of a strong preference for leaving the Organization. States also have an interest in specific fields, including conflict prevention and human rights, where the OSCE has a competitive edge.

Nonetheless, an ailing organization can only do so much. In addition to the contributions to the special issue, former OSCE Secretary General *Thomas Greminger* reveals in a separate paper how the OSCE's legitimacy crisis has affected the OSCE Secretariat. Budget freezes, blockades, and micromanagement by participating States mean that executive structures and institutions have been hard pressed to carry out their numerous mandated activities. In important areas, governments have stymied Greminger's "Fit for Purpose" agenda, through which he tried to reform OSCE management processes and structures.

Dilemmas facing the OSCE

A second group of papers discusses dilemmas facing the OSCE. Drawing on institutional theory, *Matthias Dembinski* and *Hans-Joachim Spanger* present two options for redesigning the OSCE to address the crisis of legitimacy.

On the first option, the Organization would focus on areas of relative consensus among participating States, in particular conflict prevention. This would allow for the continuing delegation of competencies to executive structures in order to facilitate cooperation among states and to help implement agreements. This option leaves little room for the human dimension, however, and could therefore spell the end of comprehensive security.

On the second option, participating States would preserve the broad mandate of the OSCE but would increase governmental control over executive structures and institutions. This would imply the de-institutionalization of the OSCE across its three dimensions and a return to a CSCE-style conference format, for example by stripping ODIHR of its relative autonomy or even abolishing it altogether.

The authors' analysis raises a major dilemma: an OSCE thus redesigned could potentially become unblocked, but at the cost of a narrower mandate (option 1) or the termination of its role as a developer, implementer, and monitor of norms (option 2).

Stefan Wolff and *Stephanie Liechtenstein* examine China's Belt and Road Initiative and its implications for the OSCE. Describing Chinese activities in Central Asia, the South Caucasus and Eastern Europe, and the Western Balkans, they conclude that China's growing influence, although it varies across OSCE sub-regions, is too large to ignore. They therefore suggest ways in which the OSCE could engage China.

The dilemma here is that – as the authors acknowledge – such engagement may be a bridge too far for the OSCE. The OSCE is struggling to carry out core tasks such as holding the HDIM; adding new and ambitious topics to its agenda such as engaging China (on top of addressing other pertinent issues including climate change, migration, and Afghanistan) would put additional pressure on an already overstretched organization.

Ways forward in specific areas

Several contributions to OSCE Insights 2021 demonstrate that progress in specific OSCE areas may be possible even in the absence of substantial OSCE reform. *Fred Tanner* compares the OSCE's two main civilian missions: the Special Monitoring Mission to Ukraine and the Kosovo Verification Mission. Both offer lessons for future missions operating in high-risk areas, including a potential mission to address the conflict over Nagorno-Karabakh. A key lesson is that robust military OSCE missions are unfeasible.

Nino Kemoklidze also studies OSCE conflict management in troubled areas, focusing on Georgia. Following the Georgian–Russian war in 2008, Russia forced the OSCE to close its field presence in Georgia. Subsequent negotiation, mediation, and conflict prevention formats have not managed to break the deadlock over Abkhazia and South Ossetia. Despite these setbacks, Kemoklidze argues that the OSCE can nevertheless contribute to conflict management, even in the absence of a field operation.

Gaetano Pentassuglia examines the role of the OSCE High Commissioner on National Minorities (HCNM), with a focus on the political participation of minorities. He demonstrates the need for further standard-setting and clarification of international norms – especially those enshrined in the Lund Recommendations – under the auspices of the HCNM. Minority participation raises questions regarding the right balance between integration and separation, and Pentassuglia shows how this tension can be eased, especially with regard to political parties, consultative bodies, and self-governance.

Dmitri Makarov also writes about protecting rights. Human rights groups occupy a prominent place in the history of the CSCE. Many such groups have again come under pressure from states, especially authoritarian ones. What are the chances of another "Helsinki from below" movement? Makarov reveals that trends such as the transformation of human rights groups into professional NGOs are problematic. Drawing on examples of successful citizen mobilizations, he offers recommendations for how to strengthen human rights groups, in particular through greater transnational cooperation.

David Galbreath, *André Härtel*, and *Stefan Wolff* examine cooperation between the OSCE and the EU. The EU has the potential to strengthen the OSCE, which would also be of benefit to the EU itself. In practice, however, both organizations tend to work in parallel, and there is a risk that the power of the EU could further weaken the OSCE. The authors suggest that the EU should a) regard the OSCE not merely as an instrument but as an autonomous institution with distinct capabilities, b) use the OSCE as a forum for genuine dialogue with non-EU states, especially Russia, and c) avoid duplicating activities, as this could further weaken the OSCE.

Towards Helsinki+50

The contributions to OSCE Insights 2021 offer stimuli for discussions in the run-up

to the 50th anniversary of the Helsinki Final Act in 2025. Their findings suggest that democratic participating States can pursue three strategies for coping with the OSCE's legitimacy crisis, which we might characterize as "insisting on compliance", "redesigning", and "muddling through". Unfortunately, all three have drawbacks.

First, governments could continue to insist on compliance with OSCE commitments. In line with this strategy, they could – as many did in 2021 – use strong language to press authoritarian participating States to change their behaviour. However, there is no evidence that such rhetoric yields results; instead, it seems to fuel tensions between authoritarian and democratic participating States.

Second, participating States could redesign the OSCE along the lines envisaged by Matthias Dembinski and Hans-Joachim Spanger. The OSCE could be downsized and limited to areas of common interest, such as conflict prevention and the fight against terrorism. Yet losing existing institutional elements such as ODIHR would be a heavy cost; indeed, it would be tantamount to giving up on the concept of comprehensive security. From the perspective of democratic participating States, such radical institutional change is neither justifiable at their own domestic level nor desirable.

Third, states could muddle through. Rather than dismantling existing organizational structures, they could use the OSCE for identifying areas of common interest and for facilitating cooperation in these areas while pragmatically avoiding antagonistic confrontation on thorny issues. This strategy takes into account the current rift between democracies and autocracies but leaves open the possibility of broader cooperation in the future.

While this third, pragmatic, approach has its merits, it is not a panacea. Muddling through has reached its limits when a logic of escalation has landed Russia and Ukraine, with the possible involvement of NATO, on the brink of a major war. The Organization is also put in emergency mode when the Secretariat, field operations, and institutions must put activities on hold because governments do not agree on the OSCE budget; Thomas Greminger's analysis implies that OSCE bodies have been stretched to the point where attempting to make do with the limited resources available to them will soon no longer work. Proponents of muddling through may argue that we simply have to wait until governments once again support OSCE structures and institutions. This hope may be misplaced, however, because the conditions necessary for such a shift – in particular the democratization of authoritarian states who seek greater control over the OSCE – are not on the horizon.

Furthermore, pragmatic cooperation in areas of common interest may further erode compliance with OSCE commitments. For example, Western states and Russia share an interest in preventing and prosecuting terrorism. However, meaningfully including human dimension elements when implementing such projects conducted jointly with authoritarian states is difficult. Finally, the hope that pragmatic cooperation will prevail ignores the fact that domestic drivers

such as the assumption that domestic liberal norms can be exported often trump the search for international consensus.

The contributors to OSCE Insights cannot solve the dilemmas inherent in these three strategies. Nevertheless, they can support cooperative and comprehensive security by presenting evidence of what works and what does not. Many practices must be put to the test, such as whether aggressive rhetoric or an appeal for greater "political will" can override domestic policy drivers. Discussing these questions will remain the key objective of OSCE Insights in the coming years.

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Producing this volume in the difficult context of a global pandemic and ensuring the speedy, online-first publication of the individual papers over the course of 2021 was made possible thanks to teamwork. The authors have shown much patience during the editing process. I am also grateful to our reviewers for delivering their "verdicts" on submitted papers within the agreed (and admittedly tight) deadlines.

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You, our readers, are at the centre of this effort. CORE is pleased to present these ideas to you and happy to hear your feedback and suggestions for future contributions to OSCE Insights.

Making the OSCE More Effective: Practical Recommendations from a Former Secretary General

Thomas Greminger[*]

Abstract

This contribution offers recommendations for strengthening the effectiveness of the OSCE based on the results of the "Fit-for-Purpose" reform agenda, which the author conducted during his term as Secretary General of the OSCE (2017–2020). While the OSCE is capable of reform, there is a clear need for further political engagement. The author recommends giving the Secretariat the space it needs to amend management processes and structures. Further recommendations include streamlining the budget process, providing executive structures with a timely budget and adequate resources, strengthening the Secretariat's capacity for strategic planning, encouraging coordination among executive structures, and updating the modalities of their programmatic work.

Keywords

OSCE, Secretariat, management, budget process, strategic planning

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Introduction

The OSCE is operating in a challenging political environment: trust in multilateral institutions and mechanisms for solving global problems is low, and unilateral and transactional approaches are prevailing. The polarization of key state actors in the Euro-Atlantic and Eurasian security area is deepening, violent conflicts are once again a reality in the OSCE area, arms control regimes are dissolving, and the risk of military incidents is rising. At the same time, we face a broad range of transnational threats that can only be effectively addressed through cross-border cooperation. These include terrorism and violent extremism, state and non-state cyber threats, trafficking in people, arms, cultural goods, and drugs, and challenges

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related to illegal migration. More recently, the security implications of climate and technological change (especially developments in artificial intelligence) have come to the fore. We are thus confronted with a paradox: while multilateral cooperation is being questioned and spaces for dialogue are shrinking, the need for cooperation and genuine dialogue is greater than ever. This situation is reflected in the OSCE.

If responding to modern security risks requires multilateral cooperation, how can we strengthen the OSCE as a forum for inclusive dialogue and a facilitator of effective security cooperation? What constraints does the organization face, and how can they be overcome? These questions were foremost on my mind when I began my term as Secretary General of the OSCE in 2017. Together with my Directors, and led by the newly created Strategic Policy Support Unit, we devised the "Fit-for-Purpose" agenda, which I presented to the participating States in February 2018.[1] Three years on, the results are mixed. Analysis of the Fit-for-Purpose agenda's achievements shows that numerous changes have been implemented to increase the efficiency and effectiveness of the OSCE. The positive message for the future is that reform is possible. At the same time, however, essential reforms were stymied early on or have yet to cross the finish line. There is a clear need to sustain reform efforts to ensure that the OSCE remains capable of responding effectively to security challenges and makes efficient use of its limited resources.

This contribution to OSCE Insights focuses on four topics that the Fit-for-Purpose agenda addressed:[2]

- reviewing the management processes of the Secretariat;
- ensuring adequate resourcing for the OSCE;
- promoting the OSCE as a forum for inclusive dialogue; and
- enhancing programmatic cooperation.

I will briefly assess what has been achieved thus far and, where we have failed to reach set objectives, why this is so. In conclusion, I will offer recommendations to the participating States and the Secretariat.

The achievements and failures of the Fit-for-Purpose agenda

The management review

The OSCE Secretariat has grown organically since its establishment more than two decades ago. Its management processes have adapted in an ad hoc manner to new challenges, an increasing workload, participating States' changing priorities, and ever tighter budgets. In addition, new technologies and modern business practices have changed conditions of work. These developments created a need to systematically review the Secretariat's central management processes with an eye to increasing effectiveness and efficiency. For precisely this reason, I launched the Secretariat Management Review in April 2018, involving all Secre-

tariat staff and supported by an international consulting firm. A total of eighty optimization steps were pursued. By July 2020, sixty-eight had been implemented, five abandoned, and seven continued in separate processes. The implemented changes include:

- greater cost transparency through better control and reporting instruments;
- the introduction of a new travel management tool to reduce administrative workload and costs;
- a new online registration tool and conference management guide;
- a reduction of the administrative workload in procurement;
- a new electronic recruiting platform;
- online induction training for new OSCE employees and all staff; and
- revision of the approval process for extrabudgetary projects to differentiate between low- and high-risk projects and allow for an accelerated procedure.

Other areas where processes were optimized include logistics, building management, internal coordination, communication, and the digitalization of staff management and payment. There was a pattern to many of these changes: digital technology was introduced to improve service while cutting costs. Although the management review was originally designed not to cut costs but to redirect resources to increase added value, savings of around €300,000 were secured for 2019 alone. Shared service centres in areas such as information technology support and human resource administration, and a resource mobilization strategy for extrabudgetary contributions from state and non-state actors and for in-kind donations are further initiatives almost ready for implementation.

Although the Secretariat Management Review focused on processes, it also considered organizational structure. In a quick win, the Records Management Unit merged with the OSCE Documentation Centre in Prague, and information communication technologies functions were consolidated in a specialized unit of the Department of Management and Finance. Other changes, however – such as making the Ethics Coordinator and the Gender Issues Programme directly accountable to the Secretary General – were met with resistance from participating States and could not be implemented. Organizational changes such as these are reflected in the post table, which is part of the Unified Budget, and therefore require consensus. The same difficulty arose when I attempted to create the function of a second Deputy Head of the Secretariat. Since the OSCE does not want to fund a full-time Deputy Secretary General, the task of deputizing formally rests on the already busy Director of the Conflict Prevention Centre. I therefore appointed the Director of the Office of the Secretary General as second Deputy Head of the Secretariat. The division of tasks was clear: the Director of the Conflict Prevention Centre took on the deputy duties for external, conflict cycle-related business, while the Director of the Office of the Secretary General was responsible for internal, management-related issues. The practice worked perfectly and was never questioned by participating States.

When I wanted to formalize it by amending the post table, a head of delegation launched a successful campaign against it and blocked the decision, arguing that the change had not been properly discussed with participating States.

I briefed heads of delegation thoroughly about the Secretariat Management Review and kept them updated through the Secretary General's hour and my small group meetings with ambassadors. The review was initially met with support and even enthusiasm from participating States, but interest in these managerial issues faded over time. In the budgetary discussions of the Advisory Committee on Management and Finance, little appreciation was shown for the resulting gains in efficiency and effectiveness. At the same time, a few states blocked well-argued organizational changes to the budget process, limiting the Secretary General's room for manoeuvre even in management matters. The participating States would do well to give the Secretariat some leeway and avoid micromanaging. They should instead focus on the political mechanics of achieving consensus and taking joint action based on common commitments.

The tendency for participating States to micromanage the Secretariat stands in sharp contrast to the assertion that management responsibility and competence are the undisputed core of the Secretary General's terms of reference. Paradoxically, the very states who have argued that the Secretary General is "only" the Chief Administrative Officer have not let the Secretary General perform that role unhindered. For my part, I observed that a clear majority of OSCE participating States prefer an active and diplomatically profiled Secretary General – and the Secretary General's mandate creates space for that. In practice, there are two areas that allow considerable scope for interpretation: one pertains to the Secretary General's political and diplomatic role; the other is the coordination that is incumbent on the Secretary General as Chief Administrative Officer. While the relevant Ministerial Council decisions offer a broad outline of the Secretary General's political tasks,[3] it is the Chairperson-in-Office who ultimately defines the precise political scope of his or her activities. In my experience as Secretary General different Chairs placed different expectations on the Secretary General, to which the Secretary General has to adapt. The Secretary General's role as coordinator concerns both programmatic cooperation among executive structures and crisis management, as we witnessed during the COVID-19 pandemic. Effective coordination by the Secretariat is needed to ensure that two top objectives, duty of care and business continuity, are consistently pursued across the entire organization. With the increasing demand for interdisciplinary answers to complex security threats, the need for greater coordination of the OSCE's programmatic work is growing.

Ensuring adequate resourcing

In their policy statements, participating States consistently highlight the relevance of the OSCE as a forum for dialogue,

a facilitator for managing and resolving conflict, and a provider of support for addressing security threats and implementing OSCE commitments. However, this does not automatically translate into providing the organization with adequate resources. There are quite a number of issues at stake. Here I will talk about the budget process, the size of the Unified Budget, the timing of its adoption and the scales of contribution. I will not go into issues related to extra-budgetary resources, even though they are highly relevant given their potential to significantly expand the resource base of the OSCE. The resource mobilization strategy mentioned above will have to include practices and rules for making more strategic use of current extra-budgetary contributions and tapping into new funding sources like aid agencies, international financial institutions and the private sector.

In principle, the need to reform the budget process is undisputed among participating States. The current process is complex, tedious, and protracted. It invites states to micromanage the financial affairs of the Secretariat and other executive structures and to link (often narrow) political and personal agendas to broader operational issues. A longer-term budget cycle would allow a more strategic approach to planning and better alignment of resources with political and mandated activities. In 2018, a proposal for budget reform drafted by the Secretariat was submitted to participating States. It contained two main elements: an extension of the Programme Outline from one to four years and the introduction of a two-year budget. The exact financial allocation would continue to be approved by the participating States annually. The proposal was well received. Even a key delegation voiced no fundamental resistance – after intensive preparatory work, including in its capital – although consent was made contingent on two essential requirements: the reform exercise had to be presented as a pilot and the Programme Outline limited to two years, since there was not enough confidence in the institutions to allow for a four-year plan.

The Italian Chairpersonship was about to submit the reform proposal to the Permanent Council for adoption shortly before the 2018 summer break, when a new obstacle appeared that ended up blocking this and other decisions proposed by the Secretariat for almost three quarters of a year. It concerned a matter totally unrelated to budget reform, the question of the so-called *disclaimer*. As this is typical of workings in the OSCE, I will offer some details.

In June 2018, a disclaimer was added to documents distributed to participating States through the official document distribution system, clarifying that the Secretariat bore no responsibility for their content. This was met with anger from one participating State, which suspected it to be a manoeuver against it by another. Indeed, several participating States had regularly complained to the Chairpersonship and the Secretariat that the document distribution system was being used abusively to share information from unrecognized de facto entities. Although the disclaimer was based on a decision

by the Permanent Council and appeared on all documents in a non-discriminatory manner, the participating State in question insisted on perceiving it as an unfriendly act. Countless conversations with representatives at all levels – from the ambassador to the foreign minister – could not convince it to withdraw its opposition. It was not until the first quarter of 2019 that the issue was resolved thanks to an intervention by the Chairperson-in-Office, Slovak Foreign Minister Miroslav Lajcak. This allowed other important processes to go forward, but the momentum of the budget reform could not be re-established. Stripped-down budget documentation and a more user-friendly Performance-Based Programme Report were all that remained of the first attempt at budget reform.

A second attempt was planned for 2020, but here too, the window of opportunity opened late because the regular budget was not approved until May. In addition, the coronavirus crisis made conversations with participating States more difficult. Despite these challenges, the dialogue on a two-year budget and a multi-year Programme Outline resumed. The introduction of a longer-term capital investment plan seemed to gain traction, but the ensuing leadership crisis in July 2020 again dampened the drive for reform.

The scales of contributions, which define how much each of the fifty-seven OSCE participating States annually pay to the OSCE's regular budget, have been the subject of reform efforts for years. The key that determines the contributions of each state is complicated and out of date. Various attempts to modernize the scales of contributions and to adapt them to the current distribution of economic power have failed. Since one participating State in particular increasingly tied its budget approval to revising the contribution key, Chairpersonships were forced to take on the difficult task of trying to amend it. Although the amounts at stake are relatively small, the discussions have been politicized and in want of pragmatism. Chairs face an impossible task as long as major stakeholders remain unwilling to adjust the level of their contributions. It is therefore unfair to make approval of the Unified Budget conditional on revised scales of contributions. This is not to say that they should not be revised – quite the contrary. However, the problem cannot be solved on a purely technical level, as evidenced by the efforts of Slovakia when it chaired the OSCE in 2019. A solution would necessitate a significant investment of political capital by the Chair and a willingness to move forward on the part of the key stakeholders. At the same time, the technical details, while often minute, are important and difficult for high-ranking diplomats and officials in capitals, who only deal with such matters occasionally, to grasp. Perhaps this matter requires the attention of a former finance minister.

In 2020, unperturbed by the pressure the coronavirus put on the functioning of the OSCE, participating States continued a lengthy and narrow-minded discussion for the approval of the 2020 Unified Budget, which should have been adopted by Christmas 2019. Despite the Chair's skillful leading of the process, the

OSCE did not receive its regular budget until the end of May, i.e., with a five-month delay. Unfortunately, late budget approval is no longer the exception but the rule in the OSCE. Approval processes represent a heavy burden on any Chair and divert time, energy and attention of participating States from dealing with more substantive issues. They reduce the time available to discuss reform-related matters and massively complicate the smooth running of the organization. As long as there is no approved Unified Budget, operations must be financed through quarterly (and later monthly) allotments based on the budget of the previous year. Even worse, new programmatic activities are not allowed to start. Timely budget adoption is thus crucial to the effective functioning of the OSCE, and participating States should treat it as a strategic concern. Regular, desperate calls by Chairpersons-in-Office are not sufficient; a mechanism obliging states to adopt the Unified Budget on time must be implemented.

The lengthy 2020 Unified Budget discussions did not lead to an increase of funds. The result, for the ninth year in a row, was zero nominal growth. The OSCE is thus again losing around two per cent of its real purchasing power. Granted, any organization can stay afloat for some time under austerity measures, but there are limits to how long one can achieve more with less. These limits have clearly been exceeded by the executive structures of the OSCE after years of zero nominal growth and an increase in tasks, for example services for the benefit of the Special Monitoring Mission to Ukraine (SMM).

Some states argue that the amount they are paying to the OSCE has increased since 2014 because the SMM has a separate budget which is almost as big as the Unified Budget. This is true, but what is forgotten is that the deployment of the SMM has significantly enlarged the workload in the Secretariat, with no corresponding augmentation of the Secretariat's budget. Thanks to efficiency gains due to the Secretariat Management Review and the more frequent charging of services to other executive structures, it has been possible to prevent major deficiencies in the fulfilment of mandates. However, the time has come for participating States to either reduce tasks substantially or discard the zero nominal growth dogma.

There is evidence that the same participating States that block approval for the Unified Budget can do things quite differently. The SMM budget was passed in good time in 2020 despite an increase of eight and a half per cent. State capitals showed a strong interest in securing the SMM's resources, and when risks such as delays in approving the budget in Vienna threatened, unmistakable political signals were given by the headquarters. Why the difference? I would argue that participating States accept the well-defined role of (and need for) the SMM. If the OSCE's Unified Budget were based on a clearer set of priorities agreed by participating States – perhaps at the level of foreign ministers – its adoption would proceed much more smoothly. As it stands, spoiling comes at a low cost to individual

states but hurts the organization as a whole.

Promoting the forum for inclusive dialogue

One of the OSCE's strengths since its inception as the Conference on Security and Cooperation in Europe (CSCE) in 1975 is that it is a forum for inclusive dialogue. During the Cold War and again in the 1990s, the CSCE (renamed the OSCE in 1995) was a place for states to discuss and resolve a wide range of differences. As Chairperson of the Permanent Council in 2014 when Switzerland led the organization, and again when I served as Secretary General, my sense was that the culture of dialogue and cooperation was waning. OSCE meetings were being used to read speeches, score points, and engage in public diplomacy. Together with the OSCE Chairs, I sought to recapture and promote the organization's unique role as a space where fifty-seven non-likeminded countries can come together, engage in constructive dialogue, and build security through cooperation. Efforts under the Fit-for-Purpose agenda to revitalize dialogue in the OSCE were three-pronged: create a strategic planning capacity in the Secretariat, create additional opportunities for informal dialogue, and support the Structured Dialogue, the informal working group of participating States established by the Hamburg Ministerial Council in 2016 to discuss current and future challenges and risks to security.

When Switzerland held the OSCE Chair, I noticed that the Secretariat lacked the capacity to plan for the medium and long term because its policy and coordination units were absorbed with day-to-day business. Therefore, at the end of 2017, I established the Strategic Policy Support Unit, financed as an extra-budgetary project and staffed with experts seconded by the United States, the Russian Federation, the EU, and Switzerland. The aim was to bring greater continuity to the OSCE's planning processes and to better provide the Chair and the Troika (the current, past, and incoming Chairs) with strategic policy advice. The unit supported the 2019 and 2020 Chairs (Slovakia and Albania) in formulating their priorities, helped the Conflict Prevention Centre to develop regional strategic frameworks for the Western Balkans and Central Asia, produced recommendations for prospective Chairs of the OSCE, and studied the implications of relations with China for the OSCE. It also contributed to making the Programme Outline a more strategic document aligning the allocation of budget resources with policy priorities.

In addition to allocating regular budget means more strategically, it is equally important to devise OSCE's extra-budgetary activities in a more holistic way. They have been growing in size and are particularly relevant when it comes to innovation and new thematic accents set by the organization. With this aim in mind the position of a Strategic Planning and Resource Mobilization Coordinator (SPRM) has been created.

Strategic planning in the OSCE is a function of planning capacities in the Secretariat on the one hand and policy

support and practice on the part of the Chairpersonship, the Troika, and participating States on the other. Although challenging, strategically aligning the political priorities defined by the Chairpersonship and the Troika is of the utmost importance. Each Chair tends to view the OSCE through the twelve-month lens of its leadership responsibilities. However, it would make sense to adopt a longer-term perspective, ideally in the form of a three- or four-year plan. When Finland chaired the OSCE in 2008, five consecutive chairs met as a quintet. Switzerland and Serbia agreed a joint work plan as successive Chairs in 2014 and 2015. Unfortunately, this model has not caught on. Currently, the prerequisites for longer-term planning exist, with the OSCE Chairs determined until 2023 (Sweden, Poland, and North Macedonia).

The OSCE's formal dialogue forums such as the Permanent Council and the Forum for Security Co-operation have largely become platforms for harsh, confrontational public diplomacy. The "Talking Points" series initiated under the Fit-for-Purpose agenda provided a new opportunity for informal dialogue. Experts were invited to the Secretariat premises to discuss new studies and publications with representatives of the participating States and OSCE staff. This was also an attempt to bring delegation members into the Secretariat. Another invaluable informal space for dialogue is the Security Days initiated by my predecessor, Lamberto Zannier. With the Strategic Planning Support Unit, I had the necessary capacity in the Secretariat to conceptualize such events in a targeted manner and to ensure consistent follow-up. Security Days have recently been held on issues such as the future of OSCE field operations, military incident prevention, sustainable development goals, technological change, and lessons of the Paris Charter.

I also encouraged think tanks to create informal space for dialogue on topical issues. At my suggestion, and with the political support of Miroslav Lajcak, a consortium formed by the Friedrich Ebert Foundation and GLOBSEC launched the Cooperative Security Initiative. The initiative aims to promote the concept of cooperative security in mainstream European security policymaking and generate new ideas for strengthening multilateralism and security cooperation in Europe.

The OSCE's Structured Dialogue, originally intended to stimulate arms control discussions,[4] has in practice generated constructive exchanges on current threat perceptions, military postures, and measures to reduce tension. Participating States have also shown interest in using the forum to develop instruments to increase transparency, for example a template for major military exercises or a best practice guide for the prevention and management of military incidents.

I supported the Structured Dialogue to the best of my ability, especially in my interaction with governments and organizations like NATO, although participating States, in particular the Structured Dialogue sceptics among them, never tired of emphasizing that it is state owned and state driven. This stems from a fear of losing control over the process to the broad group of states supportive of the dialogue, to a

committed Secretariat, and to interested think tanks and civil society organizations. The Structured Dialogue faces risks from its key stakeholders as well, who have mutually exclusive ideas about its priorities. In addition, maintaining its momentum has been challenging because a different participating State has chaired the informal working group each year. It is in need of new political motivation, decisive leadership, and a broader support base to increase its resilience. The latter could include parliamentarians, think tanks, the media, and civil society groups. The Structured Dialogue would also benefit from a more clearly defined vision of how the discussion should evolve and what topics it should cover.

Enhancing programmatic cooperation

The Fit-for-Purpose agenda aimed to enhance the OSCE's programmatic cooperation, including by mobilizing new donors and partners for cooperation. There is growing interest in the private sector in partnering with the OSCE and sponsoring its activities. Other non-traditional donors, such as international organizations and financial institutions, are also increasingly keen to support its programmatic work. The OSCE has to adapt its rules and working modalities if it wants to seize these opportunities. Efforts in this direction were kicked off under the Secretariat Management Review with the drafting of the resource mobilization strategy.

Alongside the programmatic departments of the Secretariat, the OSCE's field operations and institutions are essential for conducting its programmatic work. The good news about the field missions is that host country pressures on them have decreased significantly in recent years. This has a lot to do with the fact that we have succeeded in shaping the cooperation between the OSCE and host states as a partnership and in enhancing national authorities' sense of ownership with respect to field operations. Today the prevailing perception is that having the OSCE in the country is advantageous because it helps to implement important national reforms. In addition to strong local ownership, a clear profile and coordination with other international actors are important factors for the effectiveness and efficiency of the OSCE in the field.

OSCE field operations operate on the basis of the comprehensive approach to security and are required to develop activities in all three dimensions. Another comparative advantage of OSCE field presences is their proximity to government and their responsiveness to its wishes. However, both factors also expose the OSCE field activities to the constant risk of spreading their resources too thin. It is essential that heads of mission work closely with host states to build a clear and long-term plan for their activities. A multi-year strategy would enable defining where to concentrate expertise and invest the bulk of the resources. This would not entail being less responsive to government needs. It would sharpen the OSCE's profile in the country and make its added value clearer. Making the switch from the predominant "project" approach to a "programme" mindset may seem simple, but it requires a complete change of

corporate culture among both Secretariat and field operations staff and donors. In the framework of the Secretariat Management Review, a number of management processes were adapted for this purpose. I also initiated a dialogue among the twelve major donors, with a view to introducing a sustainable programme culture.

Providing programmatic support to participating States that have an interest in cooperation but lack a formal OSCE presence is another challenge. Belarus, Armenia, and Azerbaijan undoubtedly fall within this category. With regard to the first two, there have already been initial attempts to integrate individual projects into the framework of a country programme. However, recent experience has revealed difficulties that require resolution based on general principles. Cooperation based exclusively on extrabudgetary financing is unsustainable, so at some point funds from the regular budget will have to be made available for such programmes. Even in the absence of a formal OSCE presence, rules defining the relation to the host state are needed. Without them, the OSCE cannot open a local bank account or protect its employees. Coordination among OSCE executive structures is necessary if the OSCE wants to establish a coherent country programme and conduct political dialogue with host authorities.

As outlined in the Fit-for-Purpose agenda, complex security challenges require interdisciplinary responses. This may require cooperation between different OSCE structures to mobilize different types of expertise and deliver a joint product. The EU-funded trial monitoring project in the Western Balkans, which will be implemented from 2021, is a perfect illustration of this: the OSCE will have a comparative advantage as an EU partner if it can combine the geographic context knowledge and the proximity to local governments of its field presences with the Office for Democratic Institutions and Human Rights' expertise in trial monitoring. This requires coordination by the Secretariat. The executive structures of the OSCE would therefore do well to cooperate in the spirit of the UN motto "Deliver as One". This is not the approach regularly voiced by participating States, however. The "autonomy of institutions" has become a mantra, and calls for cooperation and coordination among executive structures are rare. Yet the limits of that autonomy are all too evident when it comes to discussions on the budget or the appointment of heads of executive structures.

Conclusions and recommendations

Despite the mixed results of the Fit-for-Purpose reform agenda, significant steps have been taken to increase the efficiency and effectiveness of executive structures. This shows that reform of the OSCE is possible. The following recommendations outline how participating States and executive structures could stimulate it further:

- Participating States should provide more space and support to the Secretariat and other executive structures to improve management processes and

organizational structures and should refrain from micromanagement.
- Participating States should reform and simplify the budget process, ideally by introducing a biannual budget, a multi-year Programme Outline, and a capital investment plan.
- The OSCE Chair should discuss and agree in principle a revision of the scales of contributions with participating States who are key contributors – on the political level.
- A mechanism[5] that compels participating States to adopt the Unified Budget before Christmas should be introduced.
- Participating States should drop the zero nominal growth dogma and either provide the OSCE with adequate resources to fulfil its mandate or pursue a clearer and more limited set of priorities within a longer-term strategy. The OSCE cannot continue to do more with less.
- The strategic planning capacities of the Secretariat should be further consolidated, and strategic planning tools like the Programme Outline and a multi-year plan by an extended Troika further developed.
- Participating States should expand and make full use of informal forums for genuine dialogue. The Structured Dialogue should be strengthened by establishing a higher public profile, a two-year Informal Working Group chairpersonship and work plan, and should be made more resilient through academic/think tank/civil society support.
- The profile and strategic outlook of field operations' programmatic portfolios should be sharpened. Managing countless small projects should be abandoned in favour of steering well-chosen programmes.
- Participating States should elaborate and agree on a general procedure for conducting programmatic work in participating States where the OSCE has no formal field presence. Country programmes could be financed by both the Unified Budget and extrabudgetary resources and operated through a technical presence under rules agreed with the host states.
- The rules should be amended and mind-sets changed to increase cooperation with non-traditional partners such as large regional organizations, international financial institutions, aid agencies, and private sector actors, including foundations.

In line with the recent "OSCE Call for Action" by more than fifty former OSCE leaders to step up "political-level engagement to ensure that the OSCE maintains its ability to continue addressing these [security] challenges effectively",[6] I would encourage the Ministerial Council to agree on a "compact for a well-functioning organization". This would establish as matters of political concern objectives such as providing the OSCE with a timely and adequate budget, overcoming obstacles to adopting the agendas of routine meetings, and enabling reform. Such a compact would represent a political commitment to ensuring that the OSCE remains – or once again becomes – fit for purpose.

Notes

1 At the Secretary General's hour of 14 February 2018, a non-paper outlining the ten points of the reform agenda was made available to participating States.

2 The reform agenda covered ten areas. This article focuses on selected thematic clusters. The author is currently working on a comprehensive assessment that will be published in 2021.

3 The original mandate of the Secretary General was defined in Stockholm (1992). Ministerial Council Decisions from Porto (2002), Sofia (2004), Brussels (2006), and Vilnius (2011) provided the most important amendments. See, respectively: OSCE, Final Document of the Third Meeting of the CSCE Council of Ministers, Stockholm, 14–15 December 1992, 15 December 1992, https://www.osce.org/mc/40342; OSCE, Final Document of the Tenth Meeting of the OSCE Ministerial Council, Porto, 6–7 December 2002, 7 December 2002, https://www.osce.org/mc/40521; OSCE, Final Document of the Twelfth Meeting of the Ministerial Council, Sofia, 6–7 December 2004, 7 December 2004, https://www.osce.org/mc/41813; OSCE, Final Document of the Fourteenth Meeting of the Ministerial Council, Brussels, 4 and 5 December 2006, 5 December 2006, https://www.osce.org/mc/25065; OSCE, Final Document of the Eighteenth Meeting of the Ministerial Council, Vilnius, 6–7 December 2011, 7 December 2011, https://www.osce.org/mc/88839

4 Article 3 of MC.DOC/4/16 tasked the Structured Dialogue as follows: "Today, in Hamburg, we commit ourselves to exploring, inter alia, how the negative developments concerning the conventional arms control and CSBM architecture in Europe can be reversed. Together, we will work towards creating an environment conducive to reinvigorating conventional arms control and CSBMs in Europe. The strong commitment of the OSCE participating States to full implementation and further development of arms control agreements is essential for enhancing military and political stability within the OSCE area." OSCE, From Lisbon to Hamburg: Declaration on the Twentieth Anniversary of the OSCE Framework for Arms Control, 9 December 2016, https://www.osce.org/chairmanship/289496

5 Creative ideas were put forward, for instance, by Romanian Minister of Foreign Affairs Teodor Melescanu at the 2019 Informal Ministerial Council in the High Tatras. He suggested that the Unified Budget should be submitted to the Ministerial Council in early December. Alternatively, good practices of other international organizations should be assessed.

6 OSCE PA, OSCE Call for Action: Reaffirming a Common Purpose, 4 December 2020, https://www.oscepa.org/documents/osce-call-for-action/4114-osce-call-for-action-reaffirming-a-common-purpose-eng/file; also available as a flipping book, https://online.flippingbook.com/view/779749/

OSCE Engagement with China: Why and How?

Stefan Wolff and Stephanie Liechtenstein[*]

Abstract

What are the implications of China's growing presence for the OSCE? This is a pressing issue for the Organization and its participating States given the importance of relations with China and their increasingly acrimonious nature. In answering this question, we analyse the impact of China's Belt and Road Initiative (BRI) on three OSCE subregions: Central Asia, the South Caucasus and Eastern Europe, and the Western Balkans. Our analysis draws on insights from a wide range of sources, including papers commissioned from local and regional experts, government and think tank reports, and a survey of the vast secondary literature on the topic. We conclude that, while the impact of the BRI varies across the three subregions, it has significant geopolitical and geo-economic implications that the OSCE cannot afford to ignore. Based on our analysis, we offer recommendations for OSCE engagement with China and the BRI.

Keywords

China, Belt and Road Initiative, OSCE, connectivity, geopolitics.

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Introduction

Since its inception in late 2013, China's strategy for connecting Asia, Europe, and Africa along the historical Silk Road routes – the Belt and Road Initiative (hereinafter the BRI, or "the Initiative") – has grown into a vast global development project with increasing geopolitical and geo-economic implications. Launching the BRI during a speech at Kazakhstan's Nazarbayev University, Chinese President Xi Jinping proposed that a "Silk Road Economic Belt" should be jointly built by China and its partners "in order to make the economic ties closer, mutual cooperation deeper and the space of development broader between the Eurasian countries".[1] Eighteen months later, in

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March 2015, the Chinese National Development and Reform Commission further elaborated on Xi's speech, specifying that the aims of the BRI were to "promote the connectivity of Asian, European and African continents and their adjacent seas, establish and strengthen partnerships among the countries along the Belt and Road, set up all-dimensional, multi-tiered and composite connectivity networks, and realize diversified, independent, balanced and sustainable development in these countries".[2]

While some of these ideas and goals were not entirely new, the real novelty was systematically combining all of them into a single project and strategy. The importance of the BRI was further underscored in 2017, when it was incorporated into the Constitution of the Communist Party of China, making it an integral part of the Chinese state and its policies.[3]

Today, not only is the BRI considered the centrepiece of China's foreign and economic policy, but it has matured into a comprehensive strategic tool for China's leadership, reflecting the geopolitical and geo-economic aspirations of a more self-confident and assertive global power. By 2021, Belt and Road cooperation involved 140 countries and 30 international organizations, with projects in over 70 countries. Of the fifty-seven participating States of the OSCE, more than half have signed memoranda of understanding with China concerning their participation in the BRI.[4]

What started as the Silk Road Economic Belt and 21st-Century Maritime Silk Road now also includes a Polar Silk Road, a Digital Silk Road, and a Health Silk Road, among others.[5] This expansive design is reflected in the expected financial magnitude of the BRI, which was calculated by PricewaterhouseCoopers in 2016 as "up to USD 1 trillion of outbound state financing from the Chinese government in the next 10 years".[6] By the end of 2020, almost $93 bn had been realized through investment and construction contracts in three subregions in the OSCE area: Central Asia ($55 bn), the South Caucasus and Eastern Europe ($21 bn), and the Western Balkans ($18 bn).[7]

The OSCE and its participating States can no longer afford to ignore China's significance and increasing presence within the OSCE region and its neighbourhood. The broad implications of the BRI extend to an evolving set of geopolitical and geo-economic dynamics that affect the OSCE as an institution, relations among its participating States, and their relationship with China. This is particularly evident in the three subregions mentioned above, where Russia and the West have traditionally competed for influence, including through the political and economic integration projects of the European Union (EU) and the Eurasian Economic Union (EAEU). While the BRI does not (yet) operate with a similarly institutionalized vision of integration, it represents a potential long-term – complementary, encompassing, or rival – alternative to the EU and the EAEU. This adds to the challenges that the OSCE is already facing, particularly with regard to its ability to deliver on its comprehensive security mandate at a time when relations between Russia and the West have deteri-

orated to levels not seen since the end of the Cold War.

Analysing Chinese engagement in these three subregions therefore provides a useful basis for assessing the BRI's impact on the OSCE to date. It also allows us to examine likely future trajectories and to offer policy recommendations for OSCE engagement with China and the BRI. Such engagement must be principled, pragmatic, and strategic to preserve the integrity of the Organization and to enable its participating States to live up to their "commitment to the concept […] of comprehensive, co-operative, equal and indivisible security".[8]

Our examination of the BRI's impact on the OSCE incorporates data and analysis from a comprehensive report published by the OSCE Network of Think Tanks and Academic Institutions,[9] which draws on eighteen specifically commissioned background papers from country and regional experts, academic and policy literature on the BRI, and a host of original primary data, including from Chinese, Russian, OSCE, EU, UN, and World Bank sources. As this Report was completed at the end of 2020, our analysis has been further updated to account for more recent developments and has been complemented by further desk research and engagement with experts.

The remainder of this paper is structured as follows. We first present findings from the analysis of China's presence and activities in the subregions Central Asia, the South Caucasus and Eastern Europe, and the Western Balkans. We then draw these findings together in the form of brief conclusions, which in turn form the basis of our policy recommendations.

Central Asia

Central Asia exemplifies many of the key drivers of the BRI. From an economic perspective, the subregion is critical to road and rail transit connecting China to European markets. These connections represent strategically important alternatives to existing maritime routes. China also views economic development and stability in Central Asia as a means of achieving the politically important goal of improving security in the neighbouring province of Xinjiang, which in turn will promote resilience to negative spillover effects from Afghanistan.[10] The importance of the subregion is reflected in the level of investment by China, which extends beyond transport infrastructure to energy, raw materials, and agricultural products for domestic consumption.

Within the Central Asian subregion, Kazakhstan is the key target state for China. It accounts for nearly two-thirds of the Chinese funds committed to the subregion since 2005. The country has a well-developed infrastructure, is relatively politically stable, and has a national development plan that is closely coordinated with the BRI, making it an attractive target for Chinese investment. China has also invested heavily in Kazakhstan's oil production, with Chinese companies now in control of approximately 25 per cent of the sector, while approximately 75

per cent of all Chinese uranium imports are from Kazakhstan.[11]

From a geopolitical and strategic point of view, the development of Central Asia is important to China because the EU and the US have relatively limited influence there, which enables China to lock Central Asia into its own sphere of influence. While Russia is currently the main security provider, China is emerging as the predominant economic player. In this context, Moscow and Beijing have thus far abided by a tacit division of labour, and both have hailed the value of cooperation.[12] One manifestation of this cooperation is the economic and trade cooperation agreement between China and the EAEU, of which Kazakhstan and Kyrgyzstan are members, alongside Armenia, Belarus, and Russia. Although it has only been in force since 2019, it is an indication of potentially deepening ties in the future, especially as the West hardens its stance on both Russia and China.

The South Caucasus and Eastern Europe

Geographically distinct, and with no common land border with China, the OSCE participating States in the South Caucasus (Armenia, Azerbaijan, and Georgia) and Eastern Europe (Belarus, Moldova, and Ukraine) have a number of features in common that set them apart from Central Asia and the Western Balkans.

While there are individual differences between these countries, as a whole they are more developed than the countries of Central Asia. However, they have displayed far greater political instability in the past decade than either Central Asia or the Western Balkans. This is evident from the ongoing conflict in Ukraine, the 2020 war between Armenia and Azerbaijan, and the disputed presidential elections in Belarus, which were accompanied by a violent crackdown on protesters. Three of the countries – Georgia, Moldova, and Ukraine – have also been stuck in a political and economic tug of war between Russia and the West for over a decade.[13]

Against the background of geopolitical tensions between the West and Russia, Chinese engagement in the region has been modest compared to its engagement in Central Asia. Other challenges in the subregion relate to corruption and poor levels of government effectiveness. The main drivers of Chinese engagement are largely similar to those in the other two regions: transit and access to resources.

Along the New Eurasian Land Bridge, BRI implementation has resulted in major projects in *Belarus*, which is an indispensable transit country along the China–Kazakhstan–Russia–Belarus route to the EU market but has also seen additional Chinese investment in industrial projects (for example the Great Stone China–Belarus Industrial Park). To date, Chinese banks have provided $4.5 bn in loans to Belarusian companies.[14]

In terms of actual investment, however, China's engagement with *Ukraine* has by far exceeded its engagement with Belarus, both prior to and since the inception of the BRI. With that said, the potential of Chinese engagement in Ukraine has not been fully exploited, giv-

en the ongoing conflict in the country and related social, political, and economic instability.[15]

Almost 70 per cent of all Chinese investments in Ukraine predate the official launch of the BRI in 2013.[16] Thus far, these investments have been focused on the energy sector (solar power) and agriculture (e.g. a newly built grain terminal in Mykolaiv facilitating Ukrainian exports to China). Attempts by China to gain a foothold in Ukraine's military-industrial complex have encountered significant pushback from Kyiv, as in the case of Motor Sich, a producer of military aircraft engines.

Moldova, by contrast, is hardly integrated with the BRI, given the country's peripheral location in relation to the main economic corridors, its low levels of economic development, its small domestic market, and its predominantly rural economy.[17]

The South Caucasus in general offers limited connectivity options to China because of the absence of a viable deep-sea port in *Georgia*, despite several attempts by China to develop facilities in Anaklia for that purpose.[18] Nevertheless, China and *Azerbaijan* have signed a memorandum of understanding and other bilateral agreements, which have resulted in an increase in bilateral trade and an estimated $821 m economic package for Azerbaijan focused on Chinese investment in the non-oil sector.[19]

In *Armenia*, investment has been marginal, but this could change following the conclusion of an agreement between China and Armenia for the development of a "smart city" worth $10–15 bn over the next fifteen years.[20]

The Western Balkans

The Western Balkans subregion comprises Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, North Macedonia, Serbia, and Slovenia. The subregion has achieved significantly higher levels of development than the countries in Central Asia and the South Caucasus and Eastern Europe. It has been largely dominated by Western influence over the past quarter-century, which is now being challenged by China.

The main driver of the expansion of the BRI into the Western Balkans is access to European markets. Developing the infrastructure of the Western Balkans is thus considered strategically important for improving access to the EU.

The main risks are related to unresolved legacies of the violent disintegration of the former Yugoslavia, including persistent inter-ethnic tensions and simmering contestations over borders. The region also suffers from governance problems, such as corruption and weak rule of law.

Serbia has thus far received the largest share (60 per cent) of Chinese investment in the region. While a wide range of projects have been pursued in the energy sector and local transport, the flagship project of the BRI in Serbia remains the construction of the Belgrade–Budapest railway, linking the Serbian and Hungarian capitals. The railway is a critical node in the Balkan Silk Road from the Greek

port of Piraeus to the EU. The partial construction of the Belgrade–South Adriatic highway is of similar strategic importance.

Belgrade and Beijing have also intensified their police cooperation in recent years, with joint patrols by Serbian and Chinese police officers in the Serbian capital and other cities. Serbia is the only country in the subregion to which China has sold military equipment and where there have been joint military and counterterrorism exercises.[21]

Most other key Chinese projects in the Western Balkans relate to transport infrastructure, underscoring the subregion's importance as a critical node in the connections between China and the EU. They include the Arbër motorway in Albania (connecting the capital Tirana to the North Macedonian border) as part of a transport corridor intended to connect the Ionian Sea to the Bulgarian coast of the Black Sea; the Pelješac bridge in Croatia (implemented by the China Road and Bridge Corporation and co-funded by the EU); the Bar–Boljare highway in Montenegro (linking the port of Bar on the Adriatic Sea to Serbia and funded by an €800 m loan from Exim Bank, exacerbating Montenegro's already serious debt problem); the Kičevo–Ohrid and the Miladinovci–Štip highways in North Macedonia (along the transport corridor linking the Greek port of Piraeus to the Hungarian capital of Budapest); and the integration of the Port of Koper in Slovenia into the BRI through a deal to increase ship connections and trade with China's Ningbo Zhousan Port Group.

While Chinese investments and construction contracts in Croatia and Slovenia demonstrate China's willingness and ability to abide by EU rules, China's main investment in Bosnia and Herzegovina – a combined $1.3 bn for the Tuzla 7 Lignite Power Plant and the Stanari Power Plant – runs counter to the country's obligation to comply with EU rules regarding state aid and environmental protection.

Conclusion

China's increasing presence in the three subregions examined above exemplifies the magnitude of the geopolitical and geo-economic implications of the BRI for the OSCE and its participating States. In order to appreciate the full extent of their significance and to make relevant recommendations to the OSCE, it is important to place them in the broader context of current developments within the OSCE region.

The deterioration of the relationship between the West and Russia, on the one hand, and the West and China, on the other, shows no sign of abating. At the same time, all OSCE participating States and China share an overarching interest in security and stability across the Euro-Atlantic and Eurasian area. This represents the most promising opportunity for the OSCE to engage with China. The clout that an organization of fifty-seven participating States stretching across the Euro-Atlantic and Eurasian area could bring to such engagement, however, depends significantly on the OSCE's ability

to reaffirm and reinvigorate its spirit as a comprehensive and cooperative security organization.

China represents a seemingly attractive model of stable governance and successful economic development domestically and has demonstrated a willingness and ability to contribute to, and shape, global governance.[22] This increasing engagement in the provision of public goods has given China a greater stake in the processes through which the rules of global governance are made and enforced. Because of its predominantly bilateral character, the BRI is not (yet) a typical integration project with its own rules-based system of governance (like the EU or the EAEU). With that said, there is potential for this to develop in the future, including in ways that rival and potentially replace existing international governance structures.

China has promoted a comprehensive understanding of security for some time. In a speech at the Fourth Summit of the Conference on Interaction and Confidence Building Measures in Asia (CICA) in Shanghai in 2014, Chinese President Xi argued for a "common, comprehensive, cooperative, and sustainable" approach to security. For Xi, comprehensive security means "upholding security in both traditional and non-traditional fields", including "ethnic and religious problems […] terrorism, transnational crimes, environmental security, cyber security, energy and resource security and major natural disasters".[23] This vision of security has been firmly integrated in the BRI: in its report on the implementation of the Initiative in 2019, the Office of the Leading Group for Promoting the Belt and Road Initiative reproduced Xi's 2014 remarks almost verbatim, stating that "all countries should foster a vision of common, comprehensive, cooperative and sustainable security".[24]

The current divisions within the OSCE risk leading to further dysfunctionality and an inability to deliver on core aspects of its comprehensive security mandate. If this occurs, OSCE participating States that are already closely tied to China (such as those in Central Asia) or that have pivoted to China for geopolitical and geo-economic reasons (such as Russia) may find China-led institutions like the Shanghai Cooperation Organization (SCO) to be a more credible platform for multilateral engagement on the Belt and Road Initiative. The SCO already closely mirrors parts of the OSCE's mandate (although it critically lacks its human dimension) and complements the BRI not least in representing a multilateral mechanism for addressing security risks. As SCO Secretary General Rashid Alimov observed in May 2017, with the conclusion of an agreement on favourable conditions for road transportation, the SCO has "established [the] legal basis for parity conditions for road transporters and set forth a single platform for international road transportation from Eastern Europe to [the] Russian Far East and China",[25] further cementing its complementarity with the BRI. This complementarity has been emphasized by Chinese, Russian, and Central Asian analysts for some time and may further indicate a gradual shift away from Russian opposition to a gen-

uinely broader mandate for the SCO in practice.[26]

As the major powers continue to pursue their interest in securing and expanding their respective spheres of influence, and as this interest increasingly drives foreign policy in and toward the OSCE region, the Organization's potential role as a forum for negotiating these rival aspirations is increasing. China must be brought into such negotiations, albeit not necessarily into the OSCE itself. Whether this can be done depends on participating States' ability and willingness to develop and implement a coherent strategy to underpin such an approach, which, in turn, depends in part on a realistic and evidence-based assessment of China's current presence in the OSCE region and an understanding of future scenarios.

Recommendations

Regardless of China's emphasis on the economic focus of the BRI and its win–win approach, a project as grand and ambitious as this is bound to have geopolitical and geo-economic consequences. While there is uncertainty about what these are, when and how they will materialize, and whether they are inevitable but unintended consequences or part of an unarticulated Chinese grand strategy, China and its BRI are a challenge that the OSCE must face head-on.

Rising to this challenge requires a realistic assessment of the prospects of constructive engagement between the OSCE and China. Three potential obstacles must be acknowledged up front. First, it is not clear that participating States would benefit from OSCE engagement with China, as this may limit the gains they can obtain from direct bilateral engagement or through different formats, such as the EU, the EAEU, and the SCO. Second, engaging with China may simply be a "bridge too far" for the OSCE. Given the already fractious relations among its participating States, it could further undermine its capacity to deliver on its existing mandate and preserve its established norm consensus. Third, it is far from clear that the OSCE is the kind of forum with which China would want to engage, nor is it clear under what conditions it would agree to do so.

These hurdles neither diminish the need for engagement nor make engagement impossible. Rather, they set the parameters within which a strategy for engagement could be developed and implemented. Based on the analysis above and the more comprehensive Network Report on which it draws, we submit the following ideas for further consideration by policymakers in the OSCE and its participating States.

Form a minimal consensus on engagement with China.

OSCE executive structures and institutions, as well as the Chair and the Troika, should begin by identifying future scenarios for relations with China. Using scenario planning as a tool for both consensus building and policymaking could be helpful in sensitizing participating States to the implications of China's pres-

ence and activities. This could provide them with a better understanding of the related challenges and opportunities and imbue them with a sense of agency without insisting on reconciling diametrically opposed views on China. It could thus provide a foundation for an initially minimal consensus within the OSCE on pragmatic engagement with China.

Pursue an approach to China that is principled, pragmatic, and strategic.

A pragmatic approach to China should implement a policy of multi-channel engagement that creates and embraces opportunities for dialogue in areas that have been prioritized by the OSCE while also being open to the issues China wishes to raise. This should include an openness to ad hoc and informal modes of engagement.

At the same time, pragmatism should be firmly based on OSCE principles and guided by a strategic vision that includes a future formal relationship with China. This could initially involve granting China observer status in the OSCE and gradually evolve into a partnership more specifically tailored to China's size and significance. A potential OSCE Summit in 2025 would be an appropriate forum for formalizing such a relationship.

Seek formats for multilateral engagement.

The OSCE should consider engaging with China in the context of the SCO on issues of mutual interest, including combatting organized crime (especially drug trafficking), protecting critical national and transnational infrastructure, and stabilizing the evolving situation in Afghanistan. This could also involve engagement with other international organizations, such as CICA.

Jointly manage the environmental impact.

Using existing international frameworks (such as the 1998 Aarhus Convention), the OSCE should consider initiating a formal dialogue with China on managing the environmental impact of the BRI on its participating States. Here, the OSCE could provide a forum in which common rules and principles of environmental governance can be negotiated.

Develop a Connectivity 2.0 agenda.

The OSCE should consider developing a Connectivity 2.0 agenda that ensures that the overlapping (but not identical) visions of connectivity held by the OSCE, China, the EU, and the EAEU can become and remain compatible and complementary despite their different normative underpinnings. This could contribute to a sustainable and inclusive post-pandemic re-

covery focused on strengthening the resilience of economies, societies, and institutions.[27]

This will only be possible through the collective effort of all of these international stakeholders. The OSCE, through its convening and agenda-setting power, could provide a forum for discussing smart, new approaches to ensuring the continued free movement of goods, capital, people, and ideas, to counteracting protectionist tendencies, and to sustaining effective and fair national and international public administrations.

Involve China within a human rights framework.

At present, there is little room for engagement with China on human rights issues. China's recent actions speak for themselves: the initial cover-up of the coronavirus outbreak, the crackdown on protests in Hong Kong and changes to the electoral system, the silencing of human rights defenders, and the detention of the Uyghurs and other Turkic Muslims in Xinjiang.

Yet China clearly accepts that fragile institutions and weak rule of law pose a challenge to BRI implementation. China also recognizes that social and economic inequalities fuel grievances that drive conflict and instability. Thus far, China's answer to this has been economic development without any concomitant political liberalization. This is unlikely to change in its own domestic policies, nor should it be part of the OSCE agenda.

A shared interest in stability and security creates opportunities for engaging with China within a comprehensive framework in which human and minority rights are firmly established. In the context of a principled, pragmatic, and strategic approach to engagement with China, this has two implications. First, the human dimension of the OSCE must not be excluded from OSCE–China relations. Second, engagement with China must not lead to a weakening of the human dimension within the OSCE's comprehensive approach to security.

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Towards a More Strategic Partnership: Strengthening the OSCE through Enhanced EU–OSCE Cooperation

*David Galbreath, André Härtel and Stefan Wolff**

Abstract

With Europe's security order becoming ever more fragile, the EU and the OSCE face very different political and structural challenges. While the EU's new Strategic Compass emphasizes its aspirations to become a genuine security actor, the OSCE faces erosion of the participating States' consensus on values and weakened executive structures and institutions. Can the OSCE be regenerated through enhanced cooperation with the EU, and if yes, how? In this article, we argue that the accelerated rise of the EU as a security actor should not be achieved at the expense of the OSCE. Rather, cooperation between both organizations should focus on (1) strengthening the OSCE as an autonomous security organization, (2) using the OSCE as a genuine forum for dialogue and mutual assurance, and (3) capitalizing on the main strengths of both organizations while avoiding duplication.

Keywords

OSCE, EU, European security, strategic partnership, inter-organizational co-operation

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Introduction

The EU and the OSCE find themselves at a critical juncture regarding their role in the European security order. The EU has framed its options for dealing with "new and increasing threats and challenges" in the form of a Strategic Compass that aims to "strengthen a common European security and defence culture" and to "define the right objectives and concrete goals for

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[its future] policies".[1] According to the EU Institute for Security Studies, the purpose of the Strategic Compass is "to provide political direction for the EU's security and defence and improve the Union's operational effectiveness, resilience, capabilities and cooperation with partners".[2]

The OSCE faces a different set of challenges, including deepening internal tensions and a diminishing capacity to fulfil its comprehensive security mandate.[3] These tensions have led to the erosion of consensus on the norms that have underpinned the OSCE since the 1970s and a weakening of its executive structures and institutions.[4] This, in turn, has led to a decline in the perceived political value of the Organization and participating States' willingness to expend political and financial capital on it. As Wolfgang Zellner argues, despite the clear need for the OSCE "as an inclusive platform and an actor in settings where other IOs [international organizations] cannot act",[5] it has become marginalized in the European security order.

While the partnership "basket" of the EU's Strategic Compass offers a fresh opportunity for the EU and the OSCE to consider the nature of their strategic partnership, cooperation between them has a much longer history. Their shared interests and the benefits of cooperation have frequently been stressed by representatives of both organizations.[6] In its 2016 Global Strategy, the EU formally acknowledged the OSCE "as a Europe-wide organisation [that] lies at the heart of the European security order" and committed to "strengthen[ing] its contribution within and its cooperation with the OSCE as a pillar of European security".[7] It reiterated its support for the OSCE in its 2019 review of the Strategy.[8] This shared interest in security and stability has also manifested itself in prioritizing good governance, fighting organized crime, tackling corruption, and acting on the security challenges posed by climate change.[9]

As many scholars have pointed out, however, in reality the two organizations have not taken a joint approach to security issues, tending to work in parallel rather than together.[10] Despite positive examples to the contrary, such as the cooperation between the current OSCE Special Monitoring Mission to Ukraine and the European Union Advisory Mission in Ukraine, this trend has become stronger and more pervasive. Tensions within the OSCE have grown, and the EU has begun to strive for greater strategic autonomy as a security actor in Europe, especially since the 2007 Treaty of Lisbon. While a more capable and assertive EU can (and should) make more meaningful contributions to European security, we argue that this should not be at the expense of the OSCE. To the contrary, not only is "the OSCE's survival […] objectively in the EU's best interest",[11] but a strengthened OSCE would best serve the national interests of the 27 (EU member states) and the 57 (OSCE participating States).[12]

In the following, we propose three building blocks for an improved partnership. The first is a realistic assessment of what enhanced cooperation between the EU and the OSCE can achieve. The OSCE cannot become an instrument of EU security interests alone; it must be

strengthened as an autonomous security actor with capabilities that differ functionally from those of the EU but are relevant to the management of security challenges in areas of common interest.

Second, the EU needs to understand, use, and strengthen the OSCE as a forum for dialogue and mutual assurance. This requires greater openness to engagement with stakeholders in Russia and countries "east of the EU" on the meaning and interpretation of existing OSCE commitments and on contested concepts such as "sovereignty" and "self-determination", thereby ensuring that the hardening divisions in the European security order do not become permanent.[13]

Third, a clearer focus on converging interests among the 27 and the 57 would translate to a back-to-basics approach that avoids duplication and capitalizes on the main strengths of both organizations across all three dimensions.

We develop this argument in several steps. In the next section, we provide a brief overview of the current state of EU–OSCE cooperation. In section three, we discuss its complementarities and obstacles in light of the academic debate on inter-organizational cooperation. In section four, we conclude with policy recommendations.

The state of EU–OSCE cooperation

Notwithstanding the EC/EU's commitment to CSCE/OSCE principles, as evidenced in the signing of the Helsinki Final Act (1975), the Charter of Paris (1990), and the Charter for European Security (1999), cooperation was not taken up in earnest as a topic until the early 2000s, on the basis of the OSCE's "Platform for Co-operative Security" (1999)[14] and the European Council's conclusions on "EU–OSCE Cooperation in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation" (2003).[15] The latter highlighted the need to "avoid duplication" and to work towards "effective complementarity", singling out fact-finding missions, in-field coordination, and reciprocal diplomatic support as cooperation priorities.[16]

Since 2006, the EU has been accorded a formal role within the OSCE: "At the meetings of the decision-making bodies, the European Commission shall have one seat next to the participating State holding the EU Presidency" and "may take the floor immediately after [that state]".[17] This was further formalized at the inter-service level in 2018 in an exchange of letters between the Secretaries General of the OSCE, the European Commission, and the European External Action Service, in which both organizations committed to regular consultations and operational cooperation in areas of common interest.[18] In addition, the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission usually attends the annual OSCE Ministerial Council meeting in December.

The work of the EU at the OSCE is managed by the Union's Delegation to the International Organizations in Vienna, where seven staff members are dedicated to specific OSCE institutions or topical dimensions.[19] In addition, the

European Council has a Working Party on the OSCE and the Council of Europe, which handles the EU's relations with these two organizations and coordinates member states' common positions on debates in both organizations.[20]

As for the OSCE, its participating States have been unable to reach consensus on the establishment of a liaison office in Brussels. In Vienna, the External Co-operation Department of the Office of the Secretary General and a Senior External Co-operation Officer (for all Brussels-based institutions) are responsible for OSCE–EU relations. The OSCE's lack of more direct liaison structures, especially in field missions, has made the systematic coordination of activities with Brussels difficult.

Until recently, both organizations have opted for flexibility with respect to the format of cooperation, with irregular meetings of the EU and OSCE Troikas, meetings between the OSCE Secretary General and the High Representative of the Union for Foreign Affairs and Security Policy, and annual staff-level meetings. The 2018 exchange of letters identified areas of common interest that reflect almost the entire spectrum of OSCE activities, including conflict prevention and mediation, the fight against terrorism, and promotion of the rule of law and good governance. This makes agenda-setting and strategic prioritization difficult. The difficulty is further compounded by the fluctuation of high-level personnel on both sides and structural incompatibilities, which make it hard to identify the right interlocutors and to establish effective relationships between them.

Complementarities and obstacles

Research on inter-organizational cooperation has found that resource exchange is the main incentive for cooperation among organizations. International organizations cooperate because they are interested in, or depend on, the specific material (project funds, infrastructure, personnel) or immaterial goods (legitimacy, expertise, reputation) the respective partner can provide.[21] Resource exchange is thus based on complementary interests between cooperating organizations. Policy convergence can also be an important trigger for cooperation and resource exchange.

The EU has become a key source of funding for the OSCE in areas where EU interests and OSCE needs converge. The EU is by far the main contributor to the OSCE's Special Monitoring Mission to Ukraine, providing personnel, equipment, and satellite imagery.[22] With its network of delegations in the OSCE area, it is also able to provide tailor-made support to OSCE field missions.

The OSCE, for its part, has significant (albeit currently diminishing) convening and agenda-setting power, expertise and tools for conflict prevention, experience in quiet diplomacy, and a genuinely multilateral conflict-related mandate. Compared to the EU, which is not perceived as a neutral actor in the OSCE region's protracted conflicts, the OSCE is more likely to be accepted as a mediator and/or monitor on the ground. Notwithstanding the current political divisions between the OSCE's participating States, the organization remains one of the few pan-

European dialogue fora and is therefore useful to the EU in the context of institutionalized interaction with Russia on security issues and beyond. In the field the OSCE still commands superior expertise in comparison with the EU, concerning, for example, conflict mediation. OSCE field missions can assist the EU, for example in identifying the positions and needs of national minorities. Finally, the OSCE can be a link, via its Central Asian participants, for the implementation of the EU's Central Asia Strategy.

Cooperation presupposes the existence of certain conditions beyond the resource needs of an organization, however. Among them are the preferences of member states, the power asymmetries between the latter and the organization, the culture and openness of the organization, the role of inter-organizational learning or previous "cooperation paths", and the impact of powerful third parties.[23] Among the obstacles to a more active partnership between the EU and the OSCE is their asymmetry in terms of power, budget, and structural characteristics. The EU is not an international organization per se. It commands multi-billion-euro budgets, and its institutions have considerable agency. Even in its foreign affairs, the Union increasingly deviates from inter-governmental decision-making. On the opposite end of the spectrum, the OSCE is a more fragmented organization, with a cumbersome legal status, mandatory consensus in decision-making, and an annual budget of just under €140 million.[24] A major consequence of this asymmetric relationship is the OSCE's understandable fear (shared by significant participating States) of being pushed into a dependent role by the EU or of becoming a tool of EU foreign and security policy.

Further ambivalence arises from membership, mandates, and aspirations. Although the OSCE includes all twenty-seven EU member states, it also includes Russia, all other post-Soviet countries, the US, Canada, Norway, and the UK.[25] With much more variety in terms of regime types and foreign policy orientations, the OSCE lacks the coherence (and hence the political and economic leverage) of the EU and understands itself more as a "forum" than a full-fledged international organization.[26] For effective cooperation, EU member states must therefore distinguish between their preferences as EU members and as OSCE participating States. If the EU does not treat the OSCE as a security organization in its own right, closer EU–OSCE cooperation, and thus a more visible EU presence and influence in the OSCE, will be unacceptable to Russia and other non-EU participating States.

Concerning mandates and aspirations, the EU has significantly and increasingly invested in becoming a security organization. By contrast, the OSCE is struggling to remain relevant in its core fields of conflict prevention and mediation, pursuing issues on which all participating States can agree but which are marginal to its mandate and could be more effectively addressed in other arenas. This raises questions about the extent to which the EU needs the OSCE at all in pursuing its own interests and whether inevitable

duplications may contribute to the further marginalization of the OSCE.

Finally, successful cooperation between international organizations depends on careful relationship management, especially with respect to overlap in membership. This means developing a genuine vision of cooperation, convening on a regular basis, and designing the processes of interaction.[27] Relationship management between the EU and the OSCE remains a work in progress. The current relationship is under-institutionalized, and even after the 2018 exchange of letters, top officials admit that further efforts are needed. Indeed, there seems to be no straightforward design for cooperation, for example linking the different OSCE entities with the Commission's capabilities and funding instruments of conflict prevention and management. Moreover, the list of specific cooperation areas is incoherent and overly long; identifying priorities and clear benchmarks would therefore make sense. Another critical aspect is the oft-applauded everyday informal cooperation, for which there is little actual evidence – in contrast to the frequent duplication and parallel work documented in the research.[28] A more promising avenue for relationship management is the role that Helga Schmid could play as former Secretary General of the EEAS and current Secretary General of the OSCE, functioning as a genuine "boundary spanner" and enabling the two organizations to cooperate more effectively.

Policy recommendations: Areas for enhanced cooperation

Building on our proposed three building blocks for improved partnership, we recommend seven steps that the OSCE and its participating States and the EU and its member states could take to enhance their cooperation. Together, they constitute a new approach that (1) is based on a realistic assessment of what enhanced cooperation between the EU and the OSCE can achieve; (2) is characterized by a greater degree of openness on the part of the EU to engage with stakeholders in Russia and countries "east of the EU" within the OSCE context; and (3) avoids duplication, capitalizing on the main strengths of both organizations across all three dimensions.

a) Strengthening prevention

The EU and the OSCE have different but partially overlapping strengths regarding conflict prevention. The EU has better developed structural prevention instruments, while the OSCE has the track record and capacity to deal with direct prevention but often lacks the financial resources to act swiftly. Enhanced cooperation could thus take the form of *greater integration of prevention strategies and their operationalisation*. The OSCE could help the EU to define better and more precise prevention-related benchmarks in its various strategies, action plans, and programmes. In turn, the EU should upscale its financial support (for example through its Neighbourhood, Development and International Cooperation

Instrument) to enable multi-annual OSCE budgets. This could focus on intensifying cooperation in confidence-building measures in the context of the OSCE region's protracted conflicts and on the High Commissioner on National Minorities.

b) Reprioritizing arms control

Once a cornerstone of OSCE activity and success, arms control norms and mechanisms have eroded as tensions within the Organization have increased and conflicts have escalated to violence. The OSCE Structured Dialogue on current and future challenges and risks to security in the OSCE area, launched by OSCE foreign ministers at the Ministerial Council in Hamburg in December 2016, has the potential to make a crucial contribution to restoring an effective arms control regime. An EU *contribution to strengthening the effectiveness of the Structured Dialogue* could include greater preparedness to discuss it in EU fora, including in the European Union Military Committee and the Political and Security Committee. In turn, EU experts could take part in informal working groups and expert-level meetings of military representatives in the framework of the Structured Dialogue, thereby demonstrating the Union's political and diplomatic support.

c) Facilitating connectivity

The EU and the OSCE each have connectivity agendas. Within the OSCE region "east of the EU", the Eurasian Economic Union represents an alternative to the EU's political and economic integration project. Moreover, China's Belt and Road Initiative offers a third vision of connectivity. EU–OSCE cooperation could offer an opportunity to *address competition between the different integration projects and to begin to work out basic rules that would facilitate greater compatibility*. The EU could support OSCE efforts to articulate a coherent Connectivity 2.0 agenda[29] aimed at contributing to a sustainable and inclusive post-pandemic recovery. As connectivity is increasingly also a security issue, the 27 and the 57 have very clear common interests when it comes to the nexuses between climate and security, technology and security, and governance and security. EU-supported OSCE initiatives that foster confidence building in the economic and environmental dimension – for example in the Caspian, Black, and Mediterranean Seas – could serve as access points to critical regions, generate tangible benefits for the local populations, and eventually become a path towards an inclusive and constructive debate on hard security issues.

d) Countering norm erosion

The OSCE's comprehensive security concept rests on foundations agreed upon by the participating States in Helsinki in 1975 and Paris in 1990 and was reaffirmed in the 2010 Astana Commemorative Declaration. As these foundations have come under increasing attack over the past decade, EU–OSCE cooperation should focus on *building alliances of norm-*

defending states active in both organizations and reflecting a balance of opinions across the 27 and the 57. This could take the form of a "Group of Friends" that includes both EU and non-EU participating States east and west of Vienna and/or focus on specific OSCE institutions, such as the High Commissioner on National Minorities.

e) Intensifying on-the-ground cooperation

The EU has delegations in all OSCE participating States, and the OSCE currently has operations in thirteen participating States (all "east of the EU"). Nevertheless, cooperation is often ad hoc, extends only to political support, and rarely offers a sustainable source of financing for under-resourced and over-stretched OSCE presences on the ground. Hence, *establishing and consolidating links between EU delegations, EU Special Representatives, and member states' embassies, on the one hand, and OSCE missions, Special Representatives of the Chairperson-in-Office, and other field presences, on the other*, should become a priority area of EU–OSCE cooperation. This could focus on education-related and other youth-focused initiatives.

f) Increasing knowledge exchange and joint training opportunities

The creation of a *joint EU–OSCE pool of civilian experts and organizing joint training sessions would facilitate "inter-deployability" and a mutual understanding of each organization's institutional culture*. Possibilities that could be explored include increased support by the EU or individual member states for the OSCE Academy in Bishkek or in-kind contributions from EU member states for pre-deployment training of OSCE staff. The latter could be modelled on the pre-deployment training courses for the Special Monitoring Mission to Ukraine run by the Austrian Armed Forces International Centre.[30]

g) Utilizing Track 2/Track 1.5 initiatives

The above recommendations could be strengthened by more systematic support from both organizations for Track 2 or Track 1.5 initiatives to *explore views and perceptions across a broader range of participating States* on the forms that enhanced EU–OSCE cooperation might take, the specific expectations of the 27 and the 57, and the red lines for non-EU participating States. This would be in keeping with our key assumption that any discussion of EU–OSCE cooperation must focus on strengthening the OSCE as the primary comprehensive and cooperative security organization in the Euro-Atlantic and Eurasian area.

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5 Wolfgang Zellner, Using the OSCE More Effectively: Ideas and Recommendations, paper for the Federal Foreign Office, p. 14, https://ifsh.de/file/publication/2021_OSZE-Studie/20210301_USING_THE_OSCE_MORE_EFFECTIVELY.pdf

6 See, for example, Benita Ferrero-Waldner, "The European Union and the OSCE: Natural Partners in a Networked World", in: IFSH (ed.), OSCE Yearbook 2006, Baden-Baden: Nomos, 2007, 407-409, https://doi.org/10.5771/9783845201740-404

7 European Commission, Shared vision, common action: A stronger Europe (A global strategy for the European Union's foreign and security policy), June 2016, pp. 33-34, https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf

8 See European Commission, cited above (Note 7); European Union, The European Union's Global Strategy: Three years on, looking forward, 2019, https://eeas.europa.eu/sites/eeas/files/eu_global_strategy_2019.pdf

9 See, for example, European External Action Service and European Commission, 20 deliverables for 2020: Monitoring-State of Play in February 2020, February 2020, https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/monitoring_spring_2020_20_deliverables_for_2020.pdf

10 Hylke Dijkstra et al., "The EU's Partners in Crisis Response and Peacebuilding: Complementarities and Synergies with the UN and the OSCE", in: Global Affairs 2-3/2018, 185-196; David Galbreath, "Convergence Without Cooperation? The EU and the OSCE in the Field of Peacebuilding", in: Steven Blockmans/Jan Wouters/Tom Ruys (eds.), The European Union and Peacebuilding: Policy and Legal Aspects, The Hague: Asser Press, 2010, 175-194.

11 Alyson J. K. Bailes/Jean-Yves Haine/Zdzislaw Lachowski, "Reflections on the OSCE–EU Relationship", in IFSH (ed.), OSCE Yearbook 2007, Baden-Baden: Nomos, 2008, 65-77, https://ifsh.de/file-CORE/documents/yearbook/english/07/BailesHaineLachowski-en.pdf, p. 76

12 See also Deutscher Bundestag, Antrag der Fraktionen CDU/CSU, SPD, FDP und BÜNDNIS 90/DIE GRÜNEN: 45 Jahre Schlussakte von Helsinki, 30 Jahre Charta von Paris – Die Organisation für Sicherheit und Zusammenarbeit in Europa für künftige Aufgaben stärken, Deutscher Bundestag Drucksache 19/19140, 2020, https://dip21.bundestag.de/dip21/btd/19/135/1913551.pdf

13 This is particularly important in light of the June 2021 EU Council Decision not to resume EU–Russia summits, contrary to a joint French and German proposal to do so in order to put EU–Russia relations on a similar footing to US–Russia relations after the Putin–Biden meeting in Geneva on 17 June 2021. While the opportunities that the OSCE offers as a forum cannot replace direct EU–Russia dialogue, EU–Russia bilateral relations should not prejudice relations with Russia within the multilateral context of the

OSCE, which provides one of the few remaining opportunities for institutionalized dialogue that involves Russia, the EU, and all of its member states.

14 See OSCE, Istanbul Document 1999 (Charter for European Security and Istanbul Summit Declaration), PCOEW389, 1999, 43-45, https://www.osce.org/mc/39569

15 Council of the European Union, Draft Council Conclusions on EU–OSCE Co-operation in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation, Doc. No. 14527/1/03, 10 November 2003, https://data.consilium.europa.eu/doc/document/ST-14527-2003-REV-1/en/pdf

16 Ibid., p. 2.

17 OSCE, Rules of Procedure of the Organization for Security and Co-operation in Europe, MC.DOC/1/06, 1 November 2006, pp. 8, 10, https://www.osce.org/files/f/documents/5/0/22775.pdf

18 "First EU–OSCE high-level meeting takes place in Brussels", European External Action Service, 12 December 2018, https://eeas.europa.eu/headquarters/headquarters-homepage/55370/first-eu–osce-high-level-meeting-takes-place-brussels_en. See also: "Strengthening OSCE–EU Co-operation Discussed at First Annual High-Level Meeting Held in Brussels", OSCE, 13 December 2018, https://www.osce.org/secretary-general/406682

19 See "Organisation for Security & Co-operation in Europe (OSCE)", Delegation of the European Union to the International Organisations in Vienna, https://eeas.europa.eu/delegations/vienna-international-organisations/2297/organisation-security-co-operation-europe-osce

20 See "Working Party on the OSCE and the Council of Europe", European Council, Council of the European Union, https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-osce-and-council-of-europe/

21 Michael F. Harsch, The Power of Dependence: NATO–UN Cooperation in Crisis Management, Oxford: Oxford University Press, 2015.

22 "The EU provides further satellite imagery support to the OSCE Special Monitoring Mission in Ukraine", European Commission, 24 March 2017, https://ec.europa.eu/commission/presscorner/detail/es/IP_17_729

23 Rafael Biermann/Joachim A. Koops, "Studying Relations Among International Organizations in World Politics: Core Concepts and Challenges", in: Rafael Biermann/Joachim A. Koops (eds.), The Palgrave Handbook of Inter-Organization Relations, London: Palgrave MacMillan, 2017, 1-46, p. 22.

24 This excludes the operating costs of the OSCE Special Monitoring Mission to Ukraine.

25 A further complication for EU–OSCE co-operation, with particular relevance to the first dimension, arises from the fact that twenty-six of the EU's member states are also members of NATO, whose thirty members are all members of the OSCE.

26 Philip Remler, "The OSCE as Sisyphus: Mediation, Peace Operations, Human rights", IAI Papers 21/16, Istituto Affari Internazionali, April 2021, https://www.iai.it/sites/default/files/iaip2116.pdf

27 Barbara Gray, "Intervening to Improve Inter-organizational Relationships", in: Steve Cropper/Mark Ebers/Chris Huxham/Peter Smith Ring (eds.), The Oxford Handbook of Inter-organizational Relations, Oxford: Oxford University Press, 2008, 664-690.

28 See Dijkstra et al., cited above (Note 10) and Galbreath, cited above (Note 10).

29 C.f. Stefan Wolff, "China: A Challenge or an Opportunity for the OSCE?", Security and Human Rights Monitor, 22 April 2021, https://www.shrmonitor.org/china-a-challenge-or-an-opportunity-for-the-osce-shrm/

30 Established in 2014, this programme has trained around 1,000 monitors to date and has been extended to continue until 2022. See "OSCE Secretary General, high-level OSCE officials mark fifth anniversary of AUTINT-run pre-deployment training for Special Monitoring Mission to Ukraine in Götzendorf, Lower Austria", OSCE, 12 June 2019, https://www.osce.org/secretary-general/422819

The OSCE and Peacekeeping: Track Record and Outlook

Fred Tanner[*]

Abstract

The Special Monitoring Mission to Ukraine (SMM) is one of the OSCE's few success stories in recent years. This civilian mission has been uniquely able to operate as a quasi-peacekeeping force in high-risk areas of Donbas, monitoring ceasefire compliance and facilitating dialogue and humanitarian action in support of those living in the conflict zone. In the history of the OSCE, there has been only one other ceasefire monitoring mission: the Kosovo Verification Mission (KVM). This contribution to OSCE Insights considers the track record of OSCE peace operations, with special attention to the abovementioned missions. All OSCE peace operations to date have been civilian missions, and this paper considers military OSCE mission to be unfeasible also for the future. The paper provides lessons learned and recommendations for future missions by the OSCE and other organizations operating in high-risk environments.

Keywords

OSCE, peace operations, Kosovo Verification Mission, Special Monitoring Mission to Ukraine, lessons learned and best practices.

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Introduction

This paper deals with lessons learned from civilian OSCE peace operations in high-risk areas.[1] Such missions are an integral part of international efforts in conflict prevention, crisis management, and peacebuilding activities. According to the Stockholm International Peace Research Institute, sixty-two peace operations were deployed worldwide in 2020, with the UN accounting for twenty-five and the OSCE for sixteen.[2] On the surface, it might seem that a multidimensional UN peacekeeping mission in Somalia has little in common with an OSCE operation in the Western Balkans or Central Asia. In fact, however, most OSCE field missions would qualify as what the UN High-Level Independent Panel on Peace Operations refers to as a "peace operation", although OSCE peace operations do not include "robust" elements such

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as the protection of civilians. OSCE missions with formed police or armed units remain unlikely, even though they have been discussed ever since field missions were authorized by the Helsinki Document in 1992.[3]

Options for military peacekeeping by the OSCE have been worked out only once, by the High-Level Planning Group (HLPG) as part of the OSCE-led Minsk mediation platform on Nagorno-Karabakh launched in 1995. Anticipating a peace agreement between Armenia and Azerbaijan, the HLPG developed four options, the most robust of which involved the deployment of armed contingents with infantry battalions of up to almost 5,000 troops. This peacekeeping track came to an abrupt end in late 2020, however, when Azerbaijan regained its territories by force and Russia sent a national peacekeeping contingent to the region.

OSCE experience in peace operations

What are the political and operational lessons learned from OSCE missions, and how can they improve both the impact and the political and operational viability of future peace missions? In the past twenty-five years, the OSCE has mandated several field operations to include police- or military-related components, albeit based on individual secondments rather than deploying military units. Military observers have been sent to Moldova (since 1993) and to Georgia (2008), civilian border monitors were installed along the Georgian border with the Russian Federation (1999–2005), and civilian police advisors were part of the Community Security Initiative in Kyrgyzstan (2010–2015).

On the peacebuilding side, police training and strengthening, including assisting police institutions, were conducted by the OSCE Mission to Croatia and within the framework of the Community Security Initiative in Kyrgyzstan. The Mission to Skopje, with its Public Safety and Community Outreach Department, remains dedicated to police training, monitoring, and reform, in addition to police support in the fight against illicit arms trafficking and organized crime.[4]

Whereas OSCE field operations in Central Asia and the Western Balkans have focused primarily on strengthening resilience and good governance, the OSCE's missions in Bosnia and Herzegovina, Kosovo, and North Macedonia were tasked with supporting the implementation of peace agreements and/or UN resolutions aimed at conflict prevention and conflict resolution.

OSCE ceasefire monitoring missions

To date, only two OSCE missions can be compared to military-type peacekeeping operations: the Kosovo Verification Mission (KVM) and the Special Monitoring Mission to Ukraine (SMM). Both civilian ceasefire monitoring missions began in situations of relative calm, but ended up in kinetic environments where there was no peace to keep. The KVM's deployment to Yugoslavia occurred during the unravelling Kosovo crisis in 1998, with atrocities on the ground and threats by

the US and NATO to use force against the Milosevic regime. The mandate for the KVM, negotiated without OSCE involvement and handed down by the Holbrooke–Milosevic agreement, required both sides to end the atrocities, withdraw armed forces from Kosovo, and abide by a ceasefire. The KVM was supposed to be about twice the size of the current SMM, but it was unable to augment its presence quickly enough to deal with rising security threats. In March 1999, six months after its initial deployment, it relocated to the neighbouring Former Yugoslav Republic of Macedonia (FYROM) for security reasons before being terminated.

The SMM was conceived in early 2014 as a preventive deployment operation aimed at de-escalation, trust-building, and dialogue facilitation throughout Ukraine. Within weeks, the mission found itself at the frontline of an armed conflict and had to adjust to new security conditions and new ceasefire monitoring tasks, based on the Minsk agreements. The SMM has since become an important crisis management instrument of the OSCE in Ukraine, covering a broad spectrum of activities.

In the following, I look at six essential features of these two missions, with an emphasis on the SMM, in order to identify lessons learned and best practices and generate recommendations for future OSCE missions as well as other regional and international missions under a UN mandate.

Mission mandate

The mandate of the KVM was negotiated without OSCE participation. This led to a discrepancy between the political process and operational planning and strategic oversight. The mission had an overwhelmingly broad agenda, including ceasefire monitoring, investigating violations, supporting the return of displaced persons, monitoring governance implementation, and supervising elections. This, combined with organizational shortcomings, led to inability on the part of the KVM leadership to establish a coherent implementation plan.[5]

By contrast, the SMM mandate was drafted by the OSCE Chair together with the other participating States during the Maidan crisis in 2014, achieving consensus, despite a highly charged political climate, on a mandate that has continued to sustain support to this day.[6] The breadth of the mandate allowed for flexibility with regard to the mission's geographical scope, which was essential given Russia's illegal annexation of Crimea. The mandate is not without shortcomings, however. In certain domains, such as dialogue promotion, more prescriptive language could have helped to create greater synergy with other ongoing OSCE initiatives in Ukraine. The omission of any reference to integrating a gender perspective into mission activities represents a further shortcoming.

The flexibility of the SMM mandate allowed for responsiveness to conflict dynamics and new realities on the ground. Although it has remained unchanged since 2014, the mission has since been

assigned additional tasks, some handed down by the Trilateral Contact Group (TCG) and some by the Normandy format. As the OSCE report "A Peaceful Presence" shows, the mission-planning capacities of the OSCE and the SMM are still very limited. Short-term urgencies risk leading to mere stopgaps, and there is little capacity or space to engage in long-term planning and strategizing.[7]

Deployment settings

Both the KVM and the SMM faced the paradox of having to deal with military challenges within civilian peace missions.[8] During the short planning phase of the KVM in 1998, the OSCE executive stuctures were unable to provide clear guidance on how to implement the mandate. Moreover, the recruitment process (primarily for secondments with ceasefire verification expertise and policing) was slow, despite a UN appeal to all OSCE participating States.[9] After three months, 700 monitors were in place, and by March of 1999, when the mission ended because of security concerns, this number had increased to 1,400. From the outset, KVM lacked the necessary institutional back-up for the accelerated "force generation" and robust duty of care regime required by such an ambitious field operation in an active conflict environment.

By contrast, the OSCE's SMM was able to rely from the start on the institutional support of the OSCE Secretariat, and in particular on the Conflict Prevention Centre (CPC), which helped it to continuously adapt its operations, staffing, and asset procurement. Thanks to the lessons learned from the KVM mission and the empowerment provided by Ministerial Council Decision No. 3/11 on the conflict cycle,[10] the SMM was able to rely on a pre-existing:

- operational framework for crisis response and personnel;
- rapid deployment roster; and
- virtual pool of equipment.[11]

Impartiality in reporting and conduct

Impartiality is a key requirement for any peace mission, together with consensus and the non-use of force. In the late 1990s, the OSCE was caught in an iterative power struggle between the Milosevic regime and a forceful US diplomacy posture supported by the UN Security Council and NATO. The agreement to deploy an OSCE mission was part of a deal that included enabling a NATO air surveillance mission over Yugoslavia. Furthermore, the security of the KVM depended on a NATO extraction force established in the neighbouring FYROM.[12] With the nomination of the US diplomat William Walker as Head of Mission (HoM), the OSCE was unable to maintain its impartial and neutral character, as the US was clearly positioned as an opponent to the Milosevic regime. This was made dramatically clear when the HoM was declared persona non grata by the host state.[13]

The SMM, by contrast, is not a child of brinkmanship diplomacy and has been able to retain its impartiality. Although it

has sometimes been criticized, the SMM has, contrary to UN practice, pursued a "no attribution policy", i.e., "reporting the facts without attributing blame and balancing hard security issues with the humanitarian, political and socio-economic consequences of the conflict".[14] There have nevertheless been persistent efforts to influence the mission politically, including by national delegations to the OSCE, whether regarding duty of care issues or attributions of ceasefire violations.

Use of advanced technology as a force multiplier

Whereas the KVM was a "low-tech" mission, under political pressure by the Chairpersonship the SMM acquired advanced technology, including cameras, satellite imagery, acoustic sensors, and unarmed aerial vehicles (UAVs) to augment the information gathered by its ground patrol teams. The use of such technology by the SMM was sanctioned by the Minsk ceasefire agreements. The OSCE did not possess any internal expertise in the procurement or use of UAVs, however, and finally engaged in a turnkey arrangement with a private company to outsource technical services and expertise under the direct control of the SMM.[15]

The use of UAVs became a "force multiplier" for the mission as they could take on tasks that would otherwise be carried out by patrol teams in dangerous or denied areas. Remote monitoring also played an important role during the COVID-19 pandemic, as it could hedge attempts to weaponize the pandemic through lockdowns, denial of access, and "border" closures.

Operating UAVs in active conflict zones is risky and expensive, with many being jammed and fired upon in flagrant violation of the Minsk provisions. From the first UAV flight in October 2014 to 31 March 2019, the SMM lost thirty-nine UAVs. Of these, 67 per cent were lost in the non-government-controlled areas, 31 per cent in the government-controlled area, and 2 per cent along the contact line.[16]

With the increasing use of advanced technology, challenges have emerged regarding how to process and utilize the data flow. The SMM found itself ill equipped to process large amounts of multi-sourced information. In addition, monitors' access to satellite and UAV imagery often took too long to be effective in patrol planning and implementation. A new information management system had to be established for data fusion and in preparation for decision-making, planning, and public reporting.[17]

Legal personality and duty of care

The OSCE's lack of legal personality represents a serious handicap for any OSCE field mission. The SMM was unable to build up its field presence as planned until a memorandum of understanding with the host government was secured several weeks after the mission was launched.[18] Even worse, during the first weeks without legal protection in Ukraine, the OSCE was accountable

for any injury caused. During this period, eight monitors were taken hostage by a band of Cossacks, which prompted the question of who was liable should injury occur: the Head of Mission, the Secretary General, the Chairpersonship, the seconding participating States? Such duty of care-related questions have not been settled to date.[19] Another key deficiency of the SMM is its lack of force protection and its dependency on security guarantees by the belligerents. Unlike the KVM, the SMM lacks a dedicated military extraction force. A complex conflict environment requires that preparations for duty of care arrangements go hand in hand with mission planning. Unfortunately, this was not the case for either of the OSCE's peacekeeping missions. In the case of the KVM, for example, appeals by the OSCE for mobile medical care, including medical and armoured vehicles, went unanswered until months after the mission was deployed.[20]

Partnerships for joint or hybrid missions

To date, no OSCE missions have been conducted in tandem with missions of other organizations. The 1999 Istanbul Charter for European Security enabled the OSCE to work jointly with other regional and international organizations, including in the peacekeeping domain.[21] A proposal for a hybrid or "expanded" SMM emerged in 2014 when Germany, France, Italy, and the Russian Federation each offered UAVs, together with military support units, to the mission. These national offers included a military protection force. The inclusion of national military units in the SMM would have potentially undermined the civilian nature and impartiality of the mission, however. Furthermore, it would have required an additional Permanent Council decision and a bilateral status of forces agreement with Ukraine.[22]

Another proposal for a hybrid operation, again in Ukraine, came from Russia in 2017 when it submitted a draft UN Security Council Resolution proposing a lightly armed UN peacekeeping force to protect the SMM along the line of separation.[23] Ukraine rejected the option of a hybrid UN–OSCE mission and in turn proposed a robust Chapter VII enforcement operation at the 2017 UN General Assembly, an option that would have made the SMM redundant.[24] Both proposals gained little traction and were shelved.

How to build on the track record of the SMM

The SMM has proven capable of following a steep learning curve since its deployment in 2014. Despite constant violations of the ceasefire, denial of access, and the COVID-19 pandemic, it has continued to work on both sides of the line of contact, albeit sometimes with serious constraints. Over the years, a wider community of scholars and practitioners has begun to examine how the mission was conducted and to identify lessons learned.[25]

Given the encouraging example of the SMM, it is possible that the participating States would agree to a similar mission

elsewhere, should changes to regional security and politics require it. The most obvious choice would be an operation in the Nagorno-Karabakh region. It is true that the Minsk Group Co-chairs and the HLPG have been side-lined by the deployment of a Russian peacekeeping force. Nevertheless, as one expert group argues, there may still be a need for a multinational OSCE peacekeeping force, "as over time Moscow may not want to bear the costs and burdens it has now incurred alone".[26] Depending on political developments, and as part of a broader architecture, a possible settlement could call for a comprehensive OSCE civilian peace mission to monitor compliance with commitments and support peacebuilding activities.

Conclusion and recommendations

Civilian operations have a light footprint, which is an asset compared with classic UN military peacekeeping operations. As non-coercive and facilitative missions, they are more likely to achieve political consensus for their mandate, be acceptable to the host state, and remain impartial. The key is to achieve and retain joint political-operational ownership of the mandate while remaining able to "harden" the mission should it operate in a zone of armed conflict.[27]

The mandate and additional tasks of the SMM go well beyond ceasefire monitoring and include monitoring and reporting on human rights abuses and environmental security while offering good offices and mediation support.[28] The OSCE's commitment to this comprehensive approach has been an advantage. Today's peace missions are increasingly required to deal with issues related to instability, fragility, and governance in all phases of the conflict cycle.

As current geopolitical trends indicate, peace operations as instruments for conflict prevention and crisis management will remain in demand for years to come. In planning such an operation (or indeed other possible OSCE missions), and drawing on the lessons learned and best practices of previous missions (especially the SMM), the following recommendations should be considered:

- Develop a flexible mission mandate. Mission mandates should only be prescriptive in areas where guidance is needed. A good field mission mandate will facilitate proper planning and strategy development by mission leadership. Compromise and consensus for a mandate could also be achieved through interpretative statements, as was the case for the SMM. An explicit reference to gender parity and gender perspectives should be an integral part of the mandate.
- Ensure solid institutional support for mission deployment. The issue of the KVM's inability to rapidly deploy experts with the right skills has highlighted the importance of having solid institutional support for mission deployment. However, rapid secondment of civilian personnel with qualified military expertise depends more on seconding states than on the OSCE. Rapid deployment rosters and

new Secretariat-wide internal standard operating procedures (SOPs) are helpful for effective action in urgent response situations.[29] A strengthened planning team in the Secretariat can achieve improved preparedness and mission design, not just for a possible mission in Nagorno-Karabakh but for other missions as well. It is worth exploring the extent to which the HLPG could be more closely associated with the work of the CPC, thereby enabling broader planning capacities within the Secretariat across the entire mission spectrum.

- Preserve impartiality. The nationality of the HoM matters, and reporting guidance should include a "no attribution" SOP. The OSCE should develop guidance for dealing with non-recognized actors, based on the 1993 OSCE document Stabilizing Measures for Localized Crisis Situations.[30]
- Make use of advanced technology. Technical monitoring has become a hallmark of the SMM. Remote monitoring allows for the avoidance of hazardous terrain and unfriendly checkpoints. Combined with enhanced data processing and operational planning, it can make missions more effective and more secure. Data processing platforms and related expertise should be made available from the outset. OSCE field missions can learn from the SMM's experience by using advanced technology for other tasks, such as natural disaster risk management.
- Duty of care should go hand in hand with mission planning. For any civilian field mission operating in a high-risk environment, a duty of care strategy and proper oversight measures should be in place from the outset.
- Be aware of the risks of joint missions. Missions conducted in tandem with other organizations are feasible but politically difficult. Hybrid arrangements with police or military contingents would stretch OSCE planning capacities and potentially jeopardize OSCE impartiality. Furthermore, a UN Security Council Resolution would be a prerequisite.
- Maintain a close interface between the political process and operations. The fate of the KVM has taught that it is imperative for the leadership of field operations to have access to the political process. This prevents the fragmentation of responsibilities, always a risk in complex operations. In the case of the SMM, this issue was addressed by granting the SMM Chief Monitor a seat at the table in the Minsk process (as coordinator of the TCG's Security Working Group).
- Raise awareness of the advantages of the OSCE and its operations. In view of its wealth of experience, the OSCE should invest more in both its institutional learning process and outreach activities. It is important for participating States and international organizations to develop more trust and confidence in the OSCE's ability to manage crises and conduct peace operations, even in high-risk regions.

Notes

1 The term "peace operations" is used to cover the notions of peacekeeping, peace missions, special political missions, and field operations. In the literature, peacekeeping and peace missions are often used interchangeably.

2 "Multilateral peace operations", Stockholm International Peace Research Institute, 2020, https://www.sipri.org/sites/default/files/2020-06/mpo20_fill.pdf

3 Chapter III of the Helsinki Document (1992) continues to be the main regulative framework for possible OSCE activities in the field of peacekeeping. See OSCE, Helsinki Document 1992: The Challenges of Change, 10 July 1992, https://www.osce.org/mc/39530

4 For more information on all current OSCE field operations, see OSCE, Survey of OSCE Field Operations, SEC.GAL/111/20/Corr.1*, 26 August 2020, https://www.osce.org/secretariat/74783

5 Alex J. Bellamy/Stuart Griffin, "OSCE Peacekeeping: Lessons from the Kosovo Verification Mission", in: European Security 1/2002, 1-26, p. 22.

6 The mission was at the outset renewed six months at a time, thereafter extension was and continues to be on an annual basis.

7 OSCE, A peaceful presence - the first five years of the OSCE Special Monitoring Mission to Ukraine, 29 June 2021, p. 53, https://www.osce.org/secretariat/491220

8 This includes ceasefire monitoring; investigations of ceasefire violations; facilitation, verification, and monitoring of heavy weapons withdrawal; negotiations of frontlines local ceasefires (windows of silence); and liaising with military-to-military coordination bodies.

9 Paragraph 7 of UN Security Council Resolution 1203 (1998) "[u]rges States and international organizations to make available personnel to the OSCE Verification Mission in Kosovo"; see UNSC, Resolution 1203 (1998), S/RES/1203 (1998), 24 October 1998, https://digitallibrary.un.org/record/262334?ln=en

10 OSCE Ministerial Council Decision No. 3/11 on Elements of the Conflict Cycle, 7 December 2011, https://www.osce.org/files/f/documents/6/b/86621.pdf

11 Michael Raith, Addressing the Conflict Cycle: The OSCE's Evolving Toolbox, IFSH (ed.), OSCE Insights 3/2020 (Baden-Baden: Nomos, 2020), at: https://doi.org/10.5771/9783748922339-03, p. 48.

12 NATO Press Statement, (98)139, 5 December 1998, https://www.nato.int/docu/pr/1998/p98-139e.htm

13 OSCE Chairmanship, "Head of Kosovo Verification Mission declared 'persona non grata'", OSCE, 19 January 1999, https://www.osce.org/cio/52376

14 OSCE, cited above (Note 7), p. 67.

15 It included a package agreement with a private company that, at the outset, provided two ground control stations, four long-range UAVs, six operators, and three maintenance staff; see OSCE, cited above (Note 7), p. 49.

16 OSCE, cited above (Note 7), p. 50.

17 The implementation of the so-called Enterprise Geographic Information System remains a protracted issue.

18 Not having legal status made the procurement process and importations to Ukraine cumbersome. It also prevented the mission from opening bank accounts, concluding contracts, and importing key equipment. See OSCE, cited above (Note 7), p. 20.

19 Since the first exposures of the SMM monitors to threats of injury, much work has been done to address duty of care issues in OSCE missions; see Maarten Merkelbach, Voluntary guideline on the duty of care to

seconded civilian personnel, Swiss Federal Department of Foreign Affairs, Stabilisation Unit and Center for International Peace Operations, 2017, https://www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/menschenrechte-menschliche-sicherheit/Voluntary_Guidelines_on_the_Duty_of_Care_to_Seconded_Civilian_Personnel_Final_170420.pdf

20 Larissa Daria Meier, "A role for OSCE peacekeeping? From the 1992 Helsinki Guidelines to the Special Monitoring Mission to Ukraine", CORE Working Paper 27, 2015, p. 33, https://ifsh.de/file-CORE/documents/Working_Papers/CORE_WP27.pdf

21 OSCE, Istanbul Document 1999 (Charter for European Security and Istanbul Summit Declaration), PCOEW389, 1999, https://www.osce.org/mc/39569

22 Germany, for instance, offered to send a contingent with a LUNA reconnaissance drone platoon. With logistics, medical, and other elements, the contingent would have been composed of more than 200 armed soldiers.

23 See International Crisis Group, "Can peacekeepers break the deadlock in Ukraine?", Europe Report N°246, 15 December 2017, p. 2, https://d2071andvip0wj.cloudfront.net/246-can-peacekeepers-break-the-deadlock-in-ukraine.pdf

24 Fred Tanner, "Sustaining civilian missions in conflict zones: The case of the OSCE Special Monitoring Mission to Ukraine", swisspeace, Policy Brief 03, 2018, p. 2, https://www.swisspeace.ch/assets/publications/downloads/Policy-Briefs/6656f90042/Sustaining-Civilian-Missions-in-Conflict-Zones-Policy-Brief-18-swisspeace-fred_tanner.pdf

25 See, for example, Walter Kemp, "Civilians in a War Zone: The OSCE in Eastern Ukraine", in: IFSH (ed.), OSCE Yearbook 2017, Baden-Baden: Nomos, 2018, 113-123; André Härtel/Anton Pisarenko/Andreas Umland, "The OSCE's Special Monitoring Mission to Ukraine: The SMM's Work in the Donbas and Its Ukrainian Critique in 2014-2019", in: Security and Human Rights, June/2021, 1-34; OSCE, cited above (Note 7).

26 Global Europe Program Working Group on the Future of the OSCE, Uncommon cause: The future of the OSCE, The Wilson Center, February 2021, p. 7, https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Uncommon Cause - The Future of the OSCE v2.pdf.

27 Hardening measures include giving priority to military skills in recruitment, dedicated training, medevac capacities, armed vehicles with GPS, flak jacket and helmet, mission-wide satellite communication, etc. See Larissa Daria Meier, cited above (Note 20), p. 46.

28 OSCE, cited above (Note 7), p. 17.

29 Raith, cited above (Note 11), p. 48.

30 OSCE, Stabilizing Measures for Localized Crisis Situations, DOC.FSC/2/96, 25 November 1993, https://www.osce.org/fsc/41316

The Future of the OSCE: Government Views

Frank Evers and Argyro Kartsonaki, editors[*]

Abstract

This special issue of OSCE Insights sheds light on what the governments of OSCE participating States expect from the OSCE. The contributions examine the planning and intentions of eight states as of 2021: France, Kazakhstan, North Macedonia, Poland, Russia, Sweden, Turkey, and the United States. The authors also elaborate on perceived limitations of the OSCE and suggest ways forward. This special issue contributes to the discussion on how to make the OSCE more relevant for the foreign policies of its participating States and more effective in fulfilling its purpose, ahead of its 50th anniversary in 2025.

Keywords

OSCE, conflict management, foreign policy, international organizations, multilateralism, human rights

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Introduction

Frank Evers and Argyro Kartsonaki

Despite the deteriorating security situation in the OSCE area, governments are not making full use of the OSCE. Why is this so? This special issue of OSCE Insights sheds light on what the governments of selected participating States expect from the OSCE ahead of its 50th anniversary in 2025. It seeks to determine whether there are governments that intend to use the Organization more effectively than they have in the past and how it could become more relevant for them. The contributions to this issue examine the views of the governments of eight OSCE participating States. Some – the United States and Russia – are global powers; others – France, Turkey, and Kazakhstan – are regionally significant. Four are past, current or future Chairs of the Organization: Kazakhstan (2010), Sweden (2021), Poland (2022), and North Macedonia (2023).

The authors were invited to present the governments' perceptions of the OSCE's significance for their foreign and security policy planning, also in comparison with other international organizations. Each case study describes the respective government's expectations of and intended engagement with the OSCE and shows where it identifies limitations. To some extent, the papers also present the views of academia and civil society, at the same time demonstrating that the OSCE is not widely discussed beyond government circles. Finally, they provide outlooks or recommendations regarding the future engagement of the respective state with the OSCE.

Several of the authors have worked with their respective governments for many years. This means that they have inside knowledge, but also that some of them tend not to be particularly government-critical. As a result, some papers are dominated by their governments' points of view on certain issues. Certain topics are less prominent than might be expected. In that sense, some of the contributions speak through that which they omit.

Regarding data collection, the authors mainly relied on interviews with government and OSCE officials, public government statements, and non-published material pertaining to ongoing policy planning.

What the case studies show

Presenting the *United States*' view, Daniel Hamilton explains that although the OSCE has received only sporadic presidential attention to date, the US Congress has consistently engaged with the Organization through the Helsinki Commission. The latter has been discussing OSCE matters in Washington, DC, since 1976, and its members regularly participate in the US's OSCE delegation in Vienna. The US has also remained steadily committed to OSCE activities on the ground. Hamilton argues

that for the US, the OSCE is an instrument for advancing the country's interests, especially in the fields of managing conflicts and protecting human rights. He predicts that the Biden administration will be more engaged in the OSCE than previous administrations. The US is committed to all three OSCE dimensions, whereby conventional arms control, conflict prevention and resolution, supporting human rights and fundamental freedoms, and addressing terrorism and human trafficking occupy a prominent position. With respect to US–Russia disputes over politico-military security, unresolved conflicts, and human rights, Hamilton suggests that the "US–Russia strategic stability talks now underway could be complemented by similar discussions among OSCE participating States."

Andrei Zagorski presents *Russia's* criticism and expectations of the OSCE. Russia regards the OSCE as having been appropriated by the West to facilitate US, EU, and NATO interference into countries' domestic affairs, with the aim of imposing Western-type political regimes. Moscow is critical of activities in the human dimension of the OSCE, considering them to be both biased and obsolete. Russia has for many years been interested in turning the OSCE into a treaty-based organization and in resuming substantive negotiations within the OSCE to agree on a new common ground between Russia and the West. Regarding areas for cooperation, Russia prioritizes dealing with transnational threats such as terrorism and organized crime and risks of conflict stemming from information and communication technologies. The Russian government also sees potential for cooperation in the second dimension, especially regarding the connectivity agenda.

Barbara Kunz explains *France's* contradictory attitude towards the OSCE. On the one hand, France is a committed participating State that actively contributes to the Organization's day-to-day operations and conflict resolution initiatives. Also, as the birthplace of the 1789 Declaration of the Rights of Man and of the Citizen, France feels a special responsibility to support human rights. France uses its participation in high-level OSCE conflict resolution efforts to reaffirm its self-perception as a global power, for example as a member of the Normandy format on Ukraine or as Co-Chair of the Minsk Group on Nagorno-Karabakh. However, the OSCE matters little in France's pursuit of its foreign policy objectives. Paris seems to believe that multilateral organizations such as the OSCE are incapable of delivering quick results. Furthermore, "the OSCE does not cover the geographic area that most interests France." France rather pursues its objectives either bilaterally or through other multilateral platforms, and its engagement with the OSCE remains limited. Therefore, France is not prepared to take a leading role in the Organization or to take any initiatives to make it more effective.

As is the case for most of the states discussed in this special issue, the most important OSCE dimension for *Turkey* is the politico-military one. Giray Sadik explains that Turkey's primary interest in the OSCE is for it to become more effective in stabilizing crises in the country's immediate neighbourhood, although he

does not address Turkey's military posturing there. He states that the OSCE should better exploit its conflict management tools to facilitate the resolution of protracted conflicts. Other priorities for Turkey are the fight against terrorism and transnational organized crime, especially human trafficking, and efforts against xenophobia and Islamophobia, mainly regarding the Turkish diaspora in Europe. The lack of progress on the latter issue is the main object of Turkey's criticism of the OSCE. The author, while not discussing domestic issues, points to the need to strengthen ODIHR, especially as concerns the reporting of hate crime and the integration of migrants.

The OSCE has a prominent place in *Kazakhstan's* political rhetoric; nonetheless, this discourse has not been accompanied by systematic action. Rustam Burnashev and Irina Chernykh show that Kazakhstan's engagement with the OSCE is ad hoc and primarily reactive. Kazakhstan uses the OSCE as a platform to hone its international image and demonstrate its institutional capacities, as shown during its 2010 OSCE Chairpersonship. Despite its declaratory recognition of the OSCE's importance, the government regards its principles and norms as externally imposed on Kazakhstan. It sees the OSCE as only one among several European and Eurasian organizations. Moreover, it believes that OSCE officials and experts working in the country lack sufficient understanding of local needs, compromising their ability to design appropriate activities on the ground. While Kazakhstan's expectations pertain primarily to the OSCE's first dimension, the government also views the second dimension as a vehicle for building confidence and reducing tensions in the region. Kazakhstan seeks to raise its profile in this area by, *inter alia*, using the occasion of disputes over the OSCE Programme Office in Nur-Sultan to campaign for an OSCE thematic regional connectivity hub in the country.

Lars-Erik Lundin presents *Sweden's* concerns and actions as 2021 Chair of the OSCE. The Swedish Chairpersonship is focused on three priorities: safeguarding the European security order; protecting comprehensive security; and promoting conflict resolution through small steps. One of its main aims is to "go back to basics", meaning, first, to secure a functioning OSCE and, second, to re-establish compliance with OSCE principles. Sweden emphasizes the issue of human rights, regarding it as a cross-dimensional topic that has a direct impact on the other two OSCE dimensions. Sweden is particularly concerned about the escalation of crises in its eastern neighbourhood and military threats to Sweden and Northern Europe. With that in mind, Sweden seeks to pursue its security interests through NATO cooperation, EU membership, solidarity with Nordic states, and special relations with the United States. Against this background, Lundin explains that Sweden sees the OSCE as a means to complement its military defence through confidence building.

According to Łukasz Kulesa, *Poland*, the OSCE Chair for 2022, also feels increasingly threatened by the developments beyond its eastern borders. While it considers the OSCE a valuable part

of the European security order, it prioritizes cooperation and engagement with other international organizations and political groupings, notably NATO and the EU. The Polish government considers the latter more effective in securing Polish foreign and security policy interests, especially when it comes to crises in Central and Eastern Europe. Kulesa claims that the main value of the OSCE for Poland is that it provides a forum for dialogue "when other channels of communication remain closed or severely constrained". Thus, the OSCE might not be able to resolve ongoing conflicts, but it can provide an inclusive framework to facilitate the solutions to be achieved elsewhere. Therefore, Poland aims to remain active within the OSCE as part of its strategy of engaging in multilateralism to promote stability in Europe, which was also one of its main incentives for applying for the 2022 OSCE Chairpersonship.

In her contribution on *North Macedonia*, which will chair the OSCE in 2023, Ana Krstinovska shows that the OSCE's importance for the country has diminished in recent years in comparison to other organizations. The OSCE's support for the process of democratic reform underway in the country is perceived as being beneficial to North Macedonia internally and with respect to its international integration. By contrast, the government prefers to pursue its hard security interests not through the OSCE but rather through NATO. North Macedonia's engagement with the OSCE is pragmatic rather than strategic. It sees the OSCE as an organization that supports the country in achieving its strategic goals of joining the EU and meeting the Sustainable Development Goals. At the same time, it sees the assumption of the 2023 Chairpersonship as a great opportunity to demonstrate its progress in building democratic institutions and to boost its international image.

Conclusion

None of the eight states discussed in this special issue is presented as showing an extraordinary interest in increasing its engagement with the OSCE. Most governments do not see the OSCE as a major security player and prefer to pursue their foreign policy objectives through other platforms. This in itself is not surprising. The OSCE's role has diminished in comparison with other international organizations, and governments have been questioning its value in different contexts and situations for many years.

At the same time, each of the authors notes an interest in keeping the OSCE functioning. This is a thread that runs throughout the contributions, especially those pertaining to Chairpersonship states. In one way or another, they all acknowledge that the OSCE offers an inclusive space for dialogue, where security concerns can be put on the table without delay or preparatory negotiations. Thus, the OSCE is seen as an important element of multilateral security-building. Some papers, particularly those on countries in Russia's vicinity, also mention that the OSCE is seen as a platform for complementing deterrence with cooperative security in the face of a growing per-

ception of threat to their national security. Furthermore, many states seek more intensive OSCE engagement in conflict management. The view that the OSCE should take a more results-oriented approach to the resolution of protracted conflicts is prominent in most of the contributions, without these conflicts and other disputed issues necessarily being seen solely in the light of Western–Russian relations. Moreover, governments have different views on how and whether to use the OSCE to protect human rights. Some states would lead the way towards this goal, while others see it as imposing foreign values and interfering in internal affairs. This is not new. At the same time, we read between the lines that some governments are using the need to address human dimension concerns as a pretext to advance other domestic and foreign policy objectives.

Looking beyond the contributions of this special issue, it will be necessary to examine more closely whether and why different governments want to keep the OSCE alive. We would like to draw attention to the fact that, despite the secondary importance the governments presented here tend to attribute to the OSCE, there have been renewed deliberations among some delegations in Vienna on the role the Organization should play in ensuring Europe's common security. In their view, multilateral dialogue must once again be made a defining element of European security relations, and this has to be brought to the attention of decision-makers in their capitals. Along these lines, we support the idea of bringing interested governments together in an informal Group of Friends of the OSCE to discuss an agenda for pragmatic cooperation on the way to the OSCE's 50th anniversary in 2025.

The United States and the OSCE

Daniel S. Hamilton[*]

Abstract

The United States' approach to the OSCE has been distinguished by sporadic presidential attention, persistent on-the-ground mid-level diplomacy, and unique engagement by the US Congress through the Helsinki Commission. The Biden administration is showing signs of injecting new energy into US–OSCE relations, including for addressing unconventional security threats such as corrosive cyber operations and the COVID-19 pandemic. For the US, the OSCE is not an end in itself; it is a means by which its policy interests may be advanced, particularly via the principles that were enshrined in the 1975 Helsinki Final Act and the 1990 Charter of Paris.

Scattered presidential attention

Bill Clinton was the US President most actively engaged with the OSCE, as measured by his attendance at both the 1994 Budapest Summit, in which the CSCE formally became the OSCE, and the 1999 Istanbul Summit. At a time when the Soviet empire had collapsed and the Soviet Union, Yugoslavia, and Czechoslovakia dissolved into twenty new countries, many with unresolved and often conflicting historical resentments and territorial and ethnic disputes, President Clinton and his administration were concerned that the greatest threats to security in Europe were as likely to come from conflicts within states as between them. The Clinton administration believed the OSCE would be able to make a unique contribution in this situation, as it was grounded in the principle that the root of human insecurity is the denial of human rights.[1]

The Clinton administration sought to construct a post–Cold War European security architecture in which the OSCE could become the institution of choice when it came to conflict resolution, the expansion and protection of democracy and democratic institutions, the defence of human rights, fundamental freedoms, and the rule of law, and identifying and addressing economic issues that could lead to conflict and threats to security across the Eurasian-Euro-Atlantic space. By the end of Clinton's time in office in 2000, William Hill could write that "the OSCE truly flowered […] perhaps reaching the zenith of its activity and influ-

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ence,"[2] with twenty missions and about 3,000 personnel in the field, breaking new ground with a broad and flexible array of tools for conflict prevention, crisis management, and post-conflict rehabilitation.

Since that period of "architectural construction", the OSCE has received far less US presidential attention and direction. "Benign neglect" is the term P. Terrence Hopmann has used to characterize high-level US attitudes towards the OSCE between 2001 and 2014.[3] George W. Bush focused largely on his counterterror campaign in the wake of the attacks of September 11, 2001, on the war in Iraq, and on NATO's "big bang" expansion. The OSCE hardly played a role in his calculations. Barack Obama also paid little attention to the OSCE during his first term in office, preferring to leave what seemed to be a relatively stable continent to European allies and to downplay US–Russian ties. Only with Russia's illegal annexation of the Ukrainian peninsula of Crimea and its armed intervention in eastern Ukraine did high-level US attention focus again on the OSCE, both as a platform through which Russia's violation of basic OSCE norms and principles could be challenged and as a mechanism by which Russian activities could be monitored and contained.

The nadir of presidential attention to the OSCE came during Donald Trump's four-year term in office. Trump disregarded the Organization and openly disputed basic principles enshrined in the Charter of Paris. He questioned the importance of human rights as a guiding principle of US foreign policy and was openly disdainful of priorities important to the OSCE, whether anti-corruption efforts, the protection of minority rights, or military confidence-building measures. During Trump's term in office, the United States withdrew from the 1992 Open Skies Treaty, which was designed to enhance mutual understanding, build confidence, and promote the openness and transparency of military forces and activities.

Principled diplomatic engagement

Despite the scattered presidential attention paid to the OSCE, US diplomats have engaged with persistence and determination to advance the country's positions on OSCE-relevant issues. They highlight the OSCE's value as the only pan-European security organization that spans the Euro-Atlantic region and includes the United States, Canada, Russia, and all European and Central Asian states, plus Mongolia, as members. US diplomats consistently underscore the OSCE's contributions to Europe's military security through its extensive regime of confidence-building and transparency measures, verification procedures, and early warning mechanisms, which have helped to reduce levels of arms and tensions across much of the continent.

US diplomats promote the implementation of OSCE commitments across the board, in the politico-military, economic, environmental, and human dimensions. This includes: enhancing political and military security across the OSCE region; implementing and verifying compliance

with arms control agreements; strengthening the OSCE's conflict prevention and resolution capabilities; supporting democracy, the rule of law, and respect for human rights and fundamental freedoms; combating such security threats as terrorism, intolerance, mis- and disinformation, and human trafficking; and directing greater attention and resources to Central Asia. US officials have pushed for the OSCE to become more operational in these areas. They have lent particular support to OSCE field missions, as well as the OSCE institutions. Biden administration officials have underscored that such support will continue.

The Helsinki Commission

The story of US engagement with the OSCE would not be complete without reference to the prominent role played by the US Congress. Just one year after the Helsinki Final Act was signed in 1975, the Congress created the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, to monitor and encourage all elements of the Helsinki Final Act. The Commission is bipartisan and consists of members of both the US Senate and the House of Representatives, who are selected by the President of the Senate and the Speaker of the House, respectively. Three additional Commissioners are appointed by the President of the United States from the Departments of State, Defense, and Commerce. Executive branch participation has been uneven, however; the Commission is clearly driven by the Congress. Members of Congress have consistently held leadership positions in the OSCE Parliamentary Assembly since its inception. With 17 of 323 seats, the United States has the largest representation in the Assembly. The Helsinki Commission has its own representative posted outside the United States, at the US Mission to the OSCE, reflecting unique cooperation between the executive and legislative branches of government.

Although the Commission's attention extends to all areas of the OSCE's work, its legislative mandate includes a specific focus on human rights. Helsinki Commission members and staff participate in US delegations to OSCE meetings and in certain OSCE bodies. The Commission convenes public hearings and briefings with expert witnesses on OSCE-related issues and publishes public reports concerning the implementation of OSCE commitments in participating States. It organizes official delegations to participating States and OSCE meetings to address and assess developments concerning democratic, economic, security, and human rights first-hand. It regularly draws attention to human rights and security challenges in participating States, including racism, anti-Semitism, and intolerance; corruption; human trafficking; upholding the right of peaceful assembly and association; and protecting vulnerable communities, including migrants, from discrimination and violence.

The Commission has been particularly blunt in condemning Russia, Belarus, Turkey, and a number of Central Asian states, not only for stifling dissent in their own countries, but also for seeking to

undermine the OSCE's work defending fundamental freedoms and to curtail civil society's participation in OSCE activities. The Commission played a central role in drafting the 2012 Magnitsky Act to impose sanctions on Russian officials responsible for the death of Russian lawyer Sergei Magnitsky in a Moscow prison in 2009, as well as for other human rights abuses and corruption. The Chair of the Helsinki Commission, US Senator Ben Cardin, was integrally involved in the passage of the Magnitsky Act, as well as the 2016 Global Magnitsky Human Rights Accountability Act, which has been utilized by US presidents of both parties to sanction corrupt actors around the world and has inspired similar legislation in Canada, the UK, and the EU.

In 2021, the US Helsinki Commission has focused on the United States' interest in taking an active role in preventing mass killings, war crimes, crimes against humanity, and genocide. It has reviewed warning signs that indicate risks for atrocities and discussed the challenges of building and sustaining alliances among states in support of atrocities prevention. It has highlighted threats to US and global supply chains created by authoritarian regimes and has recommended that the OSCE Parliamentary Assembly endorse a Secure Supply Chains Initiative as a precursor to steps that governments of OSCE participating States might take on the issue.[4]

The Commission has also been contrite when it comes to assessing US adherence to its OSCE commitments, hosting, for instance, a series of self-critical hearings in 2020 looking at "human rights at home". In particular, the hearings considered how the US can make its commitment to racial justice visible through the protection of civil rights to free assembly and the protection of journalists. They considered the role of public monuments and memorials, particularly those stemming from the Civil War or celebrating figures associated with racial repression and slavery, and ways to move towards restorative justice.

The Biden administration and the OSCE

President Biden's nomination of his close advisor Michael Carpenter as Ambassador to the OSCE is an early sign that the Biden administration will take an energetic and productive approach to the OSCE. Only weeks after the administration took office, officials used the opportunity of the US Chairpersonship of the OSCE's Forum for Security Cooperation (FSC) to push for rebuilding military transparency and confidence through an updated Vienna Document, which has not been revised since 2011. Issues under consideration include giving lower thresholds for notification and international observation of military exercises, raising quotas for such inspections, reviewing categories for information exchange, and revising the definition of "unusual military activities". Expanded discussions, including among militaries, could address the potentially destabilizing security effects of new technologies.[5] US officials have also pushed the OSCE to address protracted conflicts and to consider more specific outcomes regard-

ing economic and environmental issues. They have also advocated for the implementation of UNSC Resolution 1325 on Women, Peace and Security in the FSC's work and for the OSCE to hold a Human Dimension Implementation Meeting in 2021.

These signs of new energy have been paired with condemnation of Russia's actions in Ukraine and elsewhere as the primary cause of the broad deterioration of the European security environment. The Biden administration will continue to challenge Russia on its failure to uphold its OSCE commitments and its brazen violation of them with its armed interventions in Georgia in 2008 and in Ukraine in 2014. US officials continue to call on Russia to implement its Minsk commitments regarding Ukraine and have reiterated that the United States "will never recognize Russia's purported annexation of Crimea".[6] The Biden administration supports the continued extension of the OSCE Border Observation Mission at two Russian checkpoints on the Ukrainian border. US officials regularly highlight that the Special Monitoring Mission (SMM) to Ukraine has a mandate to work throughout Ukraine, including in Crimea, and continue to call on Ukraine, Russia, and the forces Russia arms, trains, leads, and fights alongside to ensure that the SMM has unfettered movement throughout the entire territory of Ukraine and to guarantee the safety and security of SMM monitors. They continue to point out that Moscow's forces are also deployed in Moldova and Georgia without host nation consent and that Russia's use of disinformation and other hybrid methods is an omnipresent challenge to all OSCE countries. They have also highlighted the continued violation of human rights and fundamental freedoms in Russia under Putin's government, including through recent efforts to clamp down on freedom of expression and freedom of the press by significantly expanding the scope of the so-called "foreign agent" rules, rendering individual journalists vulnerable to designation and increasing government censorship tools.

The Biden administration has not limited its critique to Russia. It has spoken out about how OSCE commitments have been broken and human rights brutally violated in Belarus. It has demanded that the Belarusian authorities release political prisoners, journalists, and all those unjustly detained and engage in meaningful dialogue with the Coordination Council and Belarusian civil society. The administration and Helsinki Commission members vocally condemned the forced landing of a commercial airplane by Belarus to arrest Belarusian activist and journalist Raman Pratasevich and civil society activist Sofia Sapega. While the situation in Belarus remains difficult, US officials see scope for greater OSCE involvement, including through the Secretary General's good offices. US officials have also called out some governments that are using COVID-19 as a cover for cracking down on civil society and independent media, further restricting public access to information and undermining the rule of law. Together with the Helsinki Commission, they have shone a light on the targeting of racial, ethnic, and religious

minorities, as well as other vulnerable populations such as LGBTI individuals.

Another issue on which the Biden administration has signalled interest is a more engaged role in the Nagorno-Karabakh conflict. Even during his election campaign, Biden drew attention to the OSCE's potential monitoring role in the conflict. Secretary of State Antony Blinken has since committed to re-engaging with the OSCE Minsk Group. Administration officials continue to urge both Armenia and Azerbaijan to return as soon as possible to substantive negotiations under the auspices of the OSCE Minsk Group Co-Chairs (France, Russia, and the US) to achieve a long-term political settlement based on the principles of the Helsinki Final Act.

Furthermore, the administration has already shown signs that it intends to raise the profile of the OSCE's second dimension on economic and environmental issues and to address ways to anticipate, prevent, and if necessary confront future public health emergencies and pandemics. Officials believe that the OSCE could be an important vehicle through which to address climate change issues in Central Asia and the South Caucasus. It has supported the prioritization of climate change issues by the 2021 OSCE Chair, Sweden.

Finally, echoing the OSCE's determination that corruption is a threat to security, economic development, and respect for human rights, President Biden has designated the fight against corruption as a "core US national security interest". He has directed an inter-agency review within the US government to define an all-of-government security strategy to address corruption. The Helsinki Commission has welcomed this review and is likely to work closely with the Biden administration on its implementation.

Looking ahead: Future scenarios

Even though many participating States have fallen short of their OSCE commitments, US officials continue to underscore the value of the OSCE and that it is far better to work to improve it than to abandon it – all the more since the 1975 Helsinki principles and the 1990 Paris principles remain high-water marks in terms of commitments to a comprehensive approach, embracing the military, economic, environmental, and human dimensions of security.

There are several areas in which reinvigorated US engagement with the OSCE could pay dividends.[7] Deconfliction arrangements devised for US and Russian forces in Syria could offer a model for similar arrangements under OSCE auspices related to air and sea disputes in and around the Black Sea. Bilateral US–Russia strategic stability talks underway in 2021 could be complemented by similar discussions among OSCE participating States. NATO's withdrawal from Afghanistan has awakened security concerns among Central Asian countries. The US will want to explore possibilities for expanded OSCE activities there, potentially including new field missions. There is also scope for the OSCE to facilitate some transborder initiatives in the South Caucasus, including the Ar-

menia–Azerbaijan–Turkey corridor. And while Russia has taken on peacekeeping duties following armed conflict between Armenia and Azerbaijan in the autumn of 2020, over time Moscow may not want to bear those costs and burdens, potentially opening the way for a multinational, civilian, OSCE-led monitoring mission.

Societies across the OSCE space face unconventional security challenges that were not anticipated when participating States of uncommon cause gathered almost half a century ago to thrash out principles to guide their behaviour.[8] Corrosive cyber operations, dis- and misinformation in social media, disruptions to supply chains, and the COVID-19 pandemic have each underscored that essential flows of people, goods, services, transportation, food, money, and ideas that power societies are increasingly susceptible to disruption. There is a growing need for the OSCE's participating States to define resilience principles that can guide behaviour when it comes to anticipating, preventing, and, if necessary, protecting against and bouncing forward from disruptions to critical societal functions. The OSCE remains a platform in which the unlike-minded can explore rules of the road in areas of security, such as resilience and connectivity, that remain relatively unexplored – if they choose to do so. If they do not, the United States and other participating States will define those principles elsewhere.

Notes

1 For a representative view: Remarks by US President Bill Clinton at the Opening of the OSCE Summit, Ciragan Palace, Istanbul, Turkey, 18 November 1999. See also Richard C. Holbrooke, "America, a European power", Foreign Affairs, March/April 1995, https://www.foreignaffairs.com/articles/europe/1995-03-01/america-european-power

2 William Hill, No Place for Russia: European Security Institutions Since 1989, New York: Columbia University Press, 2019, p. 153.

3 P. Terrence Hopmann, "Trump, Putin, and the OSCE", in: IFSH (ed.), OSCE Yearbook 2018, Baden-Baden: Nomos, 2019, 39-52.

4 See "The ties that bind: A Helsinki Commission staff report on secure supply chains", US Helsinki Commission/Wilson Center, June 2021, https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Ties_that_Bind.pdf

5 Almost all OSCE participating States support such an effort, yet Moscow remains opposed and Armenia and Azerbaijan are also blocking progress due to issues related to their bilateral disputes.

6 "Interpretative statement on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine, as prepared for delivery by Chargé d'Affaires Courtney Austrian to the Permanent Council, Vienna, March 31, 2021", U.S. Mission to the OSCE, 31 March 2021, https://osce.usmission.gov/interpretative-statement-on-the-extension-of-the-mandate-of-the-osce-special-monitoring-mission-to-ukraine/; "Statement by President Biden on the anniversary of Russia's illegal invasion of Ukraine, the White House", 26 February 2021, https://www.whitehouse.gov/briefing-room/statements-releases/2021/02/26/statement-by-president-biden-on-the-anniversary-of-russias-illegal-invasion-of-ukraine/

7 For US and European perspectives on a future agenda for the OSCE, see Daniel S. Hamilton et al., "Uncommon cause: The future of the OSCE – Report and recommendations, Global Europe Program Working Group on the Future of the OSCE", Wilson Center, February 2021, https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Uncommon%20Cause%20-%20The%20Future%20of%20the%20OSCE%20v2.pdf

8 Ibid.

Russia and the OSCE

Andrei Zagorski[*]

Abstract

For years, Moscow has criticized the OSCE with a view to limiting the Organization's operations in the post-Soviet area. At the same time, Moscow has not given up on the Organization. Russia's agenda for the OSCE includes revisiting its geographic and thematic priorities and transforming the OSCE into a treaty-based organization. Reviving a sense of common purpose would require a complex negotiation that could not avoid addressing principled Russian positions. Therefore, agreeing on a new status quo may appear premature today, but this should not exclude an agreement on a modus vivendi. This could be done by launching a "Helsinki+50" process that would include, in particular, the consideration of a constituent document, reconciliation of the freedom of alliances with the concept of the indivisibility of security, and revisiting the principles of freedom of the media and non-intervention. The OSCE should seek to increase the common ground between participating States by expanding its activities in the least controversial fields, such as countering transnational threats or addressing the consequences of the coronavirus pandemic.

Introduction

There is at least one thing worse than working through the OSCE – and that is working without the OSCE. Churchill's expression, rephrased for the topic at hand, captures Russian debates over the OSCE. In short, Moscow is strong enough to prevent the OSCE from doing what it considers unwelcome yet too weak to bend the OSCE to its own agenda. Therefore, Moscow has for years sought to hold the OSCE captive by insisting on a strict application of the consensus rule.

This does not mean, however, that Russia is ready to abandon the OSCE. On the contrary, Russian foreign affairs ministers are among the few who are consistently present at the annual Ministerial Council meetings. In addition, the OSCE is occasionally seen as one of the few institutions available to Russia for limiting the damage resulting from the deteriorating relationship between Russia and the West. This was particularly evident in the early phases of the Ukraine crisis. Russia also continues to appreciate the cooperation among the Co-Chairs of the Minsk Group, despite the Group's failure

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to terminate the war between Armenia and Azerbaijan over Nagorno-Karabakh in 2020 and the uncertainty regarding its role in managing the conflict.

The Russian Federation's difficult relationship with and within the OSCE has deep roots in the lost sense of common purpose among the participating States, manifested in continuous controversies over the OSCE's thematic and geographic priorities in general, and its structures and institutions in particular.

The first part of this paper focuses on Russian criticism of the OSCE and on what Moscow does not want the OSCE to do. The second part examines the agenda pursued by Russia within the OSCE and presents what Moscow expects from the Organization. The paper concludes with policy recommendations on how to reduce the gap in the definition of common purpose, at least in the mid term.

Criticism of the OSCE

Russia's criticism of the OSCE has a long history. In 1999, during the NATO air strikes in Yugoslavia, it accused the OSCE not only of being unable to enforce its principles, but also of having served as a cloak for the operation.[1] Tensions grew further with the second Russian war in Chechnya, which began later in 1999 and led to the closure of the OSCE Assistance Group in Chechnya in 2003, and with the critical observation by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) of Russian elections since 2003. Also, against the backdrop of the "colour revolutions" in Eastern Europe, the OSCE was seen as an agent of the "regime changes" that Moscow sought to prevent in its neighbourhood.

Concerns were raised in Moscow that a NATO-dominated European security order would reduce the role of the OSCE to "democratizing" the "European periphery" and that the prioritization of the operational activities of "excessively autonomous" OSCE institutions would shift the balance away from political consensus-building.[2] In this context, the thesis of geographic and thematic imbalances in OSCE activities was put forward, especially with regard to activities "east of Vienna" regarding the human dimension.[3] Ever since, emphasizing the need to prioritize political dialogue, rebalancing OSCE activities and reducing the autonomy of its institutions have remained central to Russia's OSCE policy. In 2004, the Bulgarian Chair suggested shifting the focus of the activities of the Organization from East-Central and South-Eastern Europe to the thus far modest OSCE presence and activities in the post-Soviet space, particularly in Central Asia and the South Caucasus. This was exactly what Russia, supported by a minority group of participating States, primarily the members of the Collective Security Treaty Organization (CSTO), did not want the OSCE to do.

The highly controversial debate at the Sofia Ministerial Council in December 2004 opened a discussion about reforming the OSCE, which remains inconclusive to this day. Moscow views the OSCE critically as an organization that facilitates US, EU, and NATO intervention

into the domestic affairs of states, particularly post-Soviet states, with the aim of imposing Western-style political regimes and installing pro-Western governments.[4] President Vladimir Putin has voiced this criticism as follows: "We see constant attempts to turn the OSCE, a crucial mechanism for ensuring common European and also trans-Atlantic security, into an instrument in the service of someone's foreign policy interests. The result is that this very important organization has been hollowed out."[5] Russia's demand for a rebalancing of the OSCE's work does not mean that it believes the Organization should expand its activities "west of Vienna". Rather, Russia maintains that the OSCE should *reduce its human dimension–related activities in the post-Soviet area*. Whether or not the latter should be reduced or, at the least, remain at their previous level was one of the most controversial issues discussed within the first OSCE Panel of Eminent Persons in 2005.[6]

Since Moscow did not succeed in imposing its reform agenda for the OSCE either in 2004 or thereafter, it began systematically hijacking the Organization by insisting on a rigid application of the principle of consensus and by being more assertive in the discussion of the OSCE budget. Apart from this, Moscow and a number of other post-Soviet states pursued a policy of unilaterally restricting OSCE activities by calling into question ODIHR's methods of election observation, downgrading or terminating OSCE presences, or otherwise limiting activities in individual countries. Russia's general philosophy was that the OSCE should be responsive to requests from host governments rather than pursuing its own agenda, which it perceived as a Western one. It believed that it should not be the participating States who follow the recommendations of the OSCE institutions, but rather the OSCE institutions who adapt their policies to criticism from the participating States.[7]

Russia's agenda for the OSCE

The Russian agenda for the OSCE has remained consistent over the past decades. It can be summed up in three clusters: resuming substantive political dialogue, reforming the Organization, and redefining priority areas for OSCE activities.

Resuming substantive dialogue

Resuming substantive dialogue within the OSCE (as well as with NATO and the EU) without preconditions is the main point currently on the Russian agenda with respect to these organizations. Russia's expectation is that such dialogue should take into account Russia's concerns and lead to progress on issues that it has put forward for many years. These include confirming the *indivisibility of security* as opposed to the freedom of alliances and addressing the need to "rebalance" OSCE activities and to reform the Organization, including by depriving its institutions of their "excessive autonomy". The hope is that this dialogue would enable Russia and the West to find

common ground based on a reasonable compromise, resulting in "*a new agenda*, focusing on what unites rather than separates us", as formulated by Russian Foreign Minister Sergey Lavrov (emphasis added).[8]

The OSCE's "Helsinki+40" dialogue in 2013 and 2014 was seen in Moscow as a promising exercise that could lead to adjustments in OSCE operations. It was interrupted, however, by the Ukraine crisis. Moscow would welcome resuming this exercise as a "Helsinki+50" dialogue process that would aim for a substantive agreement on the OSCE agenda and priorities to be adopted in 2025 at a high-level meeting on the 50th anniversary of the Helsinki Final Act. However, few if any Russian officials believe this would be feasible under the current circumstances.[9]

Reforming the OSCE

Russia has advanced proposals for the transformation of the OSCE into a treaty-based international organization since 2004. According to these proposals, participating States would take part in the organization's discussions in their individual capacity rather than as part of any group of countries. Autonomous OSCE institutions and structures would be integrated into the Secretariat. Their activities would be subject to consensus and strictly follow political guidance from the OSCE decision-making bodies. Election observation would be governed by a detailed set of standards. At the core of these proposals is the adoption of a *charter* or *constituent document* that would govern the operation of the OSCE executive institutions and structures.[10] Although all discussions on the Russian proposals have stalled, the country is continuing its efforts in this regard. At the 2020 Ministerial Council meeting in Tirana, Foreign Minister Lavrov pushed again for reform and suggested the establishment of a respective informal working group.[11] In February 2021, he provided the OSCE Chairperson-in-Office, Swedish Foreign Affairs Minister Ann Linde, with a food for thought paper on the issue.[12]

Redefining priority areas[13]

Moscow's proposals for specific areas in which the OSCE participating States should seek to cooperate include *transnationals threats*, such as countering terrorism and illegal drug trafficking, threats generated by information and communication technologies, human trafficking, and other forms of organized crime. Russia also expects the OSCE to contribute to overcoming the consequences of the *coronavirus pandemic*. In particular, Russia has suggested that the Office of the Coordinator of OSCE Economic and Environmental Activities be tasked with strengthening scientific and technological cooperation in the medical and health fields.[14]

While the issues related to transnational threats are relatively uncontroversial within the OSCE, other Russian priorities concern issues that are at the centre of the rhetorical confrontation between Russia and the West. One example is

the protection of the rights of national minorities. Russia puts the emphasis on the linguistic and educational rights of the Russian minorities in Ukraine and the Baltic states and on the promotion of social and economic, as opposed to political and civil, rights. While supporting the discussion on freedom of information, Moscow puts emphasis on the need to counter restrictions on Russian media outlets and journalists in Ukraine and in the West. Moscow remains critical of OSCE activities in the human dimension, claiming that they are not only politically biased but also obsolete, particularly since all participating States are members of the UN and hence included in the work of its Human Rights Council. Furthermore, the majority of participating States are also members of the Council of Europe and are covered by its intrusive mechanism for the defence of human rights. These are among the reasons Russia cites to support its longstanding policy that the OSCE should reduce its human dimension activities, particularly in the post-Soviet countries, rather than expand them in the West.

Regarding the conflict cycle, the Russian approach is that every OSCE activity should be negotiated on a case-by-case basis, decided by consensus within the Permanent Council and subject to host nation consent. Otherwise, Moscow will seek to maintain the status quo in the conflicts under discussion. Moscow expects the OSCE to contribute to the implementation and consolidation of the Russia-brokered ceasefire in Nagorno-Karabakh. It also welcomes the OSCE's participation in the Geneva International Discussions involving Georgia, Abkhazia, and South Ossetia. It sees the need to maintain the recent dynamic in the "5+2" negotiations on the conflict concerning Transdniestria (Moldova). Moscow emphasizes that the OSCE should put more consistent pressure on Ukraine in order to motivate it to implement the Minsk agreements on resolving the conflict in the east of the country.[15]

The OSCE remains below the Russian radar as far as security in Central Asia is concerned, specifically the risks of spreading terrorism, narcotics trafficking, and regional destabilization emanating from Afghanistan. These risks are addressed through a net of bilateral and multilateral consultations involving relevant actors such as the US, China, Pakistan, India, Iran, the Central Asian states, and local actors in Afghanistan itself, including the Taliban. At the same time, Russia is strengthening its cooperation within the CSTO as a hedge against possible spillover effects of the Taliban taking over in Afghanistan. In this context, it expects the OSCE to further develop its institutional cooperation with the CSTO.

Russia has traditionally emphasized the importance of the economic dimension of the OSCE. Besides engaging in the discussion of the topic of connectivity, which has recently been put on the OSCE agenda, it has put forward the need for the OSCE to facilitate synergy between different integration processes in the OSCE area (e.g. between the EU and the Eurasian Economic Union) and the development of a "wider Eurasian Partnership".

Russia engages in the debates on politico-military issues within the OSCE Forum for Security Cooperation, such as, *inter alia*, the growing military activities along the common border between Russia and NATO. However, Moscow proceeds on the basis that conventional arms control is a subject for Russia–NATO discussions rather than for the OSCE. Any further modernization of the OSCE Vienna Document on Confidence- and Security-Building Measures can, in Russia's view, only be considered after NATO has stopped expanding and has reversed activities on its eastern flank.[16]

Recommendations

Establishing a common denominator and reinventing a sense of common purpose within the OSCE would require complex negotiation between Russia and the West. Such negotiation, in order to have a chance of leading to a solid arrangement with Russia, could not avoid addressing principled questions put forward by the latter, such as on the indivisibility of security. It would involve sensitive issues, including the role of the OSCE's human dimension, and the relatively autonomous status of OSCE institutions. It does not currently appear plausible that the conditions for such a negotiation exist. Nevertheless, even though agreeing on a new status quo may appear premature today, this should not prevent an agreement on a modus vivendi that could hold for the time to come.

The current Russian position should not be taken entirely at face value. Many of the Russian Federation's statements, particularly on specific issues, seem to be part of the rhetorical confrontation that is being waged within the OSCE. The limits of a possible compromise, however, can only be explored when substantive dialogue is resumed. This is why, despite the widespread scepticism, it is worth considering taking the forthcoming 50th anniversary of the Helsinki Final Act as an occasion for *launching a "Helsinki+50" dialogue*. Its purpose would be to produce an agreement on a common purpose for the OSCE for the years to come. It should include continued discussion on the adoption of a *constituent document* of the OSCE, which would transform it into a treaty-based organization and pave the way for the signing of the convention on the legal personality of the OSCE that participating States have negotiated. Such a document should include an agreement on the modus operandi of the OSCE institutions, which from a Russian perspective should not exceed their current level of autonomy. Reconciling the *freedom of alliances* with another OSCE commitment to respect the legitimate worries of the states concerned (or the "*indivisibility of security*") is another principled issue to be addressed within such a dialogue.

A Helskini+50 dialogue should include issues which are controversial but represent matters of concern for both Russia and the West. The OSCE could revisit and further specify its provisions concerning the *freedom of the media and access to information*. Both Russia and the West believe that they currently find themselves in the midst of an information war using new digital technologies and social

networks. As freedom of information is closely linked to the debate over the possibility of intervening in domestic affairs by means of new information technologies, the OSCE participating States should also be encouraged to *revisit and update the principle of non-intervention*.

In conclusion, from a Russian perspective, the OSCE would do well to increase the common ground between participating States by *expanding its activities in the least controversial areas of cooperation*, even if they do not address the most principled issues. Countering *transnational threats* and addressing the consequences of the *coronavirus pandemic* are the most obvious fields where this could be undertaken.

Notes

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France and the OSCE

Barbara Kunz[*]

Abstract

This paper provides an overview of France's role within the OSCE and the part the latter plays in French foreign policy. It shows that France is most engaged in the OSCE's first, politico-military dimension, in particular in the context of conflict resolution in the OSCE area. The third, human dimension is a further French priority. On the whole, however, France's engagement in the OSCE does not figure strongly with regard to its overall ambition to play an important part in global affairs. French foreign policymakers do not consider the OSCE a key forum, capable of rapidly achieving political results for France. While Paris continues to stress its attachment to multilateralism in its declaratory foreign policy, it is not eager for the OSCE to become an actor in its own right. France is therefore also opposed to increasing the Organization's funding. In light of France's longstanding foreign and security priorities, it is unlikely that its approach to the OSCE will change in the foreseeable future.

Introduction

Although France initially needed convincing to support the establishment of a Conference on Security and Co-operation in Europe (CSCE), later renamed the OSCE, it eventually came to play an important role in the Organization. The Paris Charter was famously signed in the French capital in 1990, and the government successfully placed French nationals in top OSCE positions. From 2005 to 2011, French diplomat Marc Perrin de Brichambaut served as Secretary General. From 2017 to 2020, former French Minister of European Affairs Harlem Désir served as the OSCE Representative on Freedom of the Media.

Today, France is engaged in the day-to-day operations of the OSCE. It sends observers to all election monitoring missions, and several dozen French nationals work at the Secretariat and other OSCE bodies. France's engagement is even more apparent in the context of conflict resolution in the OSCE area, with the country playing a role in both Nagorno-Karabakh and the conflict in and around Ukraine. In communication with the OSCE, France was also deeply engaged in mediating the conflict in Georgia in 2008.

At the same time, however, France can hardly be described as a true driving force within the Organization. Its actions in

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the OSCE fall short of being commensurate with its ambitions regarding its role in Europe and the world. Likewise, the OSCE remains largely absent in French foreign policy debates – despite the fact that a number of OSCE topics are also French foreign policy priorities, ranging from big picture geopolitics to more technical matters. For instance, the OSCE is entirely absent from the *Actualisation stratégique*, France's strategy document published in February 2021.[1]

This paper takes a closer look at France's role in the OSCE in the context of more general tendencies in French foreign and security policy. It first describes France's actions in the OSCE and then considers the OSCE's role in pursuing French foreign policy objectives. It concludes that the OSCE's added value is not always obvious to France, which explains why it is not an impetus provider in the Organization and does not consider the OSCE a key forum for pursuing its foreign policy priorities.

Mediation of protracted conflicts

The first dimension, and conflict resolution in particular, is a key area of France's engagement in the OSCE. This is also the area that receives the most attention in the country. France has played a role in attempts to resolve two key conflicts in the OSCE region: the conflict over Nagorno-Karabakh between Armenia and Azerbaijan and the conflict in and around Ukraine. In terms of the former, France co-chairs the Minsk Group (along with the United States and Russia), which is working toward a peaceful settlement of the conflict.[2] After violence flared up in late 2020, a domestic debate on France's recognition of Nagorno-Karabakh as an independent state ensued. The two chambers of the French parliament voted in favour of a motion by the conservative party *Les Républicains*, which was primarily interested in supporting "Oriental Christians" – a relatively popular theme in France, notably on the right of the political spectrum.[3] Rejecting the motion, France's government underscored its interest in continuing to co-chair the Minsk Group, which would be incompatible with the formal recognition of Nagorno-Karabakh.[4] France has longstanding ties with Armenia, which is part of the Francophonie, notably due to the significant number of French citizens of Armenian descent. France has also officially recognized the Armenian genocide.

With perhaps even greater international visibility, France is one of the two "Western" members of the Normandy format (alongside Germany), which is aimed at finding a solution to the Ukraine conflict. French presidents and officials have participated in, and at times hosted, several high-profile summits, which resulted *inter alia* in the Minsk II agreement.[5] In a narrower OSCE context, French diplomat Pierre Morel headed the sub-group on political affairs of the Trilateral Contact Group for the Peaceful Settlement of the Situation in Eastern Ukraine until June 2021. France also contributes to the OSCE Special Monitoring Mission to Ukraine, both financially and with personnel.

Besides France's obvious interest in conflict resolution, its prominent role in the above-named formats also aligns with its self-perception as a relevant global actor. With a permanent seat on the UN Security Council, France and its diplomats believe in the necessity of playing a decisive role on the international stage and in high diplomacy. Both the Minsk Group and the Normandy format allow France to sit at the same table with other major powers, making engagement attractive from Paris's perspective.

Human rights a priority

In French foreign policy discourse, human rights always matter. This is linked to France's self-perception as the "country of human rights", shouldering a special responsibility for human rights that derives from the 1789 Declaration of the Rights of Man and of the Citizen. In addition to the first dimension activities mentioned above, many French undertakings consequently fall within the OSCE's third (human) dimension. Perhaps most noteworthy in the past year was France's support for triggering the Moscow Mechanism[6] in the aftermath of Belarus's allegedly fraudulent 2020 presidential election, when the Belarusian regime repressed peaceful demonstrations and violated human rights. Following an initiative by the United Kingdom, France was one of seventeen participating States to invoke the Mechanism.[7] In addition, France co-presides over the informal OSCE Group of Friends on the safety of journalists.[8] Gender equality has also been an item on the agenda, notably in conjunction with the Generation Equality Forum held in Paris in the summer of 2021, where the OSCE pledged "to improve gender equality by taking action on Gender Based Violence, Economic Justice and Rights and Technology & Innovation".[9] A further matter of importance to Paris is the fight against human trafficking.[10]

Scepticism about the OSCE's added value

These activities notwithstanding, the OSCE is not very high on France's agenda overall. This has arguably become more the case in recent years. Since Emmanuel Macron's accession to the French presidency, pragmatism has been a core element of French foreign and security policy, which has translated to less attention being paid to formats and institutional settings as compared to the policy objective at hand. A clear illustration of this is the relative decline in importance of "l'Europe de la Défense", the EU's Common Security and Defence Policy, the building and strengthening of which has been a longstanding French policy objective. Under Macron, the idea has largely been to do "whatever works" in flexible multi- and mini-lateral formats, for example in combatting terrorism in the Sahel region – one of France's key foreign and security policy endeavours.

It is against this backdrop that France's view of the OSCE must be understood. Although Paris has routinely underscored the importance of multilateralism and

even co-founded the Alliance for Multilateralism with Germany,[11] a significant part of recent French foreign policy is in fact characterized by unilateralist tendencies.[12] France does not view the OSCE's standing as the only remaining pan-European security institution and multilateral platform as reason enough to invest in it, which sets the country apart from some of the most engaged participating States, in particular Germany and Switzerland. In addition, the OSCE does not cover the geographic area that most interests France. Until recently, Central Europe and Eastern Europe west of Russia mattered relatively little in French foreign policy thinking. France is traditionally more focused on Africa, the Middle East, and increasingly, the Indo-Pacific.

Moreover, in light of the OSCE's many difficulties, its added value is not clear to Paris. This pertains to the Organization's usefulness in ensuring European security and the fact that a key security challenge – the conflict with Russia and allied states – has been the main cause of the OSCE's difficulties. Paris rarely views the OSCE as the right vehicle for pursuing its own interests, and one area in which its scepticism clearly shows is its stance toward the Organization's budget: Paris views it as unfair that the bulk of OSCE funding comes from EU member states, the United States, Canada, Switzerland, and Norway. In 2018, France paid 14.6 million euros in mandatory contributions, toward a total budget of 138 million euros (to which voluntary contributions needed to be added, such as 7.6 million euros for the Special Monitoring Mission that same year).[13] In 2019, France went as far as to block the Organization's budget on these grounds.[14] In the context of adopting the 2020 unified budget, France recently reiterated that "it is not acceptable for 17 participating States alone to finance 99 per cent of the OSCE Budget."[15] In light of scarce financial resources for the country's foreign policy and in a general context of austerity in the wake of the Eurocrisis,[16] Paris is an adamant defender of "zero nominal growth", i.e. not increasing the OSCE's budget. Given inflation, this in fact implies a commitment to shrinking the Organization's budget.[17]

France's reticence with regard to providing the OSCE with more funding must also be seen against the backdrop of its dissatisfaction with the Organization's governance. Paris indeed recognizes the need for greater efficiency. At the same time, however, it has little interest in the OSCE's becoming an actor in its own right, with its own strategies. This was illustrated, for instance, by France's scepticism vis-à-vis the creation of a small Strategic Policy Support Unit at the Secretariat under Secretary General Thomas Greminger, known for his ambitious approach to making the OSCE more relevant and strategic. France's preference is to keep the OSCE as intergovernmental as possible in order to avoid transferring power and "strategy making" to Vienna. The fact that Greminger was never officially received in Paris serves as yet another illustration of France's limited interest in the Organization.

France's overall diplomatic ambitions stand in contrast to the country's engagement in conflict resolution and its day-to-day business within the OSCE. French

diplomacy publicly supports the OSCE, and France contributes to the Organization both financially and with (seconded) personnel. In this sense, it is a loyal participant, willing to do whatever it takes to keep the OSCE afloat. Yet, France is not interested in developing the Organization much further beyond the status quo, preferring to keep it as "intergovernmental" as possible.

Paris lacks an "OSCE reflex"

Rather unsurprisingly, therefore, France pursues most of its foreign and security policy objectives outside the OSCE, and the OSCE matters little – if at all – in French political debates. A striking illustration of this is the 2017 presidential campaign, in which several candidates from across the political spectrum called for a pan-European conference on security. Not one mentioned the OSCE. On a related subject, President Macron has spoken on several occasions of "revisiting" the European security architecture and the need to resume dialogue with Russia.[18] France's purely bilateral "strategic dialogue" with Russia was launched in 2019. *Inter alia*, it includes meetings in a 2+2 format, i.e. between the respective foreign and defence ministers. In addition, Macron named Pierre Vimont, one of France's most senior diplomats, to be "Special Envoy for the security and trust architecture with Russia".[19] References and links to the OSCE are again absent in this initiative, although it pertains to its very essence. Fear of its being bogged down by intra-organizational disagreements and a general inability to deliver results – as is apparent in the Structured Dialogue, for instance – may have played a part in the decision not to place it in the OSCE context. Another explanation may simply be that the possibility did not occur to anyone, which would suggest that Paris lacks an "OSCE reflex": the OSCE may not even arise as a consideration in decisions on appropriate settings for pursuing France's interests.

Besides these major geopolitical matters, there are examples of more technical initiatives with an apparent OSCE connection that have not been linked to the Organization. One first dimension topic that France has continued to push within the OSCE is the fight against the trafficking of small arms and light weapons (SALW). France has also pursued initiatives on related matters that run parallel to OSCE initiatives, such as the Franco-German initiative on SALW in the Western Balkans.[20] Despite the OSCE's own work on SALW, the Franco-German initiative was merely discussed at a side event at the 2018 Ministerial Council in Milan.[21]

In sum, France is not a driver of major initiatives within the OSCE; the role of impetus provider is generally left to Germany and Switzerland. In many cases, France follows along, such as when Germany suggested the Structured Dialogue in 2016, intended to relaunch conventional arms control in Europe. France is one of many likeminded countries calling for such a relaunch following the Steinmeier initiative.[22]

The way forward: Change seems unlikely

France has been reluctant to throw its diplomatic weight into the OSCE context. Within the OSCE, and with the exception of specific dossiers such as Ukraine, France's role is rarely commensurate with its self-image as a global power with a permanent seat on the UN Security Council. In a sense, the relationship between France and the OSCE can thus be characterized in terms of missed opportunities. It is regrettable, for example, that the 30th anniversary of the Charter of Paris was not commemorated appropriately. The fact that the Organization found itself without leadership in the summer of 2020 and the pandemic may be to blame. Still, the Paris Charter's anniversary would have been an excellent occasion to underscore the relevance of a rules-based European security order. Likewise, the fact that Secretary General Thomas Greminger was not received by the French foreign minister is hard to interpret as anything other than an indication of disinterest. Perhaps a more encouraging sign, Greminger's successor, German diplomat Helga Schmid, met with France's Minister of State for European Affairs Clément Beaune and Foreign Minister Jean-Yves Le Drian in Paris in July 2021.[23]

France's activity in the OSCE is unlikely to evolve in the medium to long term. The main reason is that the Organization matters little in terms of the main foreign policy objectives and key challenges France has identified for itself and Europe. The 2021 *Actualisation stratégique* stresses jihadist terrorism, the spread of weapons of mass destruction, and the "return of strategic competition between great powers",[24] the latter referring to the United States and China in particular. Overall, France clearly expects Europe's strategic environment to deteriorate further, and at a faster pace. This will likely lead future French presidents and governments to focus even more closely on the country's priorities – in terms of the allocation of funding and personnel, but also in terms of which diplomatic channels seem the most promising for promoting European security and French and European interests. The OSCE does not generally concern itself with these priorities, either functionally or geographically. It is therefore unrealistic to expect considerable changes to France's stance towards the OSCE.

Notes

1 See "Actualisation stratégique", French Ministry of the Armed Forces, February 2021, https://www.defense.gouv.fr/dgris/presentation/evenements/actualisation-strategique-2021. An official English translation is available at the same address.

2 Note that the Minsk Group is not an OSCE institution properly speaking, although it has close ties to the Organization. The three Minsk Group Co-Chairs did not play a role in settling the 2020 Karabakh war. Thus far, France's ever more complicated relations with Turkey – which include dangerous situations involving military vessels in the Eastern Mediterranean in June 2020, as well as personal attacks on Emmanuel Macron by President Erdogan – seem not to

have affected France's role in the Minsk Group.

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4 See Frédéric Senneville, "Pourquoi la France ne veut-elle pas reconnaître le Haut-Karabakh?", LCI, 4 December 2020, www.lci.fr/international/pourquoi-la-france-ne-veut-pas-reconnaitre-le-haut-karabakh-2171958.html

5 For details, see e.g. European Parliamentary Research Service, "At a glance: Ukraine: The Minsk agreement five years on", March 2020, https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/646203/EPRS_ATA(2020)646203_EN.pdf

6 OSCE, Moscow Mechanism, 1 December 1991, amended 1993, https://www.osce.org/odihr/20066

7 Stephanie Liechtenstein, "Exclusive: Austrian professor nominated for OSCE mission to investigate human rights violations in Belarus", Security and Human Rights Monitor, 23 September 2020, https://www.shrmonitor.org/exclusive-nomination-austrian-professor-for-osce-mission-to-investigate-human-rights-violations-in-belarus/

8 See the French OSCE representation's Twitter feed, https://twitter.com/RP_France_OSCE/status/1394670737051504640/photo/1

9 "OSCE commits to new gender equality targets at Generation Equality Forum in Paris", OSCE, 1 July 2021, https://www.osce.org/secretariat/491506

10 "OSCE Special Representative commends France on prioritizing fight against trafficking and calls for strengthening victim-centred approaches", OSCE, 2 July 2021, https://www.osce.org/cthb/491620

11 For more information, see the Alliance's website at https://multilateralism.org/

12 See e.g. Ronja Kempin (ed.), "France's foreign and security policy under President Macron", SWP Research Paper 2021/RP 04, May 2021, https://www.swp-berlin.org/en/publication/frances-foreign-and-security-policy-under-president-macron/

13 "France's financial contribution to the OSCE", French Foreign Ministry, https://www.diplomatie.gouv.fr/en/french-foreign-policy/security-disarmament-and-non-proliferation/our-alliances-and-cooperations/france-and-the-osce/#sommaire_4

14 Blaise Gauquelin, "La France bloque le budget 2019 de l'OSCE", Le Monde, 8 January 2019, https://www.lemonde.fr/international/article/2019/01/08/la-france-bloque-le-budget-2019-de-l-osce_5406338_3210.html

15 OSCE, Decision No. 1369, Approval of the 2020 Unified Budget, 1269th Plenary Meeting, PC Journal N° 1269, Agenda item 6, PC.DEC/1369, 28 May 2020, Attachment 7, p. 2, https://www.osce.org/files/f/documents/4/4/453804.pdf

16 In recent years, the French foreign ministry's budget has suffered considerable cuts. From 2007 to 2020, it lost about 10 per cent of its personnel due to budget constraints and has seen its funding decrease every year up to the pandemic. See e.g. "France cuts billions from public spending to meet EU limit", BBC, 11 July 2017, https://www.bbc.com/news/world-europe-40569589

17 Loïc Simonet, "Twenty Years after the Istanbul Platform for Co-operative Security: How Can the OSCE's Contribution to 'Effective Multilateralism' Be Strengthened through Co-operation with Other International and Regional Organizations?", in: IFSH (ed.), OSCE Year-

book 2019, Baden-Baden: Nomos, 2020, 247-272.

18 Most prominently, see President Macron's speeches at the annual ambassador's conferences in August 2018 and 2019, respectively, https://www.elysee.fr/emmanuel-macron/2018/08/27/discours-du-president-de-la-republique-a-la-conference-des-ambassadeurs; https://www.elysee.fr/emmanuel-macron/2019/08/27/discours-du-president-de-la-republique-a-la-conference-des-ambassadeurs-1

19 For details, see Stephanie Liechtenstein, "If we want to defend Europe's interests, we have to engage with Russia" (interview with Pierre Vimont), Security and Human Rights Monitor, 14 April 2021, https://www.shrmonitor.org/if-we-want-to-defend-europes-interests-we-have-to-engage-with-russia-dialogue-with-russia/

20 See "Initiative franco-allemande sur la lutte contre les trafics illicites d'armes à feu dans les Balkans occidentaux", French Ministry of Foreign Affairs, https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/securite-desarmement-et-non-proliferation/desarmement-et-non-proliferation/elimination-et-maitrise-des-armements-classiques/article/initiative-franco-allemande-sur-la-lutte-contre-les-trafics-illicites-d-armes-a

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23 See Secretary General Helga Schmid's Twitter feed, https://twitter.com/HelgaSchmid_SG/status/1410630567222202373?s=20

24 "Actualisation stratégique", cited above (Note 1), p. 14 (English version).

Turkey and the OSCE

Giray Sadik[*]

Abstract

This paper presents Turkey's perception of the OSCE and its expectations of the Organization. It examines the relevance of the OSCE for Turkey's foreign and security policy, the OSCE's shortcomings from a Turkish perspective, and the Turkish government's priorities for engagement with the Organization. Turkey's primary interest in the OSCE is for it to become more effective in stabilizing crises in the country's immediate neighbourhood. Other priorities for Turkey are the fight against terrorism and transnational organized crime.

Introduction

Turkey has a unique geostrategic position in the OSCE area, bordering the Balkans, the Black Sea, the Caucasus, the Middle East, and the Mediterranean. This case study presents Turkey's perception of the OSCE and what it expects from the Organization. It first examines the relevance of the OSCE for Turkey's foreign and security policy, followed by a discussion of the OSCE's shortcomings from a Turkish perspective and an analysis of the Turkish government's priorities for engagement with the Organization. The paper concludes with recommendations for the future of the OSCE in light of Turkish government views.

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The OSCE's relevance for Turkey's foreign and security policy

Turkey was engaged in the CSCE/OSCE process from the start and remains an active participant. It supports the strengthening of the OSCE's role, particularly in its immediate neighbourhood, where challenges include managing undocumented migration flows and regional conflicts such as those in Syria and Libya, with lingering repercussions for the Eastern Mediterranean. Such challenges are increasingly hybrid in nature, with the lines between national and international, civilian and military, and physical and cyber security becoming more and more blurred.

Turkey joined NATO and the Council of Europe in the early years of the Cold War. These organizations were and are likely to remain the anchor points for the country's connection to the West. Turkey therefore supports synergies and

complementarity between these Western political and military organizations and the OSCE, in line with its policy of effective multilateralism.

Turkey considers the OSCE and the Council of Europe to have a special relationship and views them as working in tandem. Turkey's former Permanent Representative to the OSCE, Ambassador Rauf Engin Soysal, highlights the advantages of close cooperation between them as follows:

> International organizations active in the same area – here I use the term "area" to denote both the *geographical* and *conceptual area* – do not *per se* stand in competition. On the contrary, positive overlaps and spill-overs can mutually reinforce their work. Therefore, we commend the efforts to strengthen the dialogue and institutional cooperation between the OSCE and the Council of Europe. Synergies at the organizations' executive as well as technical levels can increase the effectiveness of multilateralism.[1]

A particular focus has been synergies in the areas of fighting terrorism and combating human trafficking. Turkey attaches importance to the OSCE's support of the implementation of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, the first international treaty addressing the phenomenon of foreign terrorist fighters. Turkey has ratified the Additional Protocol, and it entered into force in Turkey on 1 June 2018.[2]

Relations with the EU are another important, if not unproblematic, element of Turkey's ties to the West. The OSCE provides Turkey with a good platform for approaching the EU, as it has been a participating State from the beginning, whereas its accession to the EU remains uncertain. At the same time, this uncertainty has a detrimental effect on Turkey's multilateral cooperation within the OSCE. There is always the risk that some EU state might decide to divert debate on an issue that is critical for Turkey to the EU arena, where the country is not represented.

Turkey's expectations of the OSCE

Turkey regards respect for the fundamental principles of the OSCE, particularly the affirmation of a close connection between security and cooperation and the consensus-based mode of operation, as essential for a strong OSCE that has added value for participating States' security.

Turkey's support for OSCE engagement in resolving protracted conflicts and its chairing of the Forum for Security Co-operation (FSC) in 2020 demonstrate its readiness to contribute to OSCE efforts to strengthen security and stability in its first, politico-military dimension.[3] Turkey has emphasized the need to enhance the FSC's role as a unique platform for cooperation and confidence building.

Countering terrorism and other transnational forms of crime, which continue to threaten the OSCE region and its neighbourhood, has been an important thematic focus for Turkey. It has underscored the need to "collectively

fight not only the Islamic State, but also other terrorist organizations with equal and ever-increasing determination without distinctions".[4] Turkey perceives the equal and non-discriminatory application of standards by the OSCE in the fight against terrorism and other threats, from transnational organized crime to xenophobia and Islamophobia, as an essential aspect of the indivisibility of security in the OSCE area.

Turkey has been increasingly concerned about OSCE activities in its immediate neighbourhood and their potential impact on its security. In Turkey's view, the participating States need to lead by example when it comes to empowering the OSCE to resolve conflicts in the region. Turkey is involved in the joint Russian–Turkish monitoring of the ceasefire in the conflict over Nagorno-Karabakh and supports Azerbaijan's de-mining of the area.

Turkey believes it is important to deepen its relations with the OSCE's Mediterranean and Asian partner states and to further explore potential areas for cooperation. Turkey's rapprochement with the Mediterranean partners, especially recent diplomatic overtures to Egypt and Tunisia, can be attributed to the country's search for support from the region with respect to the crises in Libya and the Eastern Mediterranean. As for the Asian partners, Turkey's efforts are geared more towards economic cooperation with the advanced economies of the region, such as Japan, Korea, and Australia.

Regarding human security, Turkey believes the Office of Democratic Institutions and Human Rights (ODIHR) needs strengthening in the areas of reporting hate crime and integrating migrants.[5] It maintains that the OSCE should set an example for other forums in highlighting the threat of hate speech and racial and religious discrimination. It has emphasized the importance of achieving deliverables on tolerance and non-discrimination towards Muslims.

Shortcomings of the OSCE from Turkey's perspective

Turkey's main area of dissatisfaction with the OSCE concerns what it perceives as its application of double standards, particularly with regard to combating populism and xenophobia. Although secular by constitution, Turkey, whose population is predominantly Muslim, has a substantial diaspora in many of the OSCE participating States in Europe, the majority in Germany. Growing Islamophobia and racism and a surge of attacks against Turks in Europe have made tackling right-wing extremism in Europe an issue of direct concern for Turkey.[6] Turkey expects full cooperation from the OSCE and its participating States in preventing such attacks and prosecuting their perpetrators. However, cooperation on this issue remains extremely limited at best, and this is likely to further plague Turkey's relations with the Organization.

Protracted conflicts pose another challenge to achieving stability in the OSCE area. The mere containment of protracted conflicts cannot be viewed as success. Turkey believes that the OSCE should be more active in its efforts to

resolve these conflicts, making the best possible use of its broad acquis, tools, and capabilities.[7] Turkey's dissatisfaction primarily concerns the OSCE Minsk Group's inability to end the conflict in Nagorno-Karabakh and the extensive use of banned landmines.

Finally, the Turkish government regards the cooperation of NGOs with the OSCE with scepticism. The participation of certain Turkish non-governmental organizations in OSCE events has been the subject of repeated disputes between Turkey and the Organization in recent years. The Turkish government has expressed the concern that some of the NGOs claiming to represent civil society are affiliated with terrorist organizations. Turkey insists that the OSCE should not provide a platform for terror-affiliated entities. Accordingly, Turkey expects the provisions of the 1992 Helsinki Document on the increased involvement of non-governmental organizations in OSCE activities to be fully implemented, especially the clause excluding their application to persons or organizations who publicly condone terrorism or the use of violence.[8]

Outlook

Turkey's key interest in cooperating with the OSCE and other international organizations is the protection of its national security. Dormant and active conflicts in the country's immediate neighbourhood from the Eastern Mediterranean to the Middle East and the Caucasus make the attainment of regional stability a priority.

Going forward, Turkey maintains that the OSCE must continue to play a key role in upholding the cornerstones of the European security architecture. To regain strategic relevance, the OSCE must respond to developments in the field in a timely manner. Support for initiatives such as the establishment of the Turkish–Russian ceasefire monitoring centre for Nagorno-Karabakh in the Aghdam district of Azerbaijan could pave the way for such renewed engagement.

There are further ways in which participating States – including Turkey – could help to enhance the OSCE's role. First, governments should maintain the OSCE as the preferred platform for negotiations and conflict resolution efforts where possible. Given that Turkey is still an EU candidate country, the OSCE is better positioned than the EU to mediate disputes between EU members and Turkey, as it is more inclusive and can therefore be expected to take a more neutral position.

Second, there is a need for a pragmatic approach to the interrelation between the three dimensions of the OSCE. A degree of compartmentalization may be necessary. As German Chancellor Merkel noted, "strategic ties with Turkey should be maintained despite serious differences on human rights."[9] Recently, the EU adopted a similar approach with Hungary and Poland.

As one of the founding members of the OSCE, Turkey also needs to expand its level of engagement to include the second and third dimensions more comprehensively. To this end, Turkish academics and civil society should be encouraged to engage with OSCE-related issues on

the national and international level. This would serve two major purposes. First, it could foster the admittedly hitherto limited engagement of civil society and academia with the OSCE, and thus promote Turkish perspectives internationally. Second, the work of civil society and academia could encourage Turkish foreign policymaking to be more multifaceted when considering the issues that the OSCE needs to address. In the face of challenges to the security of states and citizens, academia and civil society have the potential to become the new drivers of the OSCE agenda, especially in areas related to the human dimension.

Notes

1 Statement by Ambassador Rauf Engin Soysal, Permanent Representative of Turkey, in response to H.E. Marija Pejčinović Burić, Deputy Prime Minister and Minister of Foreign and European Affairs of Croatia and Chair of the Committee of Ministers of the Council of Europe, 1189th Meeting of the Permanent Council, 14 June 2018.

2 Ibid.

3 Statement by Ambassador Rauf Engin Soysal, Permanent Representative of Turkey, in Response to Mr George Tsereteli, President of the OSCE PA, 1255th Meeting of the Permanent Council, 16 January 2020.

4 Statement by Ambassador Rauf Engin Soysal, Permanent Representative of Turkey, in response to the Minister of Foreign and European Affairs of Slovakia, H.E. Miroslav Lajčák, 1211th Special Meeting of the Permanent Council, 10 January 2019.

5 Statement by Ambassador Rauf Engin Soysal, Permanent Representative of Turkey, in Response to the Secretary General's Presentation of the 2021 OSCE Programme Outline, 1266th Meeting of the Permanent Council, 7 May 2020.

6 Statement by Ambassador Rauf Engin Soysal, cited above (Note 3).

7 Ibid.

8 "The participating States will provide opportunities for the increased involvement of non-governmental organizations in CSCE activities. […] The above provisions [on increasing the openness of CSCE activities, promoting understanding of the CSCE, expanding the role of NGOs] will not be applied to persons or organizations which resort to the use of violence or publicly condone terrorism or the use of violence." OSCE, Helsinki Document 1992 "The Challenges of Change", 10 July 1992, Chapter IV, paras. 14 and 16, https://www.osce.org/mc/39530

9 "Merkel says strategic ties with Turkey should be maintained despite 'serious differences on human rights'", Duvar-English, 24 June 2021, https://www.duvarenglish.com/merkel-says-strategic-ties-with-turkey-should-be-maintained-despite-serious-differences-on-human-rights-news-57944

Kazakhstan and the OSCE

Rustam Burnashev and Irina Chernykh[*]

Abstract

Since Kazakhstan joined the OSCE in 1992, its attitude towards the Organization has changed from full acceptance of its principles to a departure from them, especially with respect to its human dimension. This paper discusses the relevance of the OSCE for Kazakhstan, Kazakhstan's expectations of the OSCE, and its criticism of its work. It shows that while Kazakhstan identifies cooperation with the OSCE as one of its foreign policy priorities, it does not perceive the Organization as a key institution. Rather, it sees it as one of a number of European and Eurasian organizations in which it is only marginally involved and which therefore remain "external" to Kazakhstan. While participation in the OSCE and its development is regularly mentioned in Kazakhstan's political discourse, attention to the Organization is ad hoc. Kazakhstan tends to use the OSCE as a platform for its branding diplomacy, for example by highlighting the achievement of its 2010 Chairpersonship or by lobbying for the establishment of an OSCE thematic centre on sustainable connectivity in Nur-Sultan.

Introduction

Kazakhstan became a participant of the CSCE (since 1995 the OSCE) in 1992, after the collapse of the Soviet Union. Since then, its attitude towards the Organization has undergone significant transformation. In the 1990s, it tried to implement the basic principles of the CSCE/OSCE, first and foremost the precept that "security is no longer based on the balancing of mutual threats but instead relies on the establishment of mutual confidence through openness and transparency."[1] By the beginning of the 2000s, however, Kazakhstan had already distanced itself from the OSCE's principles, especially those of the human dimension. This was due in part to the sharp decline in trust and cooperation between Western and Eastern participating States in the late 1990s, and in part to the increase in authoritarianism in Kazakhstan and other post-Soviet states. At about the same time, Kazakhstan began to promote the idea of holding the OSCE Chair. Preparing the ground for Kazakhstan's assumption of this role became central to its "Path to Europe" programme, through which it aimed to achieve relations with leading European countries on "the lev-

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el of strategic partnership".[2] Kazakhstan's 2010 OSCE Chairpersonship and the OSCE Summit it hosted in Astana did not overcome the crisis of the Organization, nor did they change the nature of the political regime in Kazakhstan and its attitude towards OSCE principles. For Kazakhstan, both the Chairpersonship and the Summit were important not so much for their content but rather as part of its branding diplomacy. Subsequent years have been marked by a relative decline in both Kazakhstan's engagement in the OSCE and the latter's activities in the country.

The OSCE in Kazakhstan's foreign and security policy

The strengthening of international security cooperation within the context of the OSCE figures in Kazakhstan's political discourse as one of the main areas of its security policy.[3] Kazakhstan also associates the development of green economy, energy security, disaster prevention, and the promotion of sustainable connectivity with the OSCE.[4] A number of policy documents adopted by Kazakhstan refer to the OSCE. The Comprehensive Plan for the Implementation of State Policy in the Religious Sphere for 2021–2023, for example, states that "the country's legislation complies with the basic principles underpinning the international standards adopted by the OSCE."[5] Kazakhstan extends the mandate of the OSCE Programme Office in Nur-Sultan on an annual basis, emphasizing the importance of its work in all three OSCE security dimensions.[6]

At the same time, however, Kazakhstan regards the OSCE as just one among several European and Eurasian organizations. The official discourse often refers not to Kazakhstan's participation "in" the OSCE but to cooperation "with" the OSCE. The Concept of Foreign Policy of the Republic of Kazakhstan for 2020–2030 mentions the OSCE only once when identifying its priorities for regional and multilateral diplomacy, alongside the Collective Security Treaty Organization, the Council of Europe, and NATO.[7] The OSCE is thus seen as "external" to Kazakhstan; the state seems not to accept the Organization's principles and values as its own but rather views them as imposed from the outside.

There is no systematic discussion in Kazakhstan at the governmental or parliamentary level of the significance of the OSCE for the country or of ways to make better use of it. Attention to the OSCE is ad hoc and determined primarily by the activities of the Organization itself, for example the monitoring of the parliamentary elections in January 2021, assessed as lacking competition and having systemic limitations, and the visit to Kazakhstan by Chairperson-in-Office Ann Linde in April 2021.

Kazakhstan tends to use the OSCE as part of its branding diplomacy, aimed at "placing Nur-Sultan in a visible position".[8] It still attributes great importance to its 2010 Chairpersonship, emphasizing that it was "the first among the CIS [Commonwealth of Independent States] member states and the first among the

countries of Asia, the Muslim and Turkic-speaking world" to chair the Organization.[9] It views the appointment of Kazakh diplomat Kairat Abdrakhmanov to the position of High Commissioner on National Minorities in 2020 in a similar vein.[10]

Expectations of the OSCE

Aside from the general expectation that the OSCE should revive the "spirit of Helsinki" and enhance the effectiveness of its work, Kazakhstan does not usually formulate any specific expectations or proposals regarding the Organization. However, an analysis of official documents and speeches reveals a number of separate but interrelated areas of special interest.

First, from a regional security perspective, Kazakhstan maintains that it is important for the OSCE to increase its efforts to resolve the protracted conflicts in the OSCE area and to promote stability in Afghanistan. The government believes that Kazakhstan can contribute to these efforts by building on its experience as an intermediary, with respect to the violence in neighbouring Kyrgyzstan during its Chairpersonship in 2010 and as host of the Astana process, to resolve the situation in Syria.

Second, Kazakhstan is of the opinion that the OSCE's activities in the economic and environmental dimension "can be a catalyst for reducing tensions and strengthening confidence-building measures among the OSCE participating States".[11] In particular, it expects that the OSCE can support the development of transport corridors connecting Asia and Europe.[12]

Third, Kazakhstan supports regional and subregional projects in Central Asia,[13] including efforts to synergize the work of the OSCE field operations in Central Asia in areas such as counterterrorism, anti-corruption, border and water resource management, and the development of digitalization, green economy, good governance, and environmental protection. It supports the activities of the OSCE Academy in Bishkek and the OSCE Border Management Staff College in Dushanbe.[14]

Fourth, Kazakhstan seeks to use the OSCE platform to raise its international visibility. It has proposed intensifying the OSCE's interaction with the Conference on Interaction and Confidence Building Measures in Asia as part of its foreign policy initiative "Three Dialogues".[15] Kazakhstan's campaign to establish an OSCE thematic centre or regional hub for sustainable connectivity in its capital, first announced in 2017 and much disputed among participating States, can also be seen as an effort to enhance its international reputation.[16] Kazakhstan believes it is important for OSCE structures to be spread evenly across the geographic area of its participating States as a way of increasing mutual trust and understanding.[17]

Some of these proposals are more specific and feasible than others. While the idea of developing transport corridors connecting Asia and Europe and the proposal to intensify the OSCE's regional and subregional activities are of a practical nature and can be implemented,

the proposal to intensify its work on conflict resolution and promote global dialogue initiatives is less realistic and largely declarative. Kazakhstan's claim regarding the significance and success of its experience in conflict mediation is also exaggerated.

Certain political figures in Kazakhstan have also voiced proposals for the OSCE's work. For example, former OSCE Chairperson-in-Office Kanat Saudabayev has identified consolidating efforts in the fight against COVID-19, countering cyberattacks, and convening a new OSCE Summit as topical areas of engagement.[18] These ideas, although in line with Kazakhstan's general rhetoric, are not official, however.

Perception of problems faced by the OSCE

As of 2021, Kazakhstan does not engage in direct official and systematic criticism of the OSCE, apart from general remarks with respect to the weakening of the "spirit of Helsinki" and the "spirit of Astana", the loss of mutual trust and space for dialogue, and the escalation of tensions.[19] When Kazakhstan does voice criticism of the OSCE, it is usually in response to negative comments from individual OSCE structures, primarily regarding the observance of human rights, fundamental freedoms, and democratic procedures in the country.

In 2010, President Nazarbayev published an article on key problems faced by the OSCE.[20] In his view, these included the unequal involvement of participating States in solving problems that are equally important to all; the disruption of the politico-military balance in the OSCE area; the existence of "frozen conflicts"; the fragmentation of the OSCE area into three zones (North America, Europe, and Asia) and the lack of integration of the Eurasian space into the Organization's capacity development process; the re-emergence of inter-ethnic and interreligious tensions; and the problem of illegal and irregular migration and the integration of migrants into host country societies. There is no reason to believe that Kazakhstan has changed its assessment of these issues since then. Individual references to these problems continue to be made in speeches and statements by Kazakh officials. At the same time, Kazakhstan continues to adhere to the idea that "the OSCE's core activities are based on well-established principles, standards and rules, which it does not intend to abandon, as they embody the spirit of the Organization."[21]

The OSCE as seen by civil society and academia

There is no broad, systematic discussion of OSCE issues in Kazakhstan's civil society or academic community. Expert assessments of the OSCE can usually be found only in specialized studies, such as the OSCE Network study "Central Asian Narratives on the OSCE".[22] Opinions on the OSCE vary widely, and there is no clearly definable common view.

Most experts close to government circles agree that the OSCE's work is im-

portant but that its projects should be oriented more towards activities such as support for law enforcement agencies or border control. Representatives of the independent academic community and civil society believe that the OSCE does little to address human rights and that the majority of its projects in this field are declarative in nature, lacking real substance.

Academics tend to criticize the OSCE's projects in Kazakhstan for their limited scope and ineffective implementation, due to excessive formalization. They note that the topics, agendas, and participants of projects and events are subject to a multi-stage coordination process between and within the official structures of Kazakhstan and the Organization, which leads to a loss of critical content and relevance. They complain that OSCE activities are mostly reactive in nature, responding to requests coming from state bodies, and unlikely to make a real difference to the quality of the public service. They point out that there is no record of how OSCE-organized overseas visits and study tours, roundtable discussions, and training sessions for civil servants affect the quality of ministries' work, and they question the substance and relevance of their recommendations.

Another problem, according to experts and activists, is that it is difficult to identify the actual beneficiaries of OSCE activities. For example, the meeting of Chairperson-in-Office Linde with representatives of Kazakhstan's civil society was criticized for its closed nature and non-transparent procedure for selecting participants.[23] Experts and activists often perceive both foreign experts invited by the OSCE and programme staff as incompetent and uninformed about the situation in Kazakhstan, and this has a negative impact on the OSCE's image.

Alongside this criticism, representatives of civil society and academia also note positive aspects of the OSCE's operation, both in Kazakhstan and as a whole. They highlight its effectiveness in facilitating participating States' cooperation in the politico-military and economic and environmental dimensions of security. They also positively note that the OSCE provides a platform for independent civil society organizations to voice their positions, first and foremost on human dimension issues, for example at the annual Human Dimension Implementation Meeting in Warsaw.

Looking to the future

Kazakhstan will likely maintain its approach to and level of participation in the OSCE in the medium term. It will continue to declare its commitment to the Organization's goals and values and rhetorically identify the OSCE as one of its foreign policy priorities. In doing so, however, it will regard the OSCE not as a key institution but as one among several European and Eurasian organizations.

Kazakhstan will continue to use the OSCE as a platform for raising its international profile as part of its branding diplomacy, including by lobbying for the establishment of an OSCE thematic centre in Kazakhstan and promoting its diplomats to key positions within the Or-

ganization. It will continue to encourage regional and subregional OSCE projects, especially in the economic and environmental dimension, including on promoting transport corridors connecting Asia and Europe. Finally, Kazakhstan will continue to attach importance to mediation and conflict resolution, particularly with a view to Central Asia and the situation in Afghanistan.

Notes

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Sweden and the OSCE

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Abstract

Assuming the Chairpersonship of the OSCE in 2021, Sweden proposed that the Organization go back to basics, with a focus on upholding respect for OSCE commitments and the key principles established in the Helsinki Final Act of 1975. Non-compliance with these principles is perceived by Sweden as a threat to European security in general and to Sweden's security in particular. The Chairpersonship has therefore focused on three priorities: safeguarding the European security order; protecting the OSCE's comprehensive concept of security, in particular with reference to the human dimension; and promoting conflict resolution through small steps, supported by the direct and active engagement of the Chairperson-in-Office herself. The Swedish government has put particular emphasis on feminist foreign policy, setting gender equality and the enhancement of the role of women in the OSCE's work for peace and security as a fundamental goal.

Back to basics

One of Sweden's main incentives for applying for the 2021 OSCE Chairpersonship was supporting multilateralism, which has been an important part of Swedish foreign policy since the end of the Second World War.[1] The Swedish Foreign Minister Ann Linde declared that the guiding principle of Sweden's Chairpersonship would be to "go back to basics", referring to the need to re-establish respect for the fundamental principles of the Organization and to secure its capacity to function.[2]

Sweden has some forty years' experience in promoting a well-functioning OSCE. It hosted the three-year Stockholm Conference from 1984 to 1986, pioneering arms control and confidence- and security-building measures. In 1993, it was one of the first countries to chair the OSCE. Rolf Ekéus played a leading role in the Organization as OSCE High Commissioner on National Minorities between 2001 and 2004. Sweden has continuously engaged in collective efforts to consolidate the OSCE as an international organization, despite its lack of universally recognized international legal personality. In 2020, the Swedish delegation in Vienna worked alongside the Albanian Chair to contribute to the OSCE's daily operations and decision-making as it prepared to assume the Chairpersonship the

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following year. With the COVID-19 pandemic and the OSCE leadership crisis in the summer, 2020 was a challenging year for the Organization.

Sweden's declared intention to go back to basics referred above all to re-establishing respect for the fundamental principles enshrined in the 1975 Helsinki Final Act and the 1990 Charter of Paris. The commitments made in these historic consensus agreements underpin democracy, human rights, and the rule of law in the entire region, from Vancouver to Vladivostok. The participating States reaffirmed them as late as the OSCE Summit in Astana in 2010,[3] but their implementation continues to backslide, in the East as well as the West. This backsliding also pertains to the principles of sovereignty and territorial integrity and is perceived by Sweden as a threat to the European security order in general and to Sweden's security in particular. Ensuring adherence to fundamental principles is therefore a crucial point in Sweden's security policy and its expectations with regard to the OSCE.

Focus on hard security

From a wider Swedish security policy perspective, the security situation in the OSCE area has become more challenging in recent years. In the late 1990s, Sweden still believed that participating States' views regarding democracy, human rights, and the rule of law were converging. There were fluctuations here and there, but overall the situation seemed to be gradually improving. Regional conflicts seemed concentrated in what Sweden perceived as the periphery of the OSCE area, in South-Eastern and Eastern Europe, the Caucasus, and Central Asia. However, a few years into the new millennium, Russia's opposition to the so-called colour revolutions in Ukraine and Georgia signalled that the promising situation at the end of the Cold War was slowly deteriorating. Sweden perceives the annexation of Crimea (part of the territory of a participating State) by military means as a strong warning sign of the decline of security in the OSCE area.

For Sweden, divergence from key OSCE principles in recent years has serious military implications. It is concerned about the risks of threatening military escalation, not least given the enormous nuclear arsenals stationed in the European part of Russia. The tension in Belarus in 2021 has brought issues of conflict prevention and conflict resolution closer to the Swedish borders. The rapid technological development of weapons and other instruments of power, including in cyberspace, has also brought the protracted conflicts in the OSCE area closer to Sweden. The humanitarian suffering resulting from the recurring military conflict concerning Nagorno-Karabakh illustrates the destructive potential of these conflicts.

Against this background, Sweden is re-establishing its degraded national territorial defence and strengthening bilateral and multilateral cooperation.[4] It has been a member of NATO's Partnership for Peace since 1994. As an EU member state, it has legal solidarity commitments, complemented by a unilateral solidarity

declaration with the Nordic states, which also includes the non-EU members Iceland and Norway. Finally, Sweden has a statement of intent with the United States in the framework of its bilateral, and particularly close, defence cooperation with Finland.

At the same time, Sweden believes that deterrence must be complemented with confidence-building efforts. In Swedish official policy, hard security negotiations, including at the nuclear level, cannot be pursued without the participation of the most important powers on a basis of formal equality. This is where the OSCE, as a forum where the West and the East can pursue dialogue and cooperation, comes into the picture.

Sweden supports strengthening the OSCE as an arena for cooperation through efforts such as the OSCE Structured Dialogue on ongoing and future challenges and risks to security. The Structured Dialogue provides an opportunity for direct expert communication among government representatives from the fifty-seven capitals. Following up on its earlier position as Chair of the OSCE Forum for Security Cooperation in 2018,[5] Sweden promotes efforts to strengthen arms control and to keep the Vienna Document and the Open Skies Treaty viable and functioning.[6] Initiating a substantial dialogue on these issues is difficult, however, as Russia and other major powers resist the multilateralization of negotiations that affect their power assets, particularly those relating to nuclear capabilities. Nonetheless, as Russia has begun to seriously challenge the trend towards enlarging the EU and NATO, the need to re-establish overarching dialogue has become more pressing.

As OSCE Chair, Sweden regards efforts to resolve the protracted conflicts in the OSCE area as a priority. Maintaining a ceasefire in Ukraine remains an important objective, as does seeking progress in the Transnistrian conflict in Moldova. Sweden has long been aware of the danger of the spillover of conflict from countries outside the OSCE area, including Afghanistan. The Chairperson-in-Office has addressed this concern in her communication with counterparts in Central Asia.

Championing the human dimension

The human dimension was identified early on as an important part of the OSCE's comprehensive concept of security and plays a central role for Sweden. It comprises issues of human rights, democracy, and the rule of law but also relates to economic-environmental principles of the OSCE's second dimension and indeed to national minority rights and human security, traditionally seen as part of the OSCE's first, security-related dimension. Sweden's commitment to the human dimension–related norms that were solidified in the 1990 Paris Charter and subsequent OSCE documents agreed in the years following the Cold War constituted a necessary condition for the country's successful integration into the international community, as these were translated into legally binding commitments in several international cooperative con-

texts, including the EU and the Council of Europe.

The human dimension is an area of friction among participating States, and therefore Swedish policy in this area is determined both by concern and by ambition. OSCE discussions on human dimension commitments no longer relate to the eastern part of the OSCE region alone. There has been backsliding in adherence to OSCE commitments in the western part as well, as demonstrated by the emergence of populism and xenophobia, especially after the migration crisis of 2015. This is a delicate issue for Sweden, both in the context of its upcoming presidency of the Council of the European Union in 2023 and in its cooperation with the OSCE Chair for 2022, Poland.

The Swedish government perceives the OSCE's ambitions for action on at least one of its commitments as too low: the promotion of the role of women in the prevention and resolution of conflicts and in peacebuilding. Although the implementation of the global Women, Peace and Security agenda initiated by UN Security Council Resolution 1325 has seen only limited progress over the past two decades, Sweden believes that this is an avenue for cooperation among OSCE participating States that offers hope even in the current political climate. An example of this is the dedication of the Economic and Environmental Forum to the topic of women's economic empowerment.

A policy of small steps

Sweden assumed the OSCE Chair in a climate of uncertainty about how domestic political changes in key countries (e.g. Joe Biden's election as US President) will affect multilateralism and the OSCE. Against this background, the Swedish Chair's approach has been to take small steps, underpinned by frequent engagement at the ministerial level.

The Chairperson-in-Office, Swedish Foreign Minister Ann Linde, has made a number of public appearances, including before the UN Security Council,[7] and has travelled frequently to conflict areas. She met bilaterally with the Russian Foreign Minister[8] and appeared before the US Helsinki Commission in an extensive hearing.[9] Together with her Special Representatives, she conducted a series of visits to the field early on in 2021.[10]

The Swedish Chair has considered it important to work with OSCE institutions and field operations to identify areas of potential cooperation and progress in the current political climate and to avoid duplication with the work of other international organizations. A major focus has been going local and upgrading the importance of community security. An example of this is the support provided by the OSCE Programme Office in Bishkek to women leaders seeking to defuse inter-ethnic violence in Osh and other locations in southern Kyrgyzstan. In regions where conflict remains latent, such as Central Asia, Sweden has sought to contribute to efforts in conflict resolution.

Conclusion and recommendations

Seeking to circumvent political obstacles by taking small steps is characteristic of the Swedish approach to security. Based on the lessons it has learned during its Chairpersonship, a number of recommendations can be formulated that could help the OSCE to move forward.[11] Sweden has found it advantageous to seek agreement on procedure before substance and to address problems in their local context instead of seeking global solutions. It has proved beneficial to focus on less contentious areas of cooperation, notably in the second (economic and environmental) dimension, and on common threats and challenges, notably transnational threats. Sweden has found it important to establish dialogue between capitals (rather than exclusively in Vienna) and to seek informal channels of communication. Finally, Sweden's experience as OSCE Chair during the COVID-19 pandemic has required creativity in finding ways to carry on despite the crisis, especially through innovations in the field of digital communication. These innovations could be further developed to transform the OSCE into a hub for dialogue between participating States and civil society.

Notes

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11 This is a collection of suggestions based on the author's analysis, commented upon in positive terms by representatives of the Chair. However, it is not a formal list of deliverables for the Ministerial Council.

Poland and the OSCE

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Abstract

Increasingly feeling threatened by security developments beyond its eastern border and seeking tangible security guarantees, Poland has tended to view the OSCE as having limited value. Its successful bid for the 2022 OSCE Chairpersonship has temporarily shifted Warsaw's perception of the importance of the OSCE, however, which has otherwise been dwarfed by NATO and the EU in Polish foreign and security policy. Although there has been limited public, expert, and academic interest in the OSCE, Poland appreciates the unique features of the Organization and aims to remain active within the framework of its comprehensive approach to security, with an emphasis on increasing the effectiveness of the politico-military dimension and its role in conflict areas, particularly in Eastern Europe. At the same time, due to the highly adversarial nature of relations among participating States and weaknesses affecting the functioning of the OSCE, Poland does not have high hopes for the OSCE's ability to address crucial security challenges in Europe.

Introduction

The OSCE's importance to Poland has been temporarily elevated as a result of its successful bid for the 2022 Chairpersonship. As the upcoming OSCE Chair, Poland has increased its involvement in the OSCE, serving as a member of the OSCE Troika and as Chair of the OSCE Mediterranean Partnership for Co-operation Contact Group since January 2021. It is likely that 2022 will be the year of the OSCE for Polish diplomacy. As Minister of Foreign Affairs Zbigniew Rau put it in July 2021, Poland "will spare no effort in assisting participating States in fostering dialogue while guarding the OSCE's principles and commitments".[1]

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Nevertheless, the increased attention given to the OSCE does not necessarily signal a major shift in Poland's perception of the value of the Organization or its willingness to spearhead ground-breaking OSCE initiatives.

The OSCE in Polish foreign and security policy

Increasingly feeling threatened by security developments beyond its eastern border and seeking tangible security guarantees, Poland has tended to view the OSCE as having limited value. Even before Russia's occupation of Crimea, the CSCE/OSCE's role in Polish foreign and security policy was dwarfed by the influence of NATO and the EU.[2] Polish security policy is based on four mutually reinforcing pillars: membership in NATO

and the EU, a security partnership with the United States, and regional security cooperation. Since the deterioration of Poland's relationship with Russia, the importance of structures and relationships that provide Poland with credible deterrence and influence options has increased significantly. In this context, the OSCE is of limited value compared with NATO (as a provider of hard security guarantees) and the EU (with its comprehensive Eastern Partnership and Eastern policy towards Russia and Central Asia).

The OSCE is commonly mentioned in Polish strategic documents, although its role has not been set out in detail. For example, the 2020 National Security Strategy stipulates only that Poland will "take steps to enhance the effectiveness […] of the Organization for Security and Co-operation in Europe as [a] vital part of the cooperative security system in Europe".[3] With the exception of the writings of former Foreign Minister and international security expert Professor Adam Daniel Rotfeld, there has been limited public, media, expert, and academic interest in the OSCE.[4] The Polish delegation to the OSCE Parliamentary Assembly remains active, but neither the parliament nor its foreign affairs committees have held recent OSCE-specific debates.

Nonetheless, this does not make the OSCE irrelevant to Poland. Poland recognizes the distinctive position of the OSCE as a regional security organization based on a well-developed set of common principles and commitments, with an inclusive membership and important historical accomplishments. The Organization is one of the pillars of the rules-based international order which Poland is interested in upholding. Explaining the rationale for applying for the OSCE Chairpersonship, Foreign Minister Jacek Czaputowicz noted Poland's appreciation of the Organization's role in promoting stability in Europe and expressed its willingness to act as an "impartial intermediary" facilitating cooperation.[5]

Finally, there is a direct link between the OSCE's agenda and regional priorities in Polish foreign and security policy. This principally concerns Eastern Europe and the South Caucasus, the Western Balkans, and Central Asia. The Organization's first (politico-military) dimension of security is important to Poland's aim of increasing military transparency and predictability. Finally, the OSCE remains a forum where Poland can signal its position on important European security issues, including the application of additional pressure on the Belarusian regime and Russia.

Perception of the OSCE's role and capabilities

Poland views the OSCE area as facing a number of challenges, including ongoing conflicts, political crises and sub-regional flashpoints, a range of transnational threats, and problems brought on by the COVID pandemic. The OSCE itself, however, is not viewed as capable of playing a leading role in dealing with these challenges. Poland has thus taken a pragmatic, down-to-earth approach to the OSCE's role and agenda. It has been wary of calls to elevate the Organization to a cen-

tral position in the European security system or to turn it into a structure for coordinating other regional organizations. From Poland's perspective, this would contravene the centrality of NATO and the EU in its foreign policy and would give Russia the chance to increase its influence. It also rejects the notion that some of the basic principles included in the Helsinki Final Act, the Paris Charter, and other OSCE documents are outdated and that the Organization should not hold countries accountable but simply accept the fact that a number of OSCE participating States are autocratic regimes.

Poland has limited expectations with regard to the OSCE's ability to resolve security crises in Europe. In the case of Russia's occupation of Crimea and its presence in the areas of Donetsk and Lugansk, but also in the context of the Russia–Georgia conflict, Nagorno-Karabakh, and Transnistria, the interests of the involved parties diverge greatly, and the Organization has neither the political power nor the instruments necessary to put sustainable pressure on them or to enforce a lasting solution. It can, however, utilize its conflict management toolbox to stabilize the situation in these areas, ameliorate humanitarian challenges, and facilitate dialogue. In this respect, for example, the impact of the OSCE Special Monitoring Mission (SMM) on the situation in eastern Ukraine is viewed positively (Poland contributed to the mission by seconding personnel and providing COVID vaccinations to SMM staff in June 2021),[6] but a lasting solution to the crisis would – at least from Poland's perspective – primarily require a change of policy on Russia's part. The 2020 Nagorno-Karabakh war between Azerbaijan and Armenia also revealed the limits of the OSCE's utility in the high crisis phase of the conflict cycle.

It cannot be assumed that the OSCE will be able to shield itself from escalating tensions among its participating States. Poland itself has not shied away from criticizing participating States that, in its view, contravene OSCE principles and commitments. It is also supportive of close coordination between NATO and EU countries and of maintaining cohesion between the policy positions adopted by NATO and the EU and the activities of the members in Vienna. At the same time, it has raised concerns about the politicization of nearly every aspect of the functioning of the OSCE – including budget cycle decisions and what should be treated as routine extensions of field operation mandates.

The linking of unrelated or loosely related issues to gain leverage has also been seen as a problem by Poland. In some cases, this has resulted in a single participating State taking the entire Organization hostage over its particular demands, often narrowly defined. One example cited by former OSCE Secretary General Greminger was the blocking of budget process reform due to disagreement over the addition of a "no responsibility for content" disclaimer to documents distributed through the OSCE system.[7] The 2020 crisis over the prolongation of the mandates of the heads of OSCE institutions and the Secretariat can be seen as a consequence of such an approach. What apparently started with one coun-

try's reservations about the head of an OSCE institution spiralled into a larger crisis that resulted in a failure to renew the appointments of the Secretary General, the Representative on Freedom of the Media, the High Commissioner on National Minorities, and the Director of the Office for Democratic Institutions and Human Rights (ODIHR) in July 2020.[8]

In short, Poland views the OSCE as a valuable but not central element of the European security architecture and has tailored its expectations of and engagement with the Organization accordingly. Despite its weaknesses, the OSCE's normative framework and its comprehensive approach to security continue to be seen as positive factors. In addition, Poland appreciates the practical contributions of the Organization on the ground, especially in conflict areas.

Poland's engagement

Poland has a respectable record of engagement with the OSCE. It hosts both ODIHR and the annual Human Dimension Implementation Meeting – Europe's largest regular human rights gathering. Poland served as OSCE Chair in 1998, and Polish diplomats have held important positions within the Organization. Ambassador Adam Kobieracki led the Conflict Prevention Centre from 2011 to 2015, and Ambassador Andrzej Kasprzyk has acted as Personal Representative of the Chairperson-in-Office on the conflict dealt with by the OSCE Minsk Conference (Nagorno-Karabakh) since 1996.

The decision to apply for the OSCE Chairpersonship signals that Poland now views responsibility for European and Eurasian security as requiring a readiness to go beyond the remits of its NATO and EU membership. This is in line with Poland's broader international ambitions, as indicated by its non-permanent membership in the UN Security Council in 2018/2019. During its term, Poland focused on themes that also play into its OSCE Chairpersonship: the strengthening of international law, the protection of civilians in armed conflicts, and the security situation in Eastern Europe. Presenting the outline of the 2022 Polish Chairpersonship programme in July 2021, Foreign Affairs Minister Rau identified three cautiously formulated objectives, roughly corresponding to the three OSCE dimensions: 1) supporting the OSCE's conflict resolution activities; 2) responding to post-COVID challenges through effective multilateralism; and 3) fully utilizing the Organization's potential to implement shared commitments.

The politico-military dimension has been the most important area of engagement for Poland by far, especially since the overall deterioration of the security situation in Central Europe. Poland has been active in the Structured Dialogue and in the Forum for Security Co-operation, raising the problem of the mismatch between the provisions of the 2011 Vienna Document (VD) on confidence- and security-building measures and contemporary armed forces operations. The problem has become more urgent as a result of what Poland views as Russian attempts to selectively implement

or circumvent important elements of the VD, such as its declaration that its military manoeuvres fall just below notification and observation thresholds and its conducting of large-scale snap exercises. Poland has also drawn attention to the increased danger of military incidents, calling for the review and modification of the document's risk reduction provisions, including procedures for dealing with hazardous incidents and unusual military activities. Poland has consistently supported the modernization of the VD. It formulated its own proposals in this regard, which were integrated into a unitary joint proposal put forward by a group of states in 2019.[9] With such modernizations blocked by Russia, Poland has been supportive of voluntary transparency measures, including briefings on military exercises and activities.

Poland remains concerned about the dismantlement of the European arms control architecture, closely linked to the OSCE's comprehensive security concept, and has accused Russia of undermining the Treaty on Conventional Armed Forces in Europe and the Intermediate-Range Nuclear Forces Treaty. While it was supportive of the continuation of the Open Skies Treaty, it (along with the United States) raised the issue of Russian restrictions on access to territory for observation flights, especially involving flights over the Kaliningrad region. Poland thus refrained from criticizing the United States for withdrawing from the Treaty in May 2020 but reacted with "disappointment" to Russia's announcement of the initiation of its own withdrawal procedure in January 2021.

Poland is fully supportive of the crisis management efforts and activities undertaken within OSCE dialogue formats and processes. At the practical level, in the context of its Chairpersonship, it has been identifying areas where OSCE involvement can make a difference to individuals and communities affected by conflict, especially the most vulnerable groups.[10] In this respect, Poland aims to better coordinate its own international assistance programme with OSCE activities.

The economic and environmental dimension of OSCE activity receives less attention in Warsaw than the others. Poland's aspirations for the economic dimension of the OSCE are driven by the pragmatic aim of connecting OSCE activities with policies pursued in the framework of other organizations and formats, including the UN, the EU, and the Organisation for Economic Co-operation and Development. Thus, for example, Poland would expect the OSCE to build on the work of other organizations in supporting a sustainable post-pandemic recovery. Poland is also likely to continue to highlight the link between economic development and combating money laundering and to support OSCE efforts in this regard, highlighting its own record in tightening the fiscal system and reducing the "grey zone" economy.

In countering climate change, Poland is likely to draw attention to the results of the 24th Conference of the Parties to the United Nations Framework Convention on Climate Change, which took place in Poland in 2018, and especially to the Katowice Rulebook. In this regard, Poland

has stressed the importance of a "just transition", which aims to safeguard and promote the interests of countries with mixed energy sources and regions that have thus far relied on fossil fuels and carbon-intensive industries. Closely connected to this issue is the highlighting of Poland's transborder cooperation in the Carpathian region in countering environmental degradation and protecting biodiversity. In the OSCE context of economic and environmental issues, its main aim is to raise awareness of these issues.

Within the human dimension, Poland is particularly focused on drawing attention to the situation in Belarus. In September 2020, it was among the seventeen states that invoked the Moscow Mechanism to investigate human rights violations in the country and remains highly critical of the Belarusian regime, including its harassment of representatives of the Polish minority and journalists.[11] Poland will most likely insist on keeping the situation in Belarus and its repercussions high on the OSCE agenda and will seek to utilize all available OSCE tools to influence the situation there and in other potential crisis spots. Its broader human rights agenda in the context of the Chairpersonship seems to be aimed at working on a range of cross-cutting issues relevant to all participating States. This includes human rights in the digital era, the impact of the pandemic on human rights, the economic empowerment of women, freedom of religion and belief, and protection and support for specific groups, such as those with disabilities, children, and youth. Poland is also committed to promoting the protection of human rights in conflict zones. Traditionally, the issue of free and fair elections and election monitoring has been high on the Polish OSCE agenda.

It should be noted that internal developments in Poland and the performance of its election system (e.g. during the 2020 presidential elections)[12] have been subject to scrutiny and critical reflection within the OSCE framework. For example, in recent years, several cases involving Poland have been raised by the OSCE Representative on Freedom of the Media.[13]

Poland has sought to act as a good international citizen within the Organization by being active in all dimensions and all major areas of OSCE activity and by contributing to strategic debates on the future of the Organization. These contributions include involvement both at the governmental level (the Corfu Process and the Structured Dialogue) and at the expert level (the participation of Professor Adam Daniel Rotfeld in the Panel of Eminent Persons[14] and engagement with the Cooperative Security Initiative).[15]

Poland and future OSCE scenarios

It would be an exaggeration to claim that the OSCE holds a prominent position in Polish foreign and security policy. The Organization's limitations are well understood in Poland, and there is little expectation that the European security crises can be overcome through actions or stand-alone initiatives pursued within the OSCE (such as a 2025 "anniversary" summit).

As OSCE Chair, Poland does not expect to be a driver of major breakthroughs. Nevertheless, it seems to be genuinely interested in making modest gains in implementing its own priorities and the Organization's overall agenda and in impartially fulfilling its obligations as Chair, thus contributing to stabilizing the OSCE area and the efficient functioning of the Organization. Given the possibility that a sudden development could affect its activities, there may be more crisis management than implementation of the pre-planned agenda ahead for Poland in 2022.

Looking further ahead, Poland is likely to maintain its current attitude towards the Organization. The OSCE has value for Poland as a forum where dialogue and sectoral cooperation can be pursued even with adversaries – especially when other channels of communication remain closed or severely constrained. Although the OSCE's mechanisms may not succeed in resolving ongoing conflicts in Europe, the OSCE can provide an inclusive framework for facilitating and securing progress elsewhere.

In the unlikely scenario that the political interests of the United States, Russia, and the major European countries converge on the need to genuinely improve European security, Poland's perception of the role and importance of the OSCE would change immediately. Poland would probably actively participate in any OSCE-wide discussions on the restoration of a pan-European security system. It would primarily be looking for evidence of fundamental change in Russian security thinking, however, and would not support any solutions that gave Russia an outsized role or veto over developments in the common neighbourhood.

In the more negative scenario of an existential crisis within the OSCE – triggered, for example, by the threat of or actual withdrawal of any of its participating States[16] or the obstruction of its activities – Poland would of course attempt (with other like-minded states) to defuse the situation. At the same time, Poland would be unlikely to accept the excessive demands of any state that sought to coerce the Organization to adapt to its preferences.

Notes

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North Macedonia and the OSCE

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Abstract

This contribution discusses the prospects for North Macedonia's engagement with the OSCE by examining the country's expectations, the OSCE's standing in comparison with other international organizations, and the challenges and opportunities facing North Macedonia's 2023 OSCE Chairpersonship. It argues that, having largely contributed to the country's consolidation in the 1990s and 2000s, the OSCE has been relegated to a secondary role, behind the EU and NATO. Nevertheless, the OSCE's work, through the field operation in particular, is largely beneficial to North Macedonia's reform process, supporting its strategic objectives both to join the EU and to achieve the UN's Sustainable Development Goals. North Macedonia could use its 2023 Chairpersonship for self-affirmation, to increase the OSCE's visibility in the country, and to widely promote the role the Organization has played in North Macedonia's stabilization and transformation.

Introduction

The Republic of Macedonia became independent after the break-up of Yugoslavia in 1991.[1] It signed the Helsinki Final Act in July 1992 and, in September of the same year, welcomed the deployment of an OSCE field operation tasked with preventing the spill-over of the post-Yugoslav wars. The OSCE's efforts were enhanced by a UN Mission in 1993, enabling North Macedonia to avoid violent conflict at that time. Hence, the country "stands out as one of the relatively successful cases of the OSCE's conflict prevention efforts and a testing ground for collaborative preventive actions on the part of the OSCE and the UN".[2]

The circumstances were not so fortunate after 1999, however, when, following the war in Kosovo and the withdrawal of the United Nations Preventive Deployment Force, ethnic tensions in North Macedonia escalated, leading to internal armed conflict in 2001. While the OSCE was admittedly not the lead security actor in achieving peace, its Spillover Monitor Mission on the ground contributed to early warning, addressing subsequent refugee issues, and bringing the involved parties and the international community to the negotiation table.[3] The peace brokered by the EU and the United States in August the same year was enshrined in the Ohrid Framework Agreement (OFA), which laid the foundations for a society

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that is respectful of diversity in terms of ethnicity, religion, culture, and language.

Over the past twenty years, the implementation of the OFA, and inter-ethnic confidence-building measures in particular, has been one of the country's key areas of engagement with the OSCE. Although inter-ethnic relations remain a topic of utmost concern to North Macedonia and the OFA power-sharing model is a recurrent source of political crises,[4] the country has advanced in terms of reconciliation. It owes this progress in part to the work of both the OSCE's High Commissioner on National Minorities and the OSCE Spillover Monitor Mission to Skopje (later the OSCE Mission to Skopje). Following North Macedonia's consolidation, the OSCE has largely outlived its initial mandate of conflict prevention and resolution in the country. It is now perceived as a partner in the country's transition to a fully functioning democratic state.

The years following the deployment of an OSCE field operation to North Macedonia and its onsite cooperation with the UN, the EU, and NATO in the area of conflict management inspired abundant scholarship on the efficiency of the established mechanisms, their achievements, and their limitations.[5] The evolution of the operation's mandate from conflict prevention to reconciliation and state-building has demonstrated the OSCE's ability to adjust to changing circumstances and the value of its long-term operations.[6] While there is research related to the implementation of the OSCE Mission's evolving priorities and general engagement in North Macedonia in the 2000s, as well as the OSCE's role in specific policy areas,[7] little is known about the success and sustainability of the OSCE-supported reforms. There has also been little explanation of the government's somewhat ambivalent attitudes towards the OSCE and its field presence in the country.

This paper examines the prospects for North Macedonia's engagement with the OSCE: What are North Macedonia's expectations of the OSCE? Where does the OSCE stand in comparison to other international organizations, and what are the potential areas for cooperation? What are the opportunities and challenges facing North Macedonia's OSCE Chairpersonship? The paper is based on official documents, media articles, reports, and semi-structured interviews with representatives of North Macedonia's institutions, civil society, and the OSCE Mission to Skopje. It also builds on the author's empirical observations during her work as a foreign policy advisor, diplomat, and official in North Macedonia's government (2013–2018).

North Macedonia's interest in the OSCE

North Macedonia's interest in the OSCE is pragmatic in nature. This is largely because the country is still in the process of elaborating its foreign policy and defining its priorities in bilateral relations and multilateral fora.[8] Although the OSCE is still considered one of the most significant international organizations for North Macedonia (alongside the UN, the World Trade Organization, and the

Council of Europe), it does not have the strategic importance of the EU and NATO.[9] Moreover, following North Macedonia's accession to NATO in March 2020, there are signs that it would rather channel cooperation in security-related areas through NATO structures and its allies, scaling back cooperation with the OSCE. Hence, the focus of the government's engagement with the OSCE has been gradually shifting from the first (politico-military) to the second (economic-environmental) and third (human) dimensions, and the OSCE has been relegated to a secondary role compared to the EU and NATO. Nonetheless, North Macedonia sees the assumption of the OSCE Chairpersonship as a chance to enhance its international image and manifest its institutional capacities.

North Macedonia's reform agenda is determined by the EU accession process and the need to align domestic legislation and standards with the EU acquis. Given that both the EU and the OSCE are involved in similar areas, such as the judiciary, the media, good governance, migration, border management, and human rights, the OSCE's activities in the country largely contribute to its EU integration. All of these areas are part of the most important cluster of the EU's new enlargement policy.[10] As North Macedonia prepares for negotiations to join the EU, it may well solicit the OSCE to provide further assistance to state institutions in these areas.

At the same time, national authorities sometimes raise the presence of the Mission to Skopje as a point of concern. OSCE field operations, all of which are located in South-Eastern and Eastern Europe, the South Caucasus, and Central Asia, are generally seen as "service providers in situations of crisis, transition and state building".[11] The government views the fact that OSCE participating States gave the country responsibility for chairing the Organization in 2023 as recognition that it is no longer a security concern. The continued presence of a field operation could harm its image as a "success story".

That being said, the Mission to Skopje's longstanding experience and highly developed understanding of local needs and context have been instrumental to launching and conducting much-needed reform-related activities in North Macedonia, such as the introduction of multi-ethnic policing and court trial monitoring. In addition, the OSCE has shown flexibility in responding to the ad hoc needs of both state institutions and civil society, including by supporting the parliament's efforts to be more open and closer to the constituencies, assisting in the development of a legal framework for youth organization and participation in decision-making, and reaching out to vulnerable groups at the outbreak of the coronavirus pandemic. Discontinuing the work of the field operation would likely create significant gaps. Therefore, closing the Mission is not on the government's agenda for the moment. However, it may wish to direct discussions on its future mandate towards prioritizing its role in the country's reform process over its crisis prevention function.

The OSCE as seen by civil society and the public

The OSCE has a good reputation among both the public administration and civil society. The OSCE's field presence is particularly significant for civil society, as it is largely dependent on external donor assistance for its activities and sees the Mission to Skopje as an important partner. Its visibility among the general public is more limited, however. This can partly be ascribed to its "quiet diplomacy"[12] approach to managing sensitive situations and brokering between different stakeholders. Unlike the EU's approach, which consists of a blend of off-the-record meetings and public statements aimed at influencing public debate and providing direction for political and policy decisions, the OSCE usually works "behind the scenes", using its credibility and access to high-level decision-makers to provide advice and guidance. Hence, its actions and methods, as well as the efficiency of this approach, often remain outside the public eye.

The one area in which the work of the OSCE is clearly recognized by all stakeholders in the country, including the general public, is elections. North Macedonia invites the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to monitor all election cycles and types. The monitoring missions help to instil trust that the electoral cycle will be managed in line with international standards. Their reports and recommendations are usually accepted as a benchmark by both ruling and opposition parties across ethnic groups and are fed directly into annual progress reports for the European Commission. In 2021 North Macedonia engaged in a broad public debate on changes to the electoral model. It could benefit from ODIHR's assistance in shaping policy reform, promoting an inclusive model that reflects democratic standards, and addressing certain shortcomings of the power-sharing model established with the OFA.

Finally, environmental issues offer great potential for deeper cooperation between civil society and the OSCE. An OSCE-supported Aarhus Centre in Skopje was established in 2019, but its visibility and impact remain limited.[13] Because North Macedonia is lagging behind in its commitments regarding the UN's Sustainable Development Goals (SDGs),[14] and given the direct link between the OSCE's concept of comprehensive security and sustainable development, activities carried out by the Mission to Skopje in support of the achievement of the SDGs – SDG 16 on peace, justice, and strong institutions, but also SDG 4 on quality education, SDG 5 on gender equality, and SDG 10 on reducing inequalities – are a promising area of engagement.[15]

The 2023 OSCE Chairpersonship

North Macedonia's motivation to apply for the 2023 OSCE Chairpersonship was driven by a desire to boost its international image, manifest the institutional capacity expected of a NATO member and aspiring EU member, and contribute to the promotion of OSCE commitments.[16] The government perceives the Chairper-

sonship as an opportunity to present the country as a role model in areas such as handling inter-ethnic relations and resolving bilateral disputes (especially in the Balkans and Eastern Europe). However, there are a number of persisting problems in these areas that may compromise the appeal of the country's approach to other participating States. First, the OFA power-sharing model allows for ethnic issues to be (ab)used as a bargaining chip between political parties in their fight for power. Second, the Prespa agreement, signed with Greece in 2018, which obliged the Republic of Macedonia to change its constitutional name to North Macedonia, did not bring the country any closer to joining the EU, as the government had initially promised. Third, Bulgaria has vetoed North Macedonia's plans to open EU accession negotiations over issues related to the country's national identity, despite the fact that the two countries signed a treaty on good neighbourly relations in 2017.

The OSCE Chairpersonship will be North Macedonia's biggest challenge in multilateral diplomacy so far. State institutions will be required to mobilize significant resources and establish inclusive and efficient internal and external coordination mechanisms. The country will have to upscale its underdeveloped diplomatic network, especially in the South Caucasus and Central Asia, and fill ambassadorial positions in a number of important capitals, including Washington and Moscow. Moreover, despite recent bilateral tensions, it will need to find a way to engage with Russia if it wants to be perceived as an "honest broker".

Conclusions and recommendations

While the OSCE initially played an important role in conflict prevention and reconciliation, following North Macedonia's stabilization and consolidation process as a country its importance has been decreasing compared to the EU and NATO. The engagement of the OSCE, especially through its Mission to Skopje, contributes to North Macedonia's EU accession and reform agenda and to the achievement of the UN's SDGs. With that said, the synergetic potential of this engagement is not sufficiently exploited, the OSCE Mission to Skopje is sometimes stigmatized by state authorities, and elections are the only area where the OSCE's efforts are clearly recognized by the broader public. North Macedonia's 2023 OSCE Chairpersonship could help to increase the OSCE's visibility in the country, boost its international image, promote the OSCE's role in its democratic transformation, and build support for its EU integration.

As Chair, North Macedonia could highlight the country's specific interests in the OSCE and contribute to initiating a "Group of Friends of the OSCE" to discuss a new Helsinki 2025 agenda. It could use the annual procedure of extending the mandate of the OSCE Mission to Skopje as an opportunity to engage with other participating States in an evaluation of its achievements, organize a broad consultation process to prepare the Mission's mandate for the forthcoming period, and further enhance the OSCE's role in the country's reform process.

North Macedonia's state institutions and the European Commission could benefit from the OSCE's monitoring role in areas other than elections (such as freedom of the media, the protection of national minorities, police reform, and human rights) to inform the country's annual progress reports. In particular, the OSCE's expertise and the work of the OSCE Mission to Skopje could be leveraged to make progress in EU accession chapter 10, which concerns media-related issues, as well as chapters 19 on social policy, 23 on fundamental rights and the judiciary, 24 on justice and domestic affairs, and 27 on the environment.

In terms of specific policy areas, North Macedonia's electoral reform should incorporate OSCE/ODIHR recommendations more explicitly. The Aarhus Centre Skopje should be given a more prominent role in policy development and monitoring. The OSCE Mission to Skopje should develop activities to assist in the achievement of the SDGs.

Given that the countries of the Western Balkans are becoming increasingly integrated and interdependent, North Macedonia's Chairpersonship could contribute not only to the country's self-affirmation but also to the positive perception within the OSCE of the entire region. As these countries' objectives related to the EU integration process coincide to a great extent with their OSCE commitments, a proactive and well-thought-out approach during North Macedonia's Chairpersonship could build support for the process and counteract the "enlargement fatigue" of a number of EU member states. Hence, when formulating its priorities for the forthcoming Chairpersonship in 2023, North Macedonia's government should coordinate with other OSCE participating States in the Western Balkans and use the Chairpersonship to put forward common interests, foster positive public opinion towards the region among EU member states, and make headway on the stalled EU integration process.

Domestically, the government should consult and cooperate with civil society when formulating priorities for its OSCE Chairpersonship. As Chair, North Macedonia should conduct activities to increase the OSCE's visibility and importance in the country (such as a public campaign and events involving youth or grass-roots organizations) and promote the role of the OSCE in its democratic transformation.

Notes

1 I would like to express my gratitude to the interviewees for their insights and to Argyro Kartsonaki, Frank Evers, and the external reviewers for their comments on an earlier draft.

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Effective Minority Participation as a Balancing Act: What Role for the OSCE High Commissioner on National Minorities?

Gaetano Pentassuglia[*]

Abstract

What is the role of the High Commissioner on National Minorities (HCNM) in the context of the political participation of national minorities in their countries? Using the Lund Recommendations and other international instruments as a framework of analysis, this piece seeks to answer this question by offering reflections on selected dimensions of minority participation, including political parties, special measures, consultative bodies, and self-governance, against the broader, oft-cited notions of integration and separation. It points to areas where some degree of standard-setting improvement and clarification under the auspices of the HCNM would be desirable, particularly in the context of the Lund Recommendations, and closes with recommendations for future HCNM activity.

Keywords

Political participation, integration, separation, HCNM, international law

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Introduction: the HCNM's conflict prevention approach to integration and separation

The OSCE High Commissioner on National Minorities (HCNM) was established in 1992 as an instrument of conflict prevention designed to generate "early warning" and "early action" on highly sensitive minority issues.[1] The HCNM has frequently emphasized the importance of "integration", as opposed to "separation", as a vital ingredient in any form of durable minority protection within the state.[2]

The "integration versus separation" narrative is not unknown to other international structures engaged in activities related to group accommodation, particularly those that seek to capture the relevant groups' own distinctive interests and aspirations (e.g. non-discrimination and

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independence). The HCNM's approach to integration and separation is more specific than the approaches taken by other structures, however. Its focus is on integration as a necessary element of social cohesion in diversity management, whereas it views separation in terms of the recognition of specific rights in isolation from a broader, nation-wide sense of belonging and the rights of others. A useful example is language rights protection. It is an HCNM mantra that the right to use and learn one's own mother tongue in educational institutions and/or the right to speak one's own language in (local) public administration, both of which are typically demanded by national minorities, cannot be taken in isolation from measures to teach and learn the official state language for broadly similar purposes.[3] The approach to minority issues taken in the Baltic States, Georgia, Kazakhstan, and Kyrgyzstan, for example, which have all relied on HCNM assistance in the development of multilingual policies and inter-ethnic dialogue, clearly point in this direction. This is also in line with international standards.[4]

The "integration of diversity", as it has come to be known in HCNM parlance, thus speaks to *both* the legitimacy *and* the constraints of protecting national minorities. The interplay of integration and participation best illustrates the balancing act implied by this dynamic. The right to be involved in decision-making processes of relevance to the group, and indeed in public life more broadly, is a constant feature of international norms, both global and regional, applicable to various substate groups. Participation rights can have political, socio-economic, and cultural ramifications, although the integrationist gist of such rights lies in the opportunity for group representatives to have an "effective" say in decision-making, or at least in ensuring that group members have access to a range of public policies.

The Lund Recommendations on the Effective Participation of National Minorities in Public Life ("The Lund Recommendations"),[5] launched by the HCNM in 1999, focus on the political dimension of minority participation by reaffirming the need for a democratic and pluralistic framework that integrates group diversity into society, working against monolithic and exclusivist views of national identity while simultaneously qualifying the scope of that participation in accordance with human rights standards.

Using the Lund Recommendations and other international instruments as a framework of analysis,[6] this paper will discuss selected HCNM-related dimensions of minority political participation, including political parties, special measures, consultative bodies, and self-governance, against the broader notions of integration and separation. The following section will point to areas where some degree of standard-setting improvement or clarification under the auspices of the HCNM would be desirable, particularly in the context of the Lund Recommendations. These include the role of mainstream parties, the fine-tuning of certain complex "special" measures in electoral processes, the type and depth of pluralism secured by consultative bodies, and the link between self-governance, integra-

tion, and de-securitization, especially in cross-border regions. A brief set of recommendations will be offered in the concluding section, with a focus on future HCNM activity.

Exploring dimensions of HCNM activities in light of the Lund Recommendations and other international standards

Political parties

While some OSCE participating States (including Bulgaria, Russia, and Turkey) have explicitly banned ethnic and pro-minority parties, the HCNM has been flexible by recognizing both mainstream parties and national and regional minority parties and movements as legitimate channels of political participation for national minorities, and thus as legitimate tools of integration into the nation-wide context of public affairs, representation, and participation in decision-making.

The Lund Recommendations openly endorse this duality, as do the Advisory Committee's Thematic Commentary under the Framework Convention for the Protection of National Minorities[7] and the European Court of Human Rights (whether explicitly or implicitly). However, the dividing line between integration and separation in the context of party politics requires a proper understanding of its multiple legal and policy ramifications.

Four aspects are worth noting in this regard. First, where they exist, minority parties cannot be treated as a matter of national security unless their activities provide strong evidence to the contrary (think of the string of cases against Turkey before the European Court of Human Rights). This also means that legislative bans on ethnic parties and political movements are in breach of freedom of association under international human rights law unless they target groups with proven violent and anti-democratic agendas.

Second, while minority involvement in mainstream parties is generally welcomed and even encouraged, there are no clear parameters for measuring it. Despite general entitlements such as the right to participate in the conduct of public affairs in Article 25 of the International Covenant on Civil and Political Rights[8] – including active and passive voting rights, as well as wider notions of internal self-determination – minority parties may prove to be, as the Lund Recommendations put it, "the only hope for effective representation of specific interests, and thus, for effective participation".[9] The Framework Convention's Advisory Committee acknowledges that mainstream parties may not suffice for the effective representation of minority interests,[10] implying the need for both mainstream and minority parties to remain available. However, international minority standards, including the Lund Recommendations, do not provide clear guidance on the incorporation of minority concerns into mainstream parties that can meet the test of effective participation, although there is significantly more detail at the OSCE and the Council of

Europe level[11] of the wider electoral process affecting national minorities.

Third, mainstream parties themselves need to strike a balance between "majority" and "minority" concerns. Mainstream party agendas are usually built around issues that, though potentially cross-cutting, speak primarily to majority priorities. Tellingly, the Framework Convention's Thematic Commentary singles out the candidate selection process as being key to any future pro-minority agenda within mainstream parties.[12] This is a challenge that replicates the integrative approach to minority issues within the wider society. Fourth, while the broad incorporation of minority issues can be achieved through mainstream parties in traditional liberal democracies, this is more problematic in certain OSCE regions, for example in parts of Central Asia, where ethnicity is often a well-entrenched identity marker in party politics and public life more broadly.

Special measures

A range of specific measures designed, directly or indirectly, to benefit national minorities in the political process are generally referred to as "special arrangements", or more commonly, "special measures". They range from formal and informal policies focused on securing a more inclusive electoral process – such as the general design of electoral districts, the availability of electoral materials in majority and minority languages, the permissibility of minority languages in electoral campaigning, and even the general structure of electoral laws affecting voting eligibility (language, citizenship, etc.) – to measures that specifically target the group concerned. The latter may include dual voting or reserved seats in elected bodies (parliament, regional assemblies, etc.). The HCNM and other bodies have discussed and supported these measures in various country contexts and to varying degrees.[13]

The first set of measures serves to secure, mainly indirectly, the minimum preliminary conditions that must exist if minorities are to benefit from country-wide processes that would otherwise benefit the majority alone, for example lowering electoral thresholds for party representation and providing bilingual national electoral campaign materials in regions populated by minorities (see, for example, the case of pro-Kurdish parties in Turkey). The same applies to securing greater representation in the judiciary and the civil service.[14] Here, integration is essentially aimed at the institutional articulation and fair representation of societal diversity.

The second set of measures, while still linked to these broad objectives, identifies areas of separation that are considered necessary for protecting the ability of minority groups to advance their own distinctive interests. Some of these measures have proved problematic, however. For example, the dual voting system applied to certain long-established minorities in Slovenia, whereby minority members are allowed to vote both for general party lists and, separately, for their own minority representatives at the national or local level, has raised issues of com-

patibility with the principle of equal voting rights. In 1998, the Slovenian Constitutional Court dismissed claims of unconstitutionality by arguing that the system corrects substantive inequalities between ethnic Slovenes and the groups concerned. While the HCNM was sympathetic towards the policy, at least from a conflict prevention perspective,[15] the Council of Europe's Venice Commission narrowly construed dual voting as a purely exceptional and temporary measure, absent less restrictive alternatives. The Lund Recommendations, for their part, list a range of measures in this area but do not elaborate on their scope or limitations.

It is instructive to recall in this context that, under the UN Convention on the Elimination of All Forms of Racial Discrimination,[16] a clear distinction has been drawn not only between positive obligations stemming from its articles (and by analogy, any human rights/minority rights standards) and "special measures" as temporary affirmative action policies, but also between the latter and permanent rights accrued to minorities and indigenous peoples:

> Special measures should not be confused with specific rights pertaining to certain categories of person or community, such as, for example the rights of persons belonging to minorities […] and the rights of indigenous peoples […]. State parties should carefully observe distinctions between special measures and permanent human rights in their law and practice.

If a "special" measure is intended to address structural historical inequalities and injustices affecting a minority group one should assume that it won't necessarily be provisional or transitional in nature, although it will remain subject to proportionality review and possible adjustment over time. There may be good alternatives to, say, dual voting (which is used only in Slovenia and for specific groups). In general, however, ambitious (positive) measures such as reserved seats and specific exemptions from electoral thresholds need to be treated as *prima facie* minority rights protections, the abolishment of which could have potentially serious consequences for minority participation, inter-communal trust, and social cohesion.[17] In the absence of a clearly better and widely shared policy supported by the group, the focus should be shifted towards fine-tuning and perfecting measures instead of assuming their transient character.

A good example is offered by the current national minority voting systems in OSCE countries such as Hungary and Kazakhstan. Despite their complexity, largely built around reserved seat mechanisms, the Office for Democratic Institutions and Human Rights (ODIHR) has drawn attention to problematic (and potentially reformable) elements of such systems – including the process of candidate nomination for minority lists, the level of choice provided to minority voters, and the lack of a registration system for such voters – rather than their overall legitimacy and durability as minority rights mechanisms.[18]

Consultative bodies

Consultative bodies provide a quintessentially integrative minimum standard of minority participation. Areas of improvement in this domain have been amply documented and continue to be an important part of relevant HCNM good office efforts. These areas include issues related to legal status, decision-making authority, the frequency of consultations, and the financial resources enjoyed by such bodies.

An emerging area of concern is pluralism, which in this context comes in two forms. The first is pluralism within a given group, which is necessary for generating an accurate representation of a diverse range of views among group members. Matters of representativeness and broader legitimacy have been acknowledged in several settings, particularly the Framework Convention's Thematic Commentary and scholarly assessments, although the Lund Recommendations also indicate, more soberly, that "the composition of such bodies should reflect their purpose and contribute to more effective communication and advancement of minority interests."[19] The HCNM rightly focuses on facilitating internal debate by looking, for example, at the extent to which gender can hamper inclusive processes within groups (as in recent discussions around minority women in North Macedonia). International law recognizes minority participation rights in both the external *and* the internal domain, which means that the state, while recognizing the autonomous associative life of the community, has at least a duty of due diligence to ensure favourable conditions for inclusive conversations *within* groups and, consequently, the effective participation of all, in line with basic human rights standards.

Internal pluralism does not entail the collapse of the group's perspective and claims into an uncoordinated bundle of merely individual preferences and concerns. Ideally, it involves incorporating a range of views, as they are normally reflected in community practices, into a position that can still be attributed to the group through accountability and democratic standards. Where this is not possible due to internal divisions (as in the case of certain Roma groups in Europe), the main sectors of the community should be given a voice and standing within consultative mechanisms, similarly to what the European Court of Human Rights has recognized in the context of electoral processes and voting rights involving intra-communal matters.[20] More broadly, human rights judicial and quasi-judicial practice generally points to the broad mandate of group representatives in claim-making or a degree of protected pluralism across group organizations, especially where representatives are appointed by the state rather than the community.[21]

The latter point is related to the second form of pluralism relevant to this context: the type of diversity that prevails when a variety of groups or group representatives take part in meaningful conversations on matters of concern to them. The focus here is on a greater measure of plurality across the spectrum of minority groups within a country rather than plur-

alism within a given group. As Anton Petrenko Thomsen has observed, a group's willingness (and ability) to engage in effective consultation is just as important as the set of opportunities and means of participation offered by the political and constitutional framework of the state.[22] It may be useful to recall that, compared to indigenous peoples' national and international pervasive networking and advocacy, *self-standing* national minority mobilization has been more limited. The Lund Recommendations do not provide specific guidance in this regard, although minimum conditions for enabling effective participation through consultation across a representative range of community sectors can be derived from basic international instruments. The state should not only allow an inclusive set of minority organizations to sit on consultative bodies (endowed with the legal authority they require to achieve meaningful involvement) but also pro-actively encourage and support – through training, rights awareness campaigns, and financial incentives – the participation of smaller minority organizations that do not wish to be integrated into wider umbrella entities representing the main groups in the country.

As one of the most basic metrics for assessing the quality and depth of the integrative and confidence-building approach to minority issues, the composition and functioning of consultative bodies established by national legislation or in response to multilateral and bilateral standards (mainly bilateral treaties in cross-border regions) requires constant vigilance by the HCNM, from a conflict prevention perspective. In some cases (for example Kazakhstan and Uzbekistan), such mechanisms are still lacking. This is an area where more targeted HCNM activities, particularly around pluralism and standards, would be useful (see the conclusions section below). This is particularly true given the limited scope of the Lund Recommendations, the more detailed formulations of the Framework Convention's Thematic Commentary, and the expectation that minority organizations themselves will engage with public authorities in good faith, as part of a two-way-street process of (participation-based) integration.

Self-governance

The Lund Recommendations include territorial and non-territorial autonomy arrangements among the ways and means of implementing the right to the effective participation of national minorities in public life.[23] While the recognition of such self-governance arrangements essentially restates earlier national/constitutional practice across Europe and beyond, hardly any new territorial autonomy arrangements have been made in the OSCE geographical area since the Lund Recommendations were adopted (1999). Moreover, no right to autonomy has emerged (or is likely to emerge) in international law based on the Recommendations and other international standards.

Yet it would be a mistake to dismiss the Lund Recommendations as being of little use. There are several policy reasons for this. First, it would appear that any

negotiated settlement of the various so-called "frozen conflicts" in the post-Soviet space, including the more recent additions of Crimea and the southern and eastern parts of Ukraine, must incorporate self-governing arrangements, unless different solutions are deemed acceptable by the parties concerned. Monolithic nation-building projects (in Ukraine and elsewhere) are as unhelpful as the instrumental use of minority claims. Second, self-determination within the framework of an existing state (internal self-determination) so candidly advocated by Max van der Stoel, the first ever HCNM, has been increasingly accepted across the international community (not just in Western Europe and North America) as part of international law and can generate a form of self-government that is tailored to the circumstances of the case and in line with human rights standards. Even established autonomy solutions (such as Gagauzia's self-government in Moldova) still require the nurturing of a wider sense of national belonging through appropriate integration policies, as recently advised by the HCNM.[24] Third, and relatedly, the non-territorial solutions included in the Lund Recommendations are among a set of tools for integrating diversity (such as multilingual/quality education policies) that make autonomy claims a hybrid and dynamic political and legal proposition. Finally, autonomy options continue to be tested on the ground, not only by violent conflicts but also by "kin-state" involvement in certain cross-border regions.

These factors suggest that the Lund Recommendations' approach to self-governance should be interpreted in light of other HCNM recommendations, most notably the 2012 HCNM Ljubljana Guidelines on Integration of Diverse Societies and the 2008 Bolzano Recommendations on National Minorities in Inter-State Relations.[25] Whatever graduated levels of political participation are enjoyed by sub-state national groups as part of a nation-wide process of internal self-determination, they should not be seen as stepping-stones towards an inflexible end state defined by the group, whether independent sovereignty or a unique, non-negotiable idea of self-government that prioritizes separation over integration (in the sense of state-wide social cohesion). The Ljubljana Guidelines remind us that:

> [I]t is essential for societies to find the appropriate balance between the degree of separation that is necessary to the free expression and development of diversity on the one hand and the establishment and strengthening of links between and among the diverse communities of a society as a whole on the other.[26]

Equally, the Bolzano Recommendations point to territorial integrity, good neighbourly relations, respect for human rights – including the principle of non-discrimination – and democratic governance as key pillars of cross-border region policies involving kin-states, irrespective of the institutional outcomes of group accommodation.

The case of the Hungarian minority in Ukraine before and after the 2014 Euromaidan illustrates the relative (and relational) significance of autonomy in the

context of national minority protection. On the one hand, unfavourable electoral district design, high electoral thresholds for party representation, the ad hoc cooptation of individual minority leaders into mainstream national lists, and the absence, until recently, of a consultative governmental body to address minority concerns have been barriers to effective national minority participation. On the other hand, the dilution of language/education rights at the local level following new legislation in 2017 and 2019 in the fields of education and state language, respectively, limited or no progress in territorial and non-territorial decentralization, and increasing kin-state involvement have contributed to the situation's technical complexity and political sensitivity.[27]

The HCNM has been engaged in discussions on most of these matters, particularly in the context of developing a draft minority law with a view to replacing the 1992 Law on National Minorities.[28] Proposals and discussions on reforming local authorities across Ukraine could generate opportunities for accommodation based on a combination of stronger language/education rights in areas of traditional Hungarian settlement (to be balanced against teaching and learning the state language) and some form of acceptable institutional self-governance.

The case of Ukraine's Hungarian minority provides a vivid illustration of both the multidimensionality of minority rights protection and the hybrid approach to autonomy in the real world: self-governance raises various issues affecting groups, individuals, and the stability of the state, beyond "territorial rights" per se. In this sense, the Lund Recommendations help to contextualize country situations and, together with other HCNM Recommendations and international standards, provide a democratic framework for addressing them in the face of the instrumentalization of minority issues by self-serving national governments. Indeed, kin-state involvement de facto challenges the central government's engagement with autonomy claims insofar as they are perceived as a threat to social cohesion. By working towards desecuritizing the impact of kin-states, the HCNM must strike a balance between the requirements of societal and institutional integration and the need to address legitimate self-governance demands.

Conclusions and recommendations

Using the Lund Recommendations and other international standards as a framework of analysis, this piece has sought to highlight selected areas of minority political participation where there is acute awareness of the need to balance integration and separation concerns. While there is no standard definition of "effectiveness" in group involvement, or indeed any generally agreed parameters around this notion in international legal terms, follow-up work by the HCNM in this area would be highly desirable, at least from a conflict prevention perspective. By way of conclusion, the following list identifies areas of possible future HCNM action, with a focus on the Lund Recommendations:

1) **Political parties**. While the HCNM has broadly recognized both mainstream parties and minority parties as legitimate channels of political participation for national minorities, the Lund Recommendations do not provide clear guidance on incorporating minority concerns into mainstream parties in a way that meets the test of effective participation. Specific parameters that spell out the practical implications of minority involvement in mainstream parties could be developed in this area, including guarantees against the co-optation of individual minority leaders and the dilution of collective minority political participation.
2) **Special measures**. The impact of certain special measures on minority integration in the electoral process should be treated by the HCNM with a healthy dose of policy realism. In the absence of clearly better and widely shared policies supported by the group, the focus should be on fine-tuning and perfecting such measures in areas such as candidate nomination for minority lists, the level of minority voter choice, and minority voter registration systems (in coordination with ODIHR). This is another area where the Lund Recommendations could be further developed by elaborating on the distinction between complex forms of minority protection and general anti-discrimination measures.
3) **Consultative bodies.** Although the composition and functioning of consultative bodies established by national legislation or in response to multilateral or bilateral standards (mainly bilateral treaties in cross-border regions) are arguably at the centre of any credible "integration with diversity" approach to minority issues by the state, the scope of the Lund Recommendations in this area remains limited. One area that requires special attention is pluralism, both within groups and in relation to minority participation in society more generally. This importantly includes (but should not be limited to) gender issues. Rather than being left to general freedom of association standards, it should involve inclusive conversations on the detailed national policies that OSCE participating States can adopt to secure minority pluralism and on how the Lund Recommendations can help to expand our understanding of the concept (including its ramifications) and to measure its impact on national policies.
4) **Self-governance.** While hardly any new territorial autonomy arrangements have been made in the OSCE geographical region since the Lund Recommendations were adopted in 1999 and no right to autonomy has emerged (or is likely to emerge) in international law more generally, modalities of self-governance are bound to remain at the forefront of the HCNM/OSCE policy agenda, particularly in the context of OSCE cross-border regions. As the case of Ukraine's Hungarian minority illustrates, the multidimensional link between self-governance claims, integra-

tion, and de-securitization requires proper elaboration and articulation if the Lund Recommendations are to play a significant role in such scenarios (in conjunction with the Ljubljana Guidelines on integration and the Bolzano Recommendations on kin-states). A holistic approach to self-governance should articulate, at the level of HCNM standards, a more coherent synthesis of these issues as a basis for advisory services at the country level.

Following a well-established working pattern, the HCNM could convene and sponsor expert meetings tasked with initiating the formal revision and expansion of the Lund Recommendations in the above-mentioned areas, drafting a consolidated version of the relevant set of HCNM recommendations, and carrying out targeted follow-up activities. Rather than evaluating the pros and cons of these options, this paper has sought to identify key areas of minority political participation in which the friendly advisory assistance offered by the HCNM must strike a balance between integration and separation demands. No matter which path is pursued, it is clear that any such initiative must receive the active input and support of OSCE participating States, which remains a precondition for productive HCNM engagement.

Notes

1 For the details of the HCNM's mandate and related resources, see "Mandate", OSCE, https://www.osce.org/hcnm/107878. See, generally, John Packer, "Making International Law Matter in Preventing Ethnic Conflict: A Practitioner's Perspective", in: New York University Journal of International Law and Politics 3/2000, 715-724.

2 Virtually all High Commissioners have embraced this narrative over the past nearly thirty years: see for example Max van der Stoel, Speech by Max van der Stoel, High Commissioner on National Minorities at a Seminar, Prague, 13 May 1994, http://www.osce.org/hcnm/37259; Max van der Stoel, Early Warning and Early Action: Preventing Inter-Ethnic Conflict, 9 July 1999, http://www.osce.org/hcnm/32107; Lamberto Zannier, Keynote Speech by Lamberto Zannier to the United Nations Forum on Minority Issues, 27 November 2019, https://www.osce.org/hcnm/440084

3 Lamberto Zannier was particularly vocal on this front. See (*inter alia*) his UN speech (cited above, Note 2); for broader analyses, see also Iryna Ulasiuk/Laurenţiu Hadîrcă/William Romans (eds), Language Policy and Conflict Prevention, Leiden and Boston: Brill/Nijhoff, 2018.

4 E.g. UNESCO, Convention Against Discrimination in Education, 14 December 1960, Article 5(1)(c), http://portal.unesco.org/en/ev.php-URL_ID=12949&URL_DO=DO_TOPIC&URL_SECTION=201.html; OSCE, Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE, 29 June 1990, para. 34, https://www.osce.org/odihr/elections/14304; COE, Framework Convention for the Protection of National Minorities and Explanatory Report, H(95)10, February 1995, Article 14(3), https://rm.coe.int/16800c10cf. See generally, Gaetano Pentassuglia, Minorities in International Law, Strasbourg: Council of Europe Publishing/ECMI, 2002.

5 OSCE, The Lund Recommendations on the Effective Participation of National

Minorities in Public Life, 1 September 1999, https://www.osce.org/hcnm/lund-recommendations

6 Marc Weller (ed.), Political Participation of Minorities: A Commentary on International Standards and Practice, Oxford: Oxford University Press, 2010. See more recently, *inter alia*, Markku Suksi, "Effective Participation of Minorities in Public Affairs and Public Life: European Norms and Praxis Evaluated in Light of the Lund Recommendations", in: Vizi Balázs/Toth Norbert/Edgár Dobos, Beyond International Conditionality: Local Variations of Minority Representation in Central and South-Eastern Europe, Baden-Baden: Nomos, 2017, 11-49; William Romans, Iryna Ulasiuk and Anton Petrenko Thomsen (eds.), Effective Participation of National Minorities and Conflict Prevention (Leiden and Boston: Brill/Nijhoff, 2020).

7 COE, Advisory Committee on the Framework Convention for the Protection of National Minorities, Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs, ACFC/31-DOC(2008)001, 27 February 2008, https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800bc7e8

8 UNHR, International Covenant on Civil and Political Rights, 16 December 1966, https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

9 OSCE, cited above (Note 5), Sec. B, 8.

10 COE, cited above (Note 7), para. 78.

11 See the 2001 Office for Democratic Institutions and Human Rights Guidelines, https://www.osce.org/odihr/elections/17569 and the 2002 Venice Commission Guidelines, https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2002)023rev2-cor-e

12 COE, cited above (Note 7), para. 78.

13 Dmitry Nurumov/Vasil Vashchanka, "Effective Participation of National Minorities in the Electoral Process", in: William Romans/Iryna Ulasiuk/Anton Petrenko Thomsen (eds.) cited above (Note 6), 197-211.

14 OSCE, cited above (Note 5), Sec. II, A.

15 A key HCNM senior legal adviser at the time noted that for the High Commissioner, the arrangement "seemed to constitute a useful means of supporting effective participation of minorities and their integration". See Krzysztof Drzewicki, "OSCE Lund Recommendations in the Practice of the High Commissioner on National Minorities", in: Marc Weller (ed.), cited above (Note 6), p. 274.

16 United Nations General Assembly, Report of the Committee on the Elimination of Racial Discrimination, Seventy-fifth session, General Recommendation 32, Annex VIII, 3–28 August 2009, https://undocs.org/en/A/64/18

17 This is arguably supported, directly or indirectly, by elements of the Framework Convention and the European Court of Human Rights itself. See Suksi, cited above (Note 6), pp. 31, 33-34.

18 William Romans/Iryna Ulasiuk/Anton Petrenko Thomsen (eds.), cited above (Note 6), pp. 210-211.

19 OSCE, cited above (Note 5), Sec. II, D, 12.

20 E.g., *Grosaru v. Romania*, Appl. No. 78039/01, European Court of Human Rights, Judgment of 2 March 2010; *Ofensiva Tinerilor v. Romania*, Appl. No. 16732/05, European Court of Human Rights, Judgment of 15 December 2015.

21 Gaetano Pentassuglia, Minority Groups and Judicial Discourse in International Law, Leiden and Boston: Brill/Nijhoff, 2009, pp. 142-147.

22 Anton Petrenko Thomsen, "Taking the Lund Recommendations One Step Forward: Introducing a Measurement Ap-

proach", in: William Romans/Iryna Ulasiuk/Anton Petrenko Thomsen (eds.), cited above (Note 6), 230-252.

23 OSCE, cited above (Note 5), Sec. III.

24 Lamberto Zannier, Address by Lamberto Zannier OSCE High Commissioner on National Minorities to the 1270th Plenary meeting of the OSCE Permanent Council, HCNM.GAL/3/20/Rev.2, 4 June 2020, p. 3, https://www.osce.org/files/f/documents/1/1/453807.pdf

25 OSCE, The Ljubljana Guidelines on Integration of Diverse Societies, 7 November 2012, https://www.osce.org/hcnm/ljubljana-guidelines; OSCE, The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations, 2 October 2008, https://www.osce.org/hcnm/bolzano-bozen-recommendations

26 OSCE, Ljubljana Guidelines, cited above (Note 25), p. 17.

27 David Smith and Mariana Semenyshyn, "Addressing Hungarian Minority Self-Governance Claims in Zakarpattya: An Assessment in Light of the Lund Recommendations", in: William Romans/Iryna Ulasiuk/Anton Petrenko Thomsen (eds.) cited above (Note 6), 123-143.

28 Kairat Abdrakhmanov, Address by Kairat Abdrakhmanov OSCE High Commissioner on National Minorities to the 1318th Plenary meeting of the OSCE Permanent Council, HCNM.GAL/3/21/Rev.1, 3 June 2021, pp. 10-11, https://www.osce.org/files/f/documents/a/4/489767_0.pdf

Another Chance for "Helsinki from Below"? Reviving OSCE-Related Human Rights Groups

Dmitri Makarov[*]

Abstract

The OSCE faces a rift in understanding among participating States concerning its role, with the human dimension emerging as a main victim of this crisis. During the Cold War, the Helsinki movement put human rights at the centre of the Helsinki process. Its actions influenced international politics and gave relevance to human rights principles. Yet the movement subsided at the beginning of the twenty-first century, unable to respond effectively to the authoritarian backlash, suffering from the "NGO-ization" of human rights activism, and turning its focus towards the EU and the Council of Europe. Despite these developments, there have been examples of creative and mission-driven transnational cooperation within the OSCE area. Drawing on these examples, this paper argues that the OSCE can become more relevant if a renewed Helsinki movement takes centre stage.

Keywords

OSCE, Helsinki movement, human rights, human rights defenders, citizen mobilization

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Introduction

The Helsinki movement began as disparate monitoring efforts by citizen groups but soon developed into a transnational advocacy network that gave relevance to human rights (HR) principles. Although many Helsinki committees continue their work, the united movement didn't survive into the twenty-first century. Another Helsinki-inspired wave came in the 1990s with the peace-oriented Helsinki Citizens' Assembly movement, which also made an impact but failed to sustain itself. The global trend of "NGO-ization" shifted the focus to professional litigation and advocacy, and the authoritarian trends and restrictive policies of governments pushed most HR groups into a defensive mode.

Among human rights defenders (HRDs) there is little sense of a joint movement seeking to bypass divisions across Europe. Also lacking is a common

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language as priorities diverge, project thinking dominates, and solidarity is more symbolic than effective. Many HR groups, especially from the post-Soviet space, have expressed frustration over the narrow scope of solidarity actions. These actions are often limited to statements expressing concern and detailed reports documenting HR abuses, which remain mostly unread due to their length and the jargon they use. While OSCE-hosted forums such as the Human Dimension Implementation Meeting offer access to civil society, the potential impact of HR groups has been impeded by modes of thinking and functioning that centre on particular problems rather than creating parallel and alternative solutions. Drawing on the history of the Helsinki movement and recent examples of transnational activism, this paper argues for a shift towards greater cooperation and assistance across borders. OSCE-related HR groups should develop a common language and agenda based on internal demands for justice and equity in societies throughout the OSCE space and should encourage a transnational community of supporters.

The paper first presents the historical roots of the Helsinki movement and changes following the collapse of the Soviet Union. It continues with a critical examination of the role of HR groups working alongside OSCE institutions. It then reflects on examples of transnational cooperation, including joint responses to crises and common efforts to rebuild the movement. The paper closes by proposing steps for strengthening and supporting such cooperation.

The birth and transformation of a movement

In his 1975 Nobel lecture, physicist and HR activist Andrei Sakharov proclaimed that peace, progress, and HR are inextricably linked, such that it is impossible to achieve one if the other two are neglected.[1] International security, he proclaimed, is inconceivable without an open society with freedom of information, freedom of conscience, the right to publish, and the right to travel.

On 12 May 1976, at a press conference at Sakharov's apartment, the establishment of the Moscow Group of Assistance in Implementation of Helsinki Accords, soon to be known as the Moscow Helsinki Group (MHG), was announced. Led by Yuri Orlov, who brought forward the idea of public monitoring of compliance with the Helsinki Act, the MHG would go on to spark an international movement.[2] The founders of the movement ended up in prison or in exile, but Helsinki groups and committees were formed in other countries – first in former Soviet republics and then in Western states. The US Helsinki Watch group, founded with the participation of Lyudmila Alexeyeva, an exiled member of the original MHG, would later become Human Rights Watch.

An attempt to bridge the divisions in Europe following the fall of the Berlin Wall led to another wave of the Helsinki movement called the Helsinki Citizens' Assembly (HCA). The HCA was a forum where civil society groups from both East and West could exchange experiences, discuss common concerns, and formu-

late joint strategies.[3] The driving force behind the movement was solidarity among intellectuals from East and West who sought to assist civil society initiatives in difficult spaces. The movement saw the formation of groups in countries such as Armenia, Azerbaijan, Turkey, Moldova, and the Yugoslav successor states, some of which would become areas of frozen or open conflict. The HCA mainly worked on peace issues and people-to-people diplomacy, but some groups took up HR advocacy, becoming vocal participants in national HR communities in countries such as Armenia and Turkey. However, the movement subsided at the beginning of the twenty-first century.

As states from the former socialist block increasingly joined other European organizations, most HR groups shifted their attention to either the EU or the Council of Europe. The EU leveraged great financial and political power, and the European Court of Human Rights (ECtHR) soon became one of the most effective international judicial mechanisms for addressing HR violations. Engagement with these organizations was the preferred option as it seemed more likely to lead to long-lasting democratic change. As a result, many Helsinki committees departed in their own directions, providing expertise at the national level, focusing on litigation (primarily at the ECtHR), or working towards reform that would bring countries closer to EU membership. Others focused on conflict resolution and reconciliation in the Balkans and in the post-Soviet space.

Although most kept the HCA name, many groups lost contact with other committees. Some met periodically, but common campaigns became rare. In the late 1990s, the International Helsinki Federation, established in 1982 in solidarity with Soviet dissidents, found itself competing for funds with local groups and focusing much more on its own organizational support than on its mission.[4] Its Vienna-based secretariat filed for bankruptcy in 2008 following a scandal involving the misappropriation of funds by its financial manager.[5]

An effort to revive cooperation led to the launch of the Civic Solidarity Platform in 2010. The Platform has 100 member organizations and serves the important functions of coordinating different groups (including through joint monitoring and solidarity missions), encouraging the formulation of statements on emerging issues, and general coordination with international bodies. Despite its initial promise, however, it has fallen victim to the same shortcomings as other large international NGOs – dependence on bilateral funding, Western domination, ineffective decision-making structures, and expertise-driven legitimacy as opposed to constituency legitimacy. The participation of most groups has been limited to attending the annual meeting and signing public statements.

The international reaction to HR crises has lacked impact, mostly limiting itself to symbolic gestures and the voicing of concern. There is therefore a need to reform and strengthen HR movements so as to overcome the dangers of authoritarianism, nationalism, and isolationism. As Lyudmila Alexeyeva urged the MHG

partners at the annual HR conference just prior to her death in 2018:

> We must appeal to people's values, historical experience, and common sense. This is very difficult but essential, and if we are convincing, consistent, and firm, success will be on our side without fail. [...] When we began our difficult journey for the defense of human rights, we had far fewer grounds for optimism than we do today, but we believed in the success of our hopeless cause![6]

Learning from successful citizen mobilization

There have been efforts by HR groups to search for alternative, experience-based solutions to HR challenges that involve forming a common language and agenda, building a community of support for HR ideas, and proposing actions for a wider public. Human rights work mainly remains limited to reporting on problems and appealing to courts and international bodies. It is also heavily project-driven and reactive. Nonetheless, there have been initiatives that represent successful educational programmes and citizen-driven mobilizations; such initiatives point to ways in which HR work can be strengthened.

One such example is the International School of Human Rights, first launched by Marek Novicki of the Polish Helsinki Foundation for Human Rights in 1990. The educational programmes run by the Foundation greatly contributed to forming the new language of HR in the Russian-speaking post-Soviet space.[7] The students of the Higher Course on Human Rights in Warsaw became active across a number of organizations, with some becoming successful HR trainers in their own right. Similarly, the International School for Human Rights and Civic Actions (active from 2008 to 2020), launched by the international Youth Human Rights Movement with the support of the MHG, went on to train a new generation of young HRDs, many of whom became leaders of HR groups in at least nine different countries. These educational initiatives have helped to promote a common language of HR theory and practice, serving as spaces for exchanging experiences, testing new ideas, building networks, and strengthening solidarity.

Another example of a successful experience-driven movement comes from Belarus. When post-electoral protests in Belarus resulted in violence in December 2010, Russian and Ukrainian HRDs, many of whom shared common experiences at the above-mentioned HR schools, launched the International Observation Mission (IOM) under the auspices of the Committee of International Control over the Human Rights Situation in Belarus (CIC).[8] The IOM was present in Minsk and both monitored and sought to ensure compliance with OSCE commitments. It focused on defending prosecuted journalists, lawyers, and HRDs, was present at searches and court trials, was in constant contact with local groups, and informed the relevant OSCE and UN bodies. The CIC worked for several months with no external fund-

ing. It nevertheless managed to attract forty-three NGOs, engage more than seventy-five different people in the work of its bodies, and influence major decisions on Belarus at the time, including the OSCE Moscow Mechanism and a number of UN and Council of Europe resolutions. On a symbolic level, it also drew additional attention to HR in Belarus in countries such as Russia and Ukraine. It spread the idea of international solidarity and created a model for civil society reactions to crackdowns based on evidence on the ground, drawing from regional experience while remaining internationally connected.[9] Finally, the Committee created the post of a Special Rapporteur and engaged Neil Jarman, Chair of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) Panel of Experts on Freedom of Assembly, to investigate the events of 19 December 2010.[10] The Special Rapporteur examined the events in the streets of Minsk, which the government had claimed were mass riots, and subsequently posed questions to the authorities. The report, drawing on these questions and other publicly available data, preceded the official OSCE Moscow Mechanism report, which partly drew on the Special Rapporteur's conclusions and indicated gross and systematic HR violations.[11] Most importantly, the CIC and the IOM provided examples of engagement and solidarity among HRDs across borders and of support for HRDs on the ground, serving as a guide for action towards accountability during mass HR abuses.

Another model of citizen-driven mobilization comes from independent observer initiatives in Russia, Ukraine, and Belarus. These initiatives mainly focus on court monitoring (for instance by attending trials to monitor the accessibility and openness of courts to the public), citizen oversight of law enforcement (by routinely inspecting police stations and the work of police patrols), and monitoring mass rallies. They have formed an international movement of independent watchdogs and sometimes engage in mediation and crisis prevention. These initiatives base their actions on the HR commitments compiled in the OSCE ODIHR and Venice Commission Guidelines on Freedom of Peaceful Assembly and on methods from the OSCE ODIHR Assembly Monitoring Handbook and Trial Monitoring Manuals, promoting these HR commitments and methods among volunteer observers belonging to the citizen oversight movement.[12]

Citizen mobilization supplements official monitoring performed by ODIHR, which is only open to its staff and to a pool of selected international experts, requires significant resources, and depends on governments agreeing to admit observers, thus making their presence practically impossible in some countries. Civil society groups are able to cover major mass protests and key court proceedings in places to which official OSCE monitors may not have access and in numbers that ODIHR cannot match. They also work primarily with domestic audiences, presenting their own societies with factual reporting and comparisons with the international standards their countries have accepted. Most importantly, they serve as

mobilization points for broader citizen participation.

Strengthening human rights movements

One of the key purposes of HR groups is to hold regimes that commit grave HR violations accountable. To achieve this goal, HR groups need to solve key social problems and create citizen HR movements. To that end, HR groups need an enabling environment, ample supporters with an understanding of HR, economic sustainability, and financial independence.

There are certain groups that work at the forefront of HR defence. These include journalists, who inform society and shape public debate; lawyers, who must be able to defend the accused without being associated with the presumed crimes of their clients and without fear of prosecution; and HRDs, who must be able to defend the rights of others and be acknowledged as performing a key function in bringing justice to victims and upholding internationally agreed HR obligations. It is no coincidence that these groups are targeted when there are contested elections or mass unrest.

One can argue that an attack on a representative of any of these groups is not an internal matter or a minor violation but a threat to the international system of HR protection. Yet there is no publicly available list of representatives of such groups who have been imprisoned or persecuted for their professional activities; indeed, aside from proverbial statements of concern, it seems that there have thus far been no coordinated efforts on behalf of international organizations to advocate for their release.[13] ODIHR previously engaged in monitoring the situation with HRDs in particular but failed to expand its efforts beyond just a few participating States.[14] OSCE documents are among the few to include additional guarantees on the freedom of movement of HRDs and journalists.[15]

What is largely missing is targeted and practically applicable education on HR and awareness raising that moves beyond the like-minded. Existing higher education programmes focused on HR do not usually include practical engagement in HR work. Higher education programmes rarely include engagement with active HRDs (for example through internships), leading to the distancing of academia from practitioners. This undermines research on HR issues in the most problematic countries. There is also a clear lack of education courses that draw on both the local and the international context, involve experts with field experience, and are available in Russian and other national languages of the OSCE participating States, whether online or offline. More practically oriented HR education could shed light on the situation on the ground and would increase public awareness of HR. Furthermore, promoting the values of HR and the role of HRDs is necessary for strengthening the work of HR groups. Marketing techniques employed in the commercial sector could easily be adapted to serve this purpose. Such communication has received increased attention, with some

examples from HR groups potentially serving as inspiration.[16]

Finally, the funding of HR work is often handicapped by the dominance of project-based approaches, dependence on the priorities of donor countries or foundations, and a lack of long-term investment models. For instance, the MHG's endowment in Russia remains a lone example in the HR sector of the post-Soviet space creating an important and sustainable source of revenue (similar to those enjoyed by universities and other public institutions) and encouraging long-term investment in HR work.[17] Collective community funding as a model also constitutes a major shift toward community philanthropy that could reinvigorate the HR movement.[18] Although socially responsible investment has become more popular among private investors, the only HR group that seems to be building on this is the International Federation for Human Rights (FIDH). FIDH has created its own ethical investment fund, Libertés & Solidarité, which applies HR criteria in stock selection and includes a mechanism for profit-sharing between the FIDH and subscribers.[19] Thus, further steps are needed to promote the adoption of similar practices in the wider HR community, opening it up both to contributions from large institutional donors and to international crowdfunding efforts that go hand in hand with awareness-raising campaigns. Diverse funding provides much more space for experimentation, innovation, and trial and error. Hence, increasing funding diversity and economic sustainability, constructing alternative financial models, and promoting the financial independence of the sector would allow HR work to be more flexible and strategic.[20]

Paying greater attention to these areas would pave the way for broader initiatives that move beyond the usual logic of NGO-focused, project-based work. These would allow HR groups to continue their work on the ground, building on broad-based community support while remaining part of an international movement. After all, this is what the Helsinki movement was always about: a constant reminder that the issues of the human dimension of security are not just points of debate among states but matters of relevance to a wider civil society movement.

Recommendations

The following recommendations are an invitation for HR organizations working in the OSCE region to focus on common priorities. These organizations could encourage OSCE institutions and willing participating States to:

1. Provide support, protection, and an enabling environment for journalists, lawyers, and HRDs, in particular by:

a) agreeing on, compiling, and making publicly available lists of group representatives who have been imprisoned or persecuted for their professional activities, as well as coordinating common actions to advocate for their release in cases of imprisonment;
b) developing responses in cases where members of the above categories face reprisals. Similar anti-reprisal mechan-

isms adopted by the Council of Europe and the UN could serve as examples for the OSCE to build on;
c) promoting transnational cooperation among civil society, especially in the field of HR;
d) providing political, financial, and expert support for international institutions that focus on these groups, including staff who speak the relevant languages and are familiar with the countries in which these groups face the greatest challenges;
e) bringing together representatives of committed states and civil society experts (i) to classify attacks on journalists, lawyers, and HRDs as egregious disregard for OSCE commitments and as threats to comprehensive security and (ii) to brainstorm ways to counteract and remedy them.

2. Increase the number of supporters and followers of HR groups, including through HR education, in particular by:

a) involving public relations and advertising agencies to help HR activists frame and package their messages, attract more followers, and build communities of support;
b) making support for HR-focused higher education programmes conditional on the active engagement of HR activists and encouraging internships at HR organizations;
c) encouraging international academic exchanges in the field of HR, including internships and collaborative projects;
d) investing in large-scale educational courses for a wider audience (available online and offline) that explain HR concepts and standards in all of the official languages of the OSCE and are supplemented with practically oriented components such as citizen oversight practices;
e) training a new cohort of HR educators who can act as multipliers and build connections and networks both locally and across borders.

3. Re-evaluate the economic sustainability and financial independence of the HR sector. While the risks associated with foreign funding may increase in some states, this should be dealt with not by withdrawing support but by searching for other means of contributing, including directly by citizens. Transnational connections in this context should be encouraged. The following steps should therefore be considered:

a) encouraging the development of various financial models and investment systems for HR work, including endowments, community foundations, impact investment, and crowdfunding platforms;
b) making the mobilization of domestic funding and support a priority while defending the right to receive international funding for HR work.

Notes

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https://www.nobelprize.org/prizes/peace/1975/sakharov/lecture/

2 See Sarah B. Snyder, Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network, New York: Cambridge University Press, 2011; Paul Goldberg, The Final Act: The Dramatic, Revealing Story of the Moscow Helsinki Watch Group, New York: William Morrow & Company, 1988.

3 Ben Schennink, "Helsinki from Below: Origin and Development of the Helsinki Citizens' Assembly (HCA)", in: IFSH (ed.), OSCE Yearbook 1997, Baden-Baden: Nomos, 1998, 403-415.

4 See Aaron Rhodes, "The Continuing Challenge of the International Helsinki Federation for Human Rights (IHF)", in: IFSH (ed.), OSCE Yearbook 1995/1996, Baden-Baden: Nomos, 1997, 401-410.

5 Claire Bigg, "Helsinki Federation shuts down after fraud scandal", Radio Free Europe/Radio Liberty, 12 December 2007, https://www.rferl.org/a/1079257.html

6 Lyudmila M. Alexeyeva, "From our archive. Liudmila Alekseeva: 'We must continue to defend the victims of state tyranny'" (English translation), Rights in Russia, 9 December 2018, https://www.rightsinrussia.org/alekseeva/

7 Website of the Polish Helsinki Foundation for Human Rights, https://www.hfhr.pl/dzialania/edukacja-miedzynarodowa/

8 Website of the Committee of International Control over the Human Rights Situation in Belarus, https://hrwatch-by.org/en

9 Баранов Константин, Объездчикова Алена. Комитет международного контроля за ситуацией с правами человека в Республике Беларусь как пример комплексной тактики защиты прав человека на пост-советском пространстве. Воронеж: Артефакт, 2012. 32 с. [Konstantin Baranov/Alyona Ob'ezdchikova, Committee of International Control over the Human Rights Situation in the Republic of Belarus as an Example of a Complex Tactic of Defending Human Rights in the Post-Soviet Space, Voronezh: Artefact Publishing, 2012, p. 32].

10 "Memorandum on the appointment of a Special Rapporteur on 19 December 2010 events", Special Rapporteur of the Committee of International Control over the Human Rights Situation in Belarus, 22 February 2010, https://hrwatch-by.org/en/special-rapporteur

11 Emmanuel Decaux, OSCE Moscow Mechanism Rapporteur's Report on Belarus, ODIHR.GAL/39/11/Corr.1*, 16 June 2011, https://www.osce.org/files/f/documents/6/b/78705.pdf; Special Rapporteur of the Committee of International Control over the Human Rights Situation in Belarus, "Final human rights assessment of the events of 19 December 2010 in Minsk, Belarus", http://hrwatch-by.org/sites/default/files/Final_HRights_Assessment_of_19-12-2010_in_Minsk-eng_final.pdf

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13 Amnesty International has a slightly broader "prisoner of conscience" designation for those who are imprisoned because of who they are or what they believe. Several groups regularly update

lists of "political prisoners" (according to the Human Rights Centre "Viasna", 907 people as of 6 December 2021 in Belarus alone; see https://prisoners.spring96.org/en).

14 OSCE ODIHR, Human Rights Defenders in the OSCE Region: Our Collective Conscience, Warsaw 2007, https://www.osce.org/odihr/29714; OSCE ODIHR, The Situation of Human Rights Defenders in Selected OSCE Participating States, Warsaw 2021, https://www.osce.org/odihr/493867

15 See Вашкевич Александр. Стандарты ОБСЕ / под редакций К. Баранова, А. Казлюка // Трансграничные аспекты свободы передвижения: международные стандарты и практические проблемы на примере Беларуси, России и Украины. – Львов: Лига-Пресс, 2015. – с. 44-60 [Alexander Vashkevich, "OSCE Standards", in: Konstantin Baranov/Alexey Kazliuk (eds.), Transborder Aspects of Freedom of Movement: International Standards and Practical Problems in the Examples of Belarus, Russia, and Ukraine, Lviv: Liga-Press, 2015, pp. 44-60].

16 See for example the reference to the OSCE ODIHR event "Human Rights Communication 2.0", Akvarium Klub, Budapest, Hungary, 5 December 2017. See also the Bulgarian Helsinki Committee campaign "For the people", https://www.bghelsinki.org/en/campaigns/bhc-for-the-people. Further examples include experiments with gaming innovations undertaken by Russia's non-profit sector (see for instance Tatiana Tolsteneva, "Technology and gaming innovations bring new life to Russian NGOs", OpenGlobalRights, 12 September 2019, https://www.openglobalrights.org/technology-and-gaming-innovations-bring-new-life-to-russian-ngos) and an interactive miniseries with young HR activists as main protagonists (see https://lateralsummer.com/whoareu/), a collaboration between the film studio Lateral Summer, the MHG, and the independent newspaper Novaya Gazeta.

17 Website of the MHG's HR endowment, https://endowment.mhg.ru/

18 For example, see references to the #ShiftThePower movement on the website of the Global Fund for Community Foundations, https://globalfundcommunityfoundations.org/what-we-stand-for/shiftthepower/

19 Website of the FIDH, https://www.fidh.org/fr/com/faire-un-don/faire-un-placement-solidaire-6650

20 See the analysis of diverse financial models in the report by the CSIS Human Rights Initiative: Edwin Rekosh, "Rethinking the human rights business model: New and innovative structures and strategies for local impact", Center for Strategic & International Studies, 14 June 2017, https://www.csis.org/analysis/rethinking-human-rights-business-model

Annex: List of active Helsinki groups and committees

Name as of 2021	Name at creation (if different)	Year of creation	Website
Albania: Albanian Helsinki Committee	Albanian Forum for the Protection of Fundamental Human Rights and Freedoms	1990	https://ahc.org.al/
Armenia: Helsinki Committee of Armenia		1996	http://armhels.com/
Armenia: Helsinki Citizens Assembly – Armenia		1992	
Armenia: Helsinki Citizens' Assembly – Vanadzor		1998	https://hcav.am/en/
Armenia: Helsinki Association of Armenia		1997	
Austria: Austrian Helsinki Association		2008	http://austrianhelsinki.at/
Azerbaijan: Helsinki Citizens Assembly – Azerbaijan		1992	
Belarus: Belarusian Helsinki Committee		1995	https://www.belhelcom.org/
Bosnia and Herzegovina: Helsinki Citizens' Assembly (hCa) Banja Luka		1996	http://hcabl.org/
Bosnia and Herzegovina: Helsinki Committee for Human Rights in Bosnia and Herzegovina		1995	
Bulgaria: Bulgarian Helsinki Committee		1992	https://www.bghelsinki.org
Canada: Canadian Helsinki Watch Group*		1985	
Croatia: Croatian Helsinki Committee for Human Rights		1993	http://www.hho.hr/
Czech Republic: Czech Helsinki Committee	Czechoslovak Helsinki Committee	1988	http://www.helcom.cz/
Denmark: Danish Helsinki Committee for Human Rights		1985	http://helsinkicommittee.dk
France: European Assembly of Citizens		1990	http://www.aechca.fr/
Georgia: Georgian Helsinki Committee*		1976–1977	

Annex: List of active Helsinki groups and committees

Name as of 2021	Name at creation (if different)	Year of creation	Website
Germany: German Helsinki Committee for Human Rights, Security and Cooperation in Europe*			
Greece: Greek Helsinki Monitor		1993	https://greekhelsinki.wordpress.com/
Hungary: Hungarian Helsinki Committee		1989	https://helsinki.hu/
Italy: Italian Federation for Human Rights – Italian Helsinki Committee		1987	https://fidu.it/
Kazakhstan: Almaty Helsinki Committee*		1990	
Kosovo: Kosovar Helsinki Committee*			
Lithuania: Lithuanian Helsinki Group*		1976–1983, re-established in 1988	
Moldova: Moldovan Helsinki Committee for Human Rights*		1992	
Moldova: Helsinki Citizens' Assembly – Moldova*			
Montenegro: Helsinki Committee for Human Rights in Montenegro			
The Netherlands: Netherlands Helsinki Committee		1987	https://www.nhc.nl/
Norway: Norwegian Helsinki Committee		1977	https://www.nhc.no/
North Macedonia: Helsinki Committee for Human Rights		1994	https://mhc.org.mk/
Poland: Helsinki Committee in Poland and Helsinki Foundation for Human Rights	Helsinki Committee in Poland	1982, known as the HFHR since 1989	https://www.hfhr.pl/
Romania: Association for the Defence of Human Rights in Romania – the Helsinki Committee		1990	https://apador.org/
Russia: Moscow Helsinki Group		1976, re-established in 1989	https://mhg.ru/
Serbia: Helsinki Committee for Human Rights in Serbia		1994	http://www.helsinki.org.rs/
Slovakia: Helsinki Committee for Human Rights in Slovakia		1993	https://www.helcom.sk/

Name as of 2021	Name at creation (if different)	Year of creation	Website
Slovenia: Helsinki Monitor of Slovenia*		1994	
Spain: Helsinki España – Human Dimension		1992	helsinkiespana.org
Sweden: Civil Rights Defenders	Swedish Helsinki Committee	1982	https://crd.org/
Switzerland: Swiss Helsinki Committee		1977	https://shv-ch.org/
Turkey: Helsinki Citizens' Assembly		1990	https://hyd.org.tr/
Ukraine: Ukrainian Helsinki Human Rights Union	Ukrainian Helsinki Group	1976–1981, re-established in 2004 as Ukrainian Helsinki Human Rights Union	https://helsinki.org.ua/
Ukraine: International Helsinki Association for Human Rights		2011	https://ihahr.org/
USA: Human Rights Watch	Helsinki Watch	1978	https://www.hrw.org/

* Groups that are no longer active or for which there is no information on their activities.

In the Absence of Field Missions: The OSCE's Engagement with Georgia's Conflicts

Nino Kemoklidze[*]

Abstract

Since the OSCE Mission to Georgia closed its seventeen-year field operations in 2009, questions have remained about the OSCE's engagement with Georgia and the prospects of it playing a meaningful role in the conflicts in Abkhazia and the Tskhinvali region/South Ossetia. In 2009, the OSCE was forced to terminate its field operations due to Russia's refusal to renew the Mission's mandate following the August 2008 Russian–Georgian war. Since then, the OSCE's involvement in Georgia's conflicts has continued mainly through the Geneva International Discussions and the Incident Prevention and Response Mechanism. This paper examines the OSCE's engagement in Georgia, with a particular focus on its "engagement without presence" in Georgia's conflicts. It considers the prospects for a future relationship between Georgia and the OSCE and the role the OSCE can still play in these conflicts.

Keywords

OSCE, Georgia, Geneva International Discussions, confidence-building measures

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Introduction[1]

At the end of the 1990s, it was widely believed in Georgia that no organization could be more involved in the resolution of the country's conflicts than the OSCE.[2] Since 30 June 2009, however, when the OSCE's seventeen-year monitoring operations ended in Georgia, questions have remained concerning the future of the OSCE–Georgia relationship and the role the OSCE can play in the conflicts in Abkhazia and the Tskhinvali region/South Ossetia.[3]

The mandate of the OSCE Mission to Georgia came to a close at the end of December 2008, although the Mission had effectively already lost access to the Tskhinvali region/South Ossetia following the August war between Russia and Georgia. Before the war, the OSCE had eight Military Monitoring Officers in the field, five of whom were based in the city of Tskhinvali. In the aftermath of the

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war, twenty additional officers were deployed to Georgia (under a separate mandate).[4] However, they were only allowed to monitor the surrounding areas and were not permitted in the conflict zone by the de facto authorities in the Tskhinvali region/South Ossetia. Their mandate was extended in February 2009, and they remained in Georgia until 30 June, alongside several other Mission staff members.[5] The decision to end the OSCE Mission in Georgia came when Moscow refused to renew its mandate amidst failed attempts to reach an agreement on the status-neutral mandate that would have accommodated the Kremlin's demands. After recognizing the independence of Abkhazia and the Tskhinvali region/South Ossetia at the end of August 2008, Russia insisted on having two separate missions in Tbilisi and Tskhinvali. This was unacceptable to Georgia, which feared that such a move would lend legitimacy and de facto recognition to those who controlled the territory that it now considered to be occupied by Russia.[6]

Since then, the OSCE's involvement in Georgia's conflicts has continued through various means, but mainly through the Geneva International Discussions (GID), which it has co-chaired since its inception in October 2008, and the Incident Prevention and Response Mechanism (IPRM) in Ergneti. The OSCE's continued commitment to conflict resolution efforts in Georgia was reaffirmed by the Chairperson-in-Office (CiO), Swedish Minister for Foreign Affairs Anne Linde, during her visit to Tbilisi in February 2021. According to Linde, conflict resolution efforts in the OSCE region remained a priority for the CiO, and the OSCE was actively engaged in bringing Georgia's conflicts "closer to resolution" through the GID and the IPRM, as well as "through projects in all three dimensions of security".[7] Given the relatively few opportunities to engage in Georgia's protracted conflicts (beyond the GID and the IPRM), however, questions have been raised about what role the OSCE can still play in their resolution.[8]

In this paper, I examine the OSCE's engagement in Georgia in the absence of a field operation and consider the prospects for "engagement without presence". I focus mainly on the relationship between the OSCE and Georgia in the context of the conflicts in Abkhazia and the Tskhinvali region/South Ossetia. This is not to say that the OSCE's engagement has been exclusively focused on conflict. Traditionally, it has gone well beyond the monitoring missions. The OSCE Secretariat in Vienna and various OSCE institutions, such as the Office of the High Commissioner on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Representative on Freedom of the Media, and the OSCE Parliamentary Assembly, have maintained active engagement in and with Georgia. Directly and indirectly, the OSCE has maintained its "presence" in Georgia, including via a number of confidence-building measures (CBMs) in the second and third dimensions.

This paper is supported by interviews with former and current political and diplomatic representatives in Tbilisi and Vienna.[9] It begins by briefly outlining the

history of the relationship between the OSCE and Georgia before turning its attention to the state of affairs following the 2008 war, with a particular focus on the OSCE's role and involvement in the GID. The paper presents the main constraints that the OSCE faces in relation to Georgia and Georgia's expectations of the OSCE. It concludes with recommendations on how both Georgia and the OSCE could play a more active role in Georgia's conflicts.

The OSCE in Georgia

On 24 March 1992, Georgia was admitted into the Conference on Security and Cooperation in Europe (CSCE). The mandate of the initial CSCE Rapporteur Mission to Georgia was to "report to the participating States on progress in the Republic of Georgia toward full implementation of CSCE commitments and provide assistance toward that objective".[10] Given the rapidly deteriorating situation in the country, however, a decision was taken in November 1992 to establish what would become a seventeen-year mission in Georgia. The aim of the Mission was "to promote negotiations between the conflicting parties in Georgia which are aimed at reaching a peaceful political settlement".[11] Even though the Mission's mandate covered both Abkhazia and the Tskhinvali region/South Ossetia, in practice the OSCE mainly concentrated on the latter conflict, while Abkhazia was largely left to the United Nations (UN). The United Nations Observer Mission in Georgia (UNOMIG) was established in August 1993, and its activities largely centred on Abkhazia.[12] The OSCE had a human rights officer seconded to UNOMIG; therefore, one OSCE staff member was present as part of the international efforts in the territory.

This "division of labour" between international organizations remains a contentious issue in Georgia. Levan Mikeladze, Georgia's Ambassador to Austria and its representative in the OSCE (1996–2002), expressed his dismay at this in the late 1990s, asserting that "in many cases this is the main reason for negligence, ineffectiveness, and inactivity, while one organization is waiting for the other to act."[13] This issue was never addressed and remains a feature of the GID and the IPRM.

The GID was set up in the aftermath of the Russian–Georgian war and was initially tasked with overseeing the implementation of the 12 August 2008 ceasefire agreement between Georgia and Russia. It remains the only discussion platform to bring to the table all sides of the conflict – Georgia and Russia, as well as Sokhumi/Sukhum and Tskhinvali. Held quarterly, the GID also involves the United States as a participant and is co-chaired by the European Union (EU), the UN, and the OSCE.[14]

The IPRM, a spin-off of the GID, was established in February 2009. Within this mechanism, regular (usually monthly) meetings were held in Abkhazia (Gali),[15] and as of 2021 they continue to be held regularly in Ergneti, focusing on the South Ossetian context and including the participation of Russia. In the meetings, the security actors discuss everyday issues

of conflict affecting people's lives, and their main goal is rapid response on specific incidents.[16] The meetings have been co-facilitated by the EU Monitoring Mission in Georgia (EUMM) (created in the aftermath of the 2008 war), the OSCE, and the UN.

The delimitation of boundaries between these international bodies manifests itself at these meetings as well. For instance, the meetings in Gali were chaired by the UN, with the participation of the EUMM, while in Ergneti they are co-facilitated by the EUMM and the OSCE.[17] Although the lack of progress in settling these conflicts cannot be attributed to this distribution of responsibilities, many in Georgia have the impression that this informal division of labour (in "spheres of influence", as one respondent put it) has not always been positive and could be more efficient – sometimes leading to competition among the Co-Chairs[18] and potentially distracting from the conflicts and issues at hand.

The OSCE and the Geneva International Discussions

Signs of discontent on Georgia's part regarding the OSCE's role in the conflicts were already apparent in the 1990s, but it was the August 2008 war and the Russian objection that proved a major setback, ultimately bringing an end to the OSCE Mission in Georgia.[19] Questions about the OSCE's failure to avert the escalation of the situation in the Tskhinvali region/South Ossetia resurfaced, despite the intensification of its mediation efforts in the run-up to the August 2008 war.[20] Russia was particularly critical of the OSCE, accusing the Finnish Chairpersonship of conducting weak negotiations and the OSCE Mission in Georgia of providing slow or inadequate information to participating States in Vienna. This was also reflected in the OSCE's involvement in the ceasefire negotiations, as "[t]he Russian side preferred to negotiate with the EU rather than the OSCE" and the leadership role in these negotiations was seized by the EU presidency held by France.[21]

By the time of the first GID meeting in October 2008, the Co-Chairs faced "new realities" on the ground, as Russia had recognized Abkhazia and South Ossetia as independent states and the parties "had already 'internalised the impossibility of full implementation' of the ceasefire agreement".[22] At the GID, the situation was further complicated by unclarity regarding which conflict was being mediated. For Georgia, the 2008 conflict was between the two countries – Georgia and Russia. For Russia and the two territories, however, this has been a conflict between Georgia on the one hand and Abkhazia and South Ossetia on the other, in which Russia has acted as a facilitator. Consequently, the approach taken by the international organizations involved has been marked by this lack of clarity. The EU tends to "gravitate […] towards primarily mediating the Georgia–Russia conflict, while the UN and OSCE are more engaged in Georgia–Abkhazia and Georgia–South Ossetia dynamics respectively".[23] From Georgia's perspective, this perceived unclarity has weakened the Co-Chairs' standing as mediators.[24]

After fifty-four rounds of the GID as of October 2021, the mood in Tbilisi seemed rather bleak. Nonetheless, many in Georgia appreciate the necessity of such a platform. As a former Georgian government official put it:

> You have to have it [the GID]; it needs to exist, but there will never be any breakthrough in Geneva if Moscow does not change its political stance. So, you have to continue and maintain this international format because you will have nothing better if you lose it. However, you should not have any illusions about what can be achieved through it.[25]

This raises the important issue of managing expectations. Each side must be realistic about what it can achieve within the framework of the existing dialogue formats and adjust its goals accordingly.[26] In the case of Georgia, Tbilisi must be realistic about its expectations of the OSCE. The OSCE has a more successful track record in conflict management than in conflict resolution.[27] Therefore, Georgia ought to keep any expectations concerning conflict resolution relatively low.

The OSCE and Georgia's conflicts: "Mission impossible"?

The history of the OSCE's engagement in Georgia and its standing in the GID may not support much optimism regarding the Organization's ability to resolve Georgia's protracted conflicts.[28] In the absence of a field mission, it has become even more difficult for the OSCE to do anything "important and fundamental", which would require a presence on the ground.[29]

Beyond the GID and the IPRM, the OSCE's main involvement in Georgia is through the activities of the Secretariat and its Conflict Prevention Centre (CPC), the HCNM and ODIHR. Various projects and activities on issues such as youth dialogue, environmental cooperation, missing persons, and water sharing were always meant to support the GID and the IPRM. While these contributions to CBMs are undeniable, the OSCE Secretariat's involvement in such projects has diminished over time. Prior to the 2008 war, the OSCE was one of the main players (if not the only player) in various CBMs on both sides of the Tskhinvali region/South Ossetia. In 2021, however, direct engagement of this sort by international organizations in non-controlled Georgian territory was lacking, and some dialogue initiatives were being administered by the United Nations Development Programme. Although the OSCE would be "much better suited to such activities given its organizational experience and expertise",[30] the dependence of the OSCE's actions on Russia has made more extensive involvement unlikely.[31] As a former government official in Georgia observed: "if I had to choose whether to spend resources on deepening the relationship with the EU or the OSCE, for instance, of course I would choose the former because at the end of the day you can try a lot with the OSCE, but ultimately so much still depends on Russia there."[32]

From the OSCE's perspective, some of the restrictions that successive Geor-

gian governments have placed on international organizations out of fear of "creeping recognition" of secessionist entities have further hindered attempts to find long-term solutions. For instance, questions regarding the status of Abkhazia and the Tskhinvali region/South Ossetia have been excluded from all discussion formats. Notably, if one of the Co-Chairs were to attempt to "discuss such issues in Geneva, they would be declared persona non grata the next day".[33] Discussions concerning the status of these territories have thus become particularly dogmatic in Georgia. As a former Georgian civil servant pointed out, "we seem to be more concerned with form than with content."[34] In this regard, Georgian politics on this topic lack a clear direction,[35] and there is uncertainty about what the OSCE has to offer.[36] As some in Georgia acknowledge, these issues must be addressed "before we start thinking about the OSCE's greater involvement".[37]

This lack of progress has been frustrating and has led to lethargy concerning many of the protracted conflicts in the OSCE region.[38] Moreover, maintaining the status quo has become desirable to all parties involved.[39] As Jaba Devdariani notes:

> from the outside, from the international mediation perspective, the chances of escalating the conflicts in Georgia are rather low, but at the same time resolving these conflicts is impossible in the near future. Therefore, no one is rushing and trying to invest any political capital in these conflicts. So, while we are in this latent phase, no one is going to be interested in this.[40]

Philip Remler has dubbed this phenomenon "protracted conflict syndrome": a condition where all parties to the conflict (and in some cases conflict mediators) have accepted that the "conflict will not be resolved for the foreseeable future" and "have adapted to that expectation".[41] Some also think that there is little appetite among participating States of the OSCE "to take a more active role in Georgia's conflicts, whether that would be with a field mission or without it".[42] On the other hand, conversations with OSCE officials reveal that the Organization is trying to do its best while navigating complex sets of constraints emanating from its institutional structure and consensus principle.[43]

Conclusions and recommendations

Despite its limitations, the OSCE has the necessary tools "for addressing many of the current challenges" in the region.[44] Below, I outline steps that could be taken (both by Georgia and by the OSCE) to make the most of them and to overcome lethargy regarding Georgia's protracted conflicts:

- **The Georgian government to set more realistic goals.** If Georgia wants international actors to engage more actively in its conflicts, it must first overcome "protracted conflict syndrome" and set itself a clearer agenda with more realistic goals. In other words, it must better articulate

"what it wants, where it needs help the most, and what it can offer".[45] As long as Georgia is comfortable with the status quo and lacks a longer-term strategy (beyond the removal of Russian troops stationed in Abkhazia and the Tskhinvali region/South Ossetia), it cannot expect the international community to play a more active role in these conflicts.

- **Georgia to take more responsibility and initiative.** More than a decade has passed since the active phase of the conflict, but much of the infrastructure around the administrative boundary lines (ABLs) still needs rebuilding. Some areas have been rehabilitated with the help of international funding (including through the OSCE) and with Georgian taxpayers' money, but Georgia must take greater responsibility for devising a clear plan and a longer-term strategy.
- **Revisit the question of re-opening an OSCE presence in Georgia in a status-neutral format**. Re-opening a mission in Georgia may seem unrealistic, given that neither Georgia nor Russia has changed its position on the issue. Nonetheless, one option is to re-establish an OSCE presence in a different, status-neutral format. The UN's "roaming presence" could serve as an example in this regard.
- **Support wider regional initiatives and discussions.** Georgia's "Peaceful Neighbourhood Initiative" and other region-focused discussions could open up new regional possibilities.[46] Such discussions would allow for an OSCE presence – such as an office or locally recruited project staff, as a start – to support projects and regional initiatives that do not directly focus on the conflict context(s). In addition, Tbilisi should take a more pragmatic approach to the OSCE's wide portfolio in the area of comprehensive security. Of course, Russia's involvement remains an issue. Given that Russia's consent is needed to re-establish any field presence, whether as an activity under the OSCE Unified Budget or through extra-budgetary projects, stronger leadership from the OSCE could potentially convince Russia that an OSCE presence in the region is in its interest.[47]
- **Extend the timeframe of the OSCE Co-Chairs in the GID.** OSCE Co-Chairs of the Geneva format rotate formally every year, in contrast to the EU and the UN Co-Chairs, who usually remain in their posts for several years. This significantly limits what they can achieve. The practice of some Chairs having Special Representatives for two years should become the rule, and longer-lasting mandates should be envisaged.[48]
- **Strengthen institutional support.** Greater OSCE involvement in the region would require greater support from the Organization. This relates first and foremost to funding and political support from its participating States. For the annually changing Chairpersonships, this also implies an understanding of continuity and the earmarking of sufficient funds for their Special Representatives, for both projects and staff. Moreover,

to promote linkage with the Secretariat, acting as institutional memory for each Special Representative, a stronger "one-OSCE-team" approach could further consolidate engagement with the GID and the related process. For instance, one member of the Secretariat could be Deputy of the Special Representative, just as a CPC member is co-moderator in Working Group II in Geneva.

- **Increase investment in CBMs across the ABLs in Abkhazia and the Tskhinvali region/South Ossetia.** CBMs remain powerful tools that governments and regional and international actors can use when "faced with difficult choices over whether and how to engage with unrecognized entities".[49] Although there are limits to what they can achieve at the state level, the spill-over effects of CBMs and their impact on local communities are undeniable.[50]
- **Make resources available.** The individual participating States of the OSCE should make funds and other resources available to the CiO, the Secretariat, and the CPC in order to engage in further CBMs in Abkhazia and the Tskhinvali region/South Ossetia. This should continue to take the form of extra-budgetary, individual initiatives from OSCE participating States as long as there is a Russian veto in the Permanent Council on a full-fledged presence. This must also be carried out with the participation of the Secretariat.
- **Increase synergy among international mediators**. Whether perceived or real, competition among international actors can only harm conflict resolution efforts. Better coordination and making the most of different areas of expertise would benefit conflict resolution efforts.

Notes

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2 Levan Mikeladze, "Georgia and the OSCE", in: IFSH (ed.), OSCE Yearbook 1999, Baden-Baden: Nomos, 2000, 93-104, p. 97.

3 The Tskhinvali region is the name used by Georgia to refer to the territory of what was formerly known as the Autonomous *Oblast* of South Ossetia. Given the sensitivity of this issue, I use the term "Tskhinvali region/South Ossetia" throughout.

4 Before the war, the overall number of OSCE staff members in Georgia was 183 (46 international and 137 local staff). See: OSCE, Survey of OSCE Field Operations, SEC.GAL/118/21, 13 September 2021, p. 54, https://www.osce.org/secretariat/74783

5 Ibid.

6 Vladimir Socor, "OSCE RIP in Georgia", in: Eurasia Daily Monitor, 6 (126), The Jamestown Foundation, 1 July 2009, https://jamestown.org/program/osce-rip

-in-georgia/; Silvia Stöber, "The Failure of the OSCE Mission to Georgia – What Remains?", in: IFSH (ed.), OSCE Yearbook 2010, Baden-Baden: Nomos, 2011, 203-220.

7 OSCE, "OSCE Chairperson-in-Office Linde concludes visit to Georgia, reaffirming OSCE's strong support", 17 February 2021, https://www.osce.org/chairmanship/478738

8 Interviews with current and former government officials in Georgia, Tbilisi, September–October 2021.

9 The interviews were conducted online in 2021. Information on some of the respondents has been left intentionally vague in order to protect their anonymity.

10 Tedo Japaridze, cited in CSCE, First Additional Meeting of the Council, Helsinki Additional Meeting of the CSCE Council, 24 March 1992, p. 17, https://www.osce.org/files/f/documents/3/9/29121.pdf

11 OSCE, cited above (Note 4), p. 49.

12 UNSC, Resolution 858 (1993) Adopted by the Security Council at its 3268th Meeting, on 24 August 1993, S/RES/858(1993), 24 August 1993, https://digitallibrary.un.org/record/171724?ln=en#record-files-collapse-header; UNOMIG operations in Georgia also ended in 2009 after Russia vetoed the further extension of its mandate. See UNOMIG, "Georgia – UNOMIG – Background", United Nations Observer Mission in Georgia, https://peacekeeping.un.org/mission/past/unomig/background.html

13 Mikeladze, cited above (Note 2), p. 98.

14 Teona Giuashvili/Jaba Devdariani, "Geneva International Discussions – Negotiating the Possible", in: Security and Human Rights 3-4/2016, 381-402, p. 382.

15 The Gali IPRM saw lengthy suspensions between 2012 and 2016 and has not met since 2018. See Civil Georgia, "IPRM meeting suspended over 'Otkhozoria-Tatunashvili list'", 27 June 2018, https://civil.ge/archives/245157

16 Office of the State Minister of Georgia for Reconciliation and Civic Equality, "Incident Prevention and Response Mechanism (IPRM)" (n. d.), https://smr.gov.ge/en/page/27/incident-prevention-and-response-mechanism

17 EUMM, "The 54th IPRM meeting takes place in Gali", European Union External Action, 21 March 2018, https://eumm.eu/en/press_and_public_information/press_releases/6249/; OSCE, "103rd Incident Prevention and Response Mechanism meeting takes place in Ergneti", 18 November 2021, https://www.osce.org/chairmanship/504685

18 Online interview with a government official in Georgia, 9 October 2021.

19 Stöber, cited above (Note 6), p. 203.

20 Ibid, p. 215.

21 Ibid, pp. 217-218.

22 Giuashvili/Devdariani, cited above (Note 14), p. 385.

23 Ibid., p. 387.

24 Ibid.

25 Online interview with Sergi Kapanadze, former Vice-Speaker of the Parliament (2016–2020) and Deputy Foreign Minister of Georgia (2011–2012), 29 September 2021.

26 Stefan Wolff, "Conflict-solving mechanisms and negotiation formats for post-Soviet protracted conflicts: A comparative perspective", Stockholm Centre for Eastern European Studies, November 2021, pp. 17-18, https://www.ui.se/globalassets/evenemang/bilder-till-programmen/sceeus/conflict-solving-mechanisms-and-negotiation-formats-for-post-soviet-protracted-conflicts-a-comparative-perspective-sceeus-hrs-no-5.pdf

27 Online interview with an OSCE diplomat, 17 November 2021.

28 In fact, as one diplomat at the OSCE put it, there was a danger of the OSCE "becoming the icebox for Russia's frozen conflicts" (Ibid.).

29 Interview with Sergi Kapanadze, cited above (Note 25).

30 Online interview with Jaba Devdariani, former Head of the Department of International Organizations at the Ministry of Foreign Affairs of Georgia (2012–2013), 14 October 2021.

31 While Moscow's influence on the situation is undeniable, it should be noted that in some instances Russia has worked in favour of the OSCE, giving it "a clear comparative advantage over other players". In certain cases, the OSCE was able to cross into non-Georgian-controlled territory to observe the situation because Russia is a participating State. The same cannot be said for the EUMM. Moreover, one could argue that the UN is more restricted in its actions given Russia's position as a permanent member of the UN Security Council. Online interview with an OSCE official, 12 November 2021.

32 Interview with a former government official in Georgia, Tbilisi, September 2021.

33 Günther Baechler, "Using the Status Quo as an Opportunity: OSCE Conflict Management Exemplified by the South Caucasus", in: IFSH (ed.), OSCE Yearbook 2019, Baden-Baden: Nomos, 2020, 139-150, pp. 144-145.

34 Online interview with a former Georgian civil servant, October 2021.

35 Ibid.

36 Online interview with an OSCE official, 12 November 2021.

37 Interview with a former Georgian civil servant, cited above (Note 34).

38 See Vladimir Socor, "Will the EU Shake off Its Lethargy Over the Protracted Conflicts in the Black Sea Region? (Part Five)", Eurasia Daily Monitor, 18 (127), The Jamestown Foundation, 10 August 2021, https://jamestown.org/program/will-the-eu-shake-off-its-lethargy-over-the-protracted-conflicts-in-the-black-sea-region-part-five/

39 Baechler, cited above (Note 33), p. 146.

40 Interview with Jaba Devdariani, cited above (Note 30).

41 Philip Remler et al., "Protracted conflicts in the OSCE area: Innovative approaches for co-operation in the conflict zones", OSCE Network of Think Tanks and Academic Institutions, December 2016, p. 12, http://osce-network.net/file-OSCE-Network/documents/Protracted_Conflicts_OSCE_WEB.pdf

42 Interview with a former Georgian civil servant, cited above (Note 34).

43 Online interview with OSCE official, cited above (Note 36).

44 Interview with Jaba Devdariani, cited above (Note 30).

45 Ibid.

46 In June 2021, the prime minister of Georgia, Irakli Gharibashvili, announced the decision to set up a commission to "develop and implement Georgia's State Strategy on De-Occupation and Peaceful Conflict-Resolution". In September 2021, he also announced the launch of the "Peaceful Neighbourhood Initiative" to "facilitate" and "implement" dialogue and confidence building in the wider South Caucasus region. See Georgian Journal, "PM establishes government commission to develop and implement Georgia's State Strategy on De-Occupation and Peaceful Conflict-Resolution", 22 June 2021, https://georgianjournal.ge/politics/37158-pm-establishes-government-commission-to-develop-and-implement-georgias-state-strategy-on-de-occupation-and-peaceful-conflict-resolution.html; Commonspace EU, "Georgia launches 'Peaceful Neighbourhood Initiative' but gives few details", 25 September 2021, https://www.commonspace.eu/index.php

/news/georgia-launches-peaceful-neighbourhood-initiative-gives-little-details

47 I am grateful to one of the reviewers for raising this point.

48 For more on the advantages of a longer timeframe for Special Representatives, see also Wolff, cited above (Note 26), p. 16.

49 Nino Kemoklidze/Stefan Wolff, "Trade as a Confidence-Building Measure in Protracted Conflicts: The Cases of Georgia and Moldova Compared", Eurasian Geography and Economics 3/2020, 305-332, p. 310.

50 Ibid.

Pluralistic Peace: New Perspectives for the OSCE?

Matthias Dembinski and Hans-Joachim Spanger[*]

Abstract

Rather than fulfilling its core task and contributing to the normalization of the conflict between Russia and the West, the OSCE has been further driven apart by it. One of the reasons for this is that the Organization's design no longer aligns with the nature of the conflict. In this paper, we present two options for institutional transformation that would enable the OSCE to deal with this crisis. The first would limit the OSCE's range of tasks to conflict prevention and ensure its capacity to act by delegating competences to its permanent bodies. The second would place dialogue and the search for consensus at the centre. Although this would limit its ability to act, it would strengthen its legitimacy.

Keywords

Pluralistic peace, institutional design, OSCE crisis, Russia

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Introduction[1]

The "East–West relationship" – essentially the relationship between Russia and the member states of NATO and the EU – has been steadily deteriorating. Military tensions have risen to dangerous levels since the annexation of Crimea and the war in eastern Ukraine. Worst-case scenarios and suspicions have run high, and hybrid threats are proliferating. At the end of 2021, speculation grew about a large-scale Russian invasion of Ukraine in early 2022. Attempts to explore opportunities for cooperation on the basis of common interests are being discredited, and although both sides have repeatedly expressed a will to cooperate (selectively), at least in principle, polarization is increasing. In the process of polarization, boundaries between policy fields erode, and antagonistic interests prevail over common ones.

The conflict has affected virtually all institutions originally established to facilitate cooperation between Russia and the West, including the NATO–Russia Coun-

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cil and the institutionalized cooperation between Russia and the EU. The only comprehensive institution remaining is the OSCE, which comprises all European countries, the United States, Canada, the Central Asian countries, and Mongolia and which was created with the express purpose of building confidence. Given its history and institutional resources, the OSCE is in principle best suited to isolating areas of conflict and organizing cooperation in areas of common interest. Since 2014, however, the Organization has been worn down by conflict between Russia and the West. Instead of reducing tensions, it has become a theatre for conflict.

The institutional crisis faced by the OSCE is puzzling. Historically, the OSCE (and its predecessor, the CSCE) was credited with having helped to contain and transform the East–West conflict during the Cold War. In addition, the agreement that allowed the decision to create the Special Monitoring Mission in eastern Ukraine, for example, indicates that OSCE participating States still appreciate the usefulness of institutional arrangements for managing conflicts. The following question therefore arises: what explains this gap between the recognized need for conflict management and unwillingness on the part of the states concerned to properly use relevant institutions such as the OSCE for this purpose? In this contribution, we discuss whether and how this gap can be bridged by restructuring the OSCE.

We develop our argument by first revisiting the literature on institutional crises and considering how institutions become contested and, ultimately, objects of conflict themselves. Second, we apply these findings to the OSCE and its predecessor, the CSCE. On the basis of this analysis, and following our concept of "pluralistic peace", we examine how the OSCE could be rebuilt so as to contribute to constructive conflict management. To this end, we propose two avenues of reform: an institutional deepening of the OSCE alongside a limitation of its range of tasks, on the one hand, and a return to the consensus-building format of the CSCE, on the other.

The crisis of international institutions

Researchers have traditionally understood institutions as instruments created by states for the purposes of promoting cooperation, reducing transaction costs, and thus making cooperation more efficient. Because institutions and their design – membership, thematic scope, rules and norms, organs, and voting procedures – are determined by consensus among founding member states, institutional crises were considered unlikely. That institutions can be perceived as external by their members, become contested, and exacerbate tensions rather than easing them is only gradually gaining attention.[2]

Institutions can become contested for various reasons. First, when an institution is founded, different (often conflicting) concepts and ideas shape its design. At this early stage, however, it is often unclear how its rules and procedures will play out in practice or in

the face of new challenges. Second, institutions can change without the explicit consent of their member states. This can occur through changes to membership, through the influence of non-state actors, and/or through the actions of their semi-autonomous organs. Research has focused on international courts, secretariats, and field offices, on the assumption that states delegate competences to such bodies and accept the associated loss of control in exchange for greater effectiveness. However, these bodies can exercise their leeway in ways that contradict the interests of the constituent member states. Consequently, the legitimacy of the institution, which rests on the consent of all member states, can be jeopardized.[3] Third, institutions tend to be sticky. If the interests of one or more participating states change, this does not mean that the institution's rules and design will change along with them. This stickiness is particularly problematic when an organization's norms and rules reflect a particular order to be achieved, i.e. when the organization is meant to socialize (new) member states and to facilitate their convergence towards that order. If this convergence is not achieved, a gap risks opening up between the institutional norms and the social order. Such a gap has been witnessed since the early 2000s, especially in parts of the post-Communist region of Eurasia.[4]

If institutions become alienated from their members, states usually react with strategies that include reform efforts, resistance from within, the withholding of resources (such as membership fees), or even withdrawal and the establishment of alternative institutions.[5] If membership is maintained despite increasing heterogeneity within the institution, a fundamental dilemma arises between the institution's capacity to act and its legitimacy. There are then two reform options. On the one hand, states could try to limit the organization's tasks to those areas that reflect common interests. This would require an institutional re-design and might limit the legitimacy of the organization among some member states but it would strengthen the ability to act in areas of common interest by continuing to delegate competences to the institutional bodies. On the other hand, the original scope of the organization could be maintained, a path that would amount to resolving the tension between legitimacy and effectiveness at the cost of reducing the organization's ability to act.

How did the CSCE work?

The CSCE essentially corresponded to the second of the above options. Its aim was to codify peaceful coexistence between the East and the West, based on the understanding that regime change was unlikely. For the Soviet Union and the Warsaw Pact, and especially for Poland and the German Democratic Republic, this was a matter of securing Western recognition of the territorial status quo within the borders set by the Communist regimes. For NATO, and especially the Federal Republic of Germany, the aim was to make these borders more permeable and to leave open the possibility of German unification, despite

recognition of the territorial status quo. The CSCE was consequently based on a compromise that involved concessions reluctantly made on both sides to establish a modus vivendi in an otherwise antagonistic situation.

Radically divergent interests and political approaches remained a reality, however, and nothing beyond the Helsinki Final Act of 1975 could be achieved. Even then, fundamental differences were left unresolved, and thus the Helsinki Decalogue includes "non-intervention in internal affairs", as insisted on by the East, directly alongside "respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion and belief", as demanded by the West.[6]

It is therefore no wonder that the Mutual and Balanced Force Reductions negotiations, initiated in parallel in 1973, were bogged down in endless disputes. At this time, there was no intention whatsoever to create an organization that could unite both sides: until 1989, only three CSCE follow-up conferences took place, held in Belgrade (1977–1979), Madrid (1980–1983), and Vienna (1986–1989), respectively. Of these, the first two were largely inconclusive. In view of the renewed deterioration of East–West relations at the beginning of the 1980s (due to the Soviet invasion of Afghanistan and the NATO dual-track decision to deploy intermediate-range nuclear weapons in Western Europe), this was hardly surprising.

Capabilities and limitations of the OSCE

The CSCE's transformation from a loose "conference" on security and cooperation to a genuine "organization" (made official on 1 January 1995) was largely due to the dissolution of the Eastern Bloc. The future, however, was uncertain. The former members of the Warsaw Pact desired a return to Europe, and Russia strove for a return to civilization. The orientation of other successor states of the USSR remained unclear, while for the West nothing had changed. Due to these divergent orientations, the OSCE remained an organization in name only. Its legal status remained as unclear as its competences, despite the creation of permanent bodies and its ample personnel and material resources. In pursuing its aim of organizing security in Europe, the OSCE drew on the achievements of the past, including the Treaty on Conventional Armed Forces in Europe and the confidence- and security-building measures of the CSCE process. Above all, the OSCE embodied a vision: a departure from the "legacy of the past" and the dawn of "a new era of democracy, peace and unity", as stated in the Charter of Paris for a New Europe.[7] For the West, this vision manifested itself in a common commitment to democracy and a market economy. In practice, this meant that the socialist model had to be transformed according to the Western script and with Western assistance. For Russia, the OSCE's vision manifested itself above all in the creation of a pan-European security structure to replace the military blocs following Germany's unification. The Russian vision did not mate-

rialize; the United States sought not only to firmly anchor a united Germany in NATO but also to secure its presence in Europe.[8] Subsequently, Russia modified its preferences: in the 1990s, Moscow first demanded that the OSCE play a leading role in the European security architecture and later settled for the idea that the OSCE should at least complement existing organizations in a coordinating capacity. This was the Russian proposal for the Charter on European Security.[9] None of this ultimately came to fruition, and hence Russia remained an outsider in the new European order.

Following Russia's backslide into autocracy, this discrepancy between Western and Eastern visions for the future of Europe lost its relevance. Russia's self-image was increasingly based on its principled demarcation from the West, which at best allows for limited security cooperation. From the West's perspective, the OSCE remains a suitable platform for such contractual agreements, in particular its Forum for Security Cooperation, the Conflict Prevention Centre, and the Vienna Document on Confidence- and Security-Building Measures. However, Russia's take on the OSCE is more ambivalent. On the one hand, the OSCE reflects the country's marginalized role in European security; on the other hand, it represents the only institutionalized platform in which Moscow has a voice and weight. This ambivalence is reflected in its peculiar combination of active participation in and fundamental criticism of OSCE bodies – including calls to leave the Organization. Such calls are popular in the expert community in Moscow, as observers expect that in case of a Russian withdrawal, the OSCE will quickly collapse.

Russia's criticism of and dissatisfaction with the Organization, voiced with increasing intensity since 2004, reveals the gap that has opened up between Russian interests and the once consensually agreed rules and procedures of the OSCE. Its criticism is directed above all at the geographical focus of OSCE activities "east of Vienna" and their concentration on the human dimension, including extensive and critical election monitoring, as well as the absence of a meaningful dialogue on security policy.[10] Moscow wants to limit the activities of the Warsaw Office for Democratic Institutions and Human Rights, the Representative on Freedom of the Media, and the High Commissioner on National Minorities through a series of measures negotiated between governments. Their activities are to be integrated into the OSCE Secretariat, given detailed rules, and made subject to the consensus principle of the participating States. In short, Moscow is demanding that the OSCE "be responsive to requests from host governments, rather than pursuing its own agenda, which it perceived as a Western one".[11]

Russia's proposals would amount to a fundamental reorganization of how the OSCE works and a departure from the normative basis of the OSCE. This is unlikely to be achieved without changes to the existing format of the Organization. Compared to the CSCE, where the NATO and Warsaw Pact members negotiated as two blocs and the neutral states acted as mediators, the situation in

the OSCE is far more complex. It has fifty-seven participating States, with the West forming the majority (twenty-nine NATO members plus six more from the EU), all pursuing their own interests and preferences. Achieving consensus, even on basic issues such as the appointment of Heads of institutions and the adoption of the budget, continues to prove a Herculean task.[12]

Pluralistic peace

The pursuit of "liberal peace" based on transformation and integration has failed. Instead of serving the goal of a "Europe, whole and free", it has resulted in new rifts. Russia has resisted being subsumed in the liberal political order and hence marginalized in a Western-dominated security order. Instead, it insists on cooperating on an equal footing and in recognition of normative differences. The other Eurasian autocracies in the OSCE articulate this less clearly but pursue the same goal. Hence, the strategy of striving for "liberal peace" has resulted in a policy that cultivates spheres of influence (with respective ideological undertones) and leads to ever-increasing costs for all involved.

We propose an alternative model for organizing relations between Russia and the West based on the idea of "pluralistic peace".[13] This model relies on achieving peace through "dissociation", not in the sense of building new walls but rather in the sense of clearly demarcating rights and obligations.[14] The basic idea is simple: since attempts to achieve peace through normative alignment have led to friction, we propose securing peace through the recognition of normative differences, thereby providing a more stable basis for cooperation.

This model of pluralistic peace draws on the experiences of the CSCE and the period of East–West détente. At that time, the relevant adversaries acknowledged that denying each other the right to exist would only cement the confrontation. Instead, it was necessary to recognize their differences so as to gradually overcome them. The pluralistic peace model adapts these experiences to the present conditions, which are characterized by a much more complex pattern of delineation and interdependence. For example, according to pluralistic peace, demarcation would follow not geography but subject areas. This would grant Russia a say in security policy but not in the economic and political order of its neighbouring states. In principle, pluralistic peace is based on a strategy of disassociating those areas that lead to disputes between Russia and the West.

A pluralistic peace approach would seek not to eliminate mutual dependencies but to subject them to common rules. Importantly, it would not involve the subordination of universal values to national interests; it is not universal values that are in question but their use as a goal and means of international politics. It thus supports two opposing strategies for restructuring the OSCE, one of which would increase the OSCE's degree of institutionalization while the other would decrease it.

Two paths toward restructuring the OSCE

In its present form, the OSCE is not effective in reducing tensions between Russia and the West and has instead become a stage for confrontation. Following the notion of liberal peace, the West has insisted on maintaining the institutional status quo, claiming that the norms agreed in the Charter of Paris continue to constitute the central point of reference regulating participating States' conduct. Russia, however, insists that the status quo no longer reflects international ideas and the international balance of power. Russia would prefer to bring the OSCE's activities even further under its control and to give more weight to its own normative preferences – or at least to reduce the extent to which they are questioned. These diverging positions have led to mutual blockades and a policy of "muddling through", which have prevented effective conflict management and conflict transformation.[15]

In line with the "muddling through" approach, little has been done beyond appealing to OSCE participating States to give the OSCE a more prominent place in their political agenda,[16] to allocate "substantially more political attention and resources" to the Organization,[17] and to initiate "a return to diplomacy".[18] These minimalistic appeals are based on the pessimistic view that since there cannot be agreement on a new status quo, only small steps towards "pragmatic cooperation" and a new "modus vivendi" are possible.[19] What is necessary is a review of the conceptual foundations of the OSCE that takes into account the fact of normative heterogeneity and deepening confrontation. However, in contrast to the classic East–West conflict, when both blocs essentially existed as separate entities, the current situation is marked not only by political and military antagonism but also by interdependence and cooperation in the human dimension and in areas of common economic interest. Nonetheless, this cooperation suffers from mutual "securitization" and the parties' perception of each other as a threat. Sanctions and countersanctions aimed at protecting against actual and perceived risks have resulted in further distancing between the two sides. Consequently, interdependence has become a perceived risk.

One possible strategy for dealing with this is to strengthen areas of cooperation and to isolate them from areas of confrontation, such that the former cannot be used for political gain. This cannot be achieved simply by insisting on maintaining the normative foundations of the OSCE. Although all participating States are rhetorically committed to both the Helsinki principles and the Charter of Paris, implementation is lacking. Different interpretations of these principles have paralyzed the OSCE. Hence, if comprehensive membership is to be maintained despite normative heterogeneity, only two paths for restructuring the OSCE are open: increasing the degree of the OSCE's institutionalization or lowering it.

Upgrading the OSCE to an effective instrument for peacekeeping and conflict management

The first pathway would be to increase and deepen the OSCE's level of institutionalization in the politico-military dimension. This is a dimension in which participating States have a common interest and acknowledge the advantages of the OSCE over other organizations. This is also a dimension where actions are needed to contain the potential for conflict, which continues to grow. The main tasks of the politico-military dimension are the following:

- Striking a balance between the principles of sovereignty and free choice of alliance, on the one hand, and indivisible security, on the other, as well as identifying security mechanisms for those states whose alliance status is disputed.[20] In line with the pluralistic peace model, this could be achieved along functional lines and with criteria that take into account the conflict context and the potential for cooperation in policy areas related to security, the economy, and political authority.[21]
- Establishing rules for the grey zone of informational cross-border activities.
- Encompassing the broad area of conventional arms control, military confidence building, and conflict prevention and management in Europe, especially in regions that are not covered by other European politico-military structures.

Given the manifold conflicts between the participating States of the OSCE and the blockades faced by the Organization, its institutions must be strengthened in order to ensure its capacity to act. Such strengthening would require the development of organs that would allow the OSCE to act effectively in the areas of early warning, mediation, and peacekeeping. A strong Secretary General who has a broad organizational basis and is able to manage and lead would be essential in this regard. UN peacekeeping bodies could serve as a model. For the OSCE to act effectively as a regional security organization along the lines envisaged in Chapter VIII of the UN Charter, it would also need to implement decision-making procedures that balance the principles of legitimacy and effectiveness. Proposals from the 1990s aimed at establishing a European "Executive Council" similar to the UN Security Council would be an option.[22]

In accordance with the pluralistic peace model, this pathway would come with two prerequisites: first, the principles of coexistence would have to constitute international law binding on all participating States; second, the OSCE would have to limit the scope of its activities to ensure its ability to act.

Restructuring the OSCE into a consensus-building conference

The second path would limit the OSCE to being a space for dialogue. It would retain ist three broad dimensions of activity, but it would operate as a permanent

conference rather than requiring adherence to and implementation of the liberal norms enshrined in the Charter of Paris.

Such an arrangement would have the advantage of political inclusivity and procedural informality. Precisely because it would relinquish procedures that produce binding decisions, it would create space for discussion and the pursuit of common ground, despite normative differences. To ensure informality, this arrangement would also abandon institutional coercive mechanisms such as "naming and shaming". Semi-autonomous bodies such as the Office for Democratic Institutions and Human Rights are an obstacle from this perspective because they embody a risk for some participating States, reducing their willingness to engage in dialogue. In the human dimension, the OSCE would adhere to its norms while acting with political flexibility. In many cases, not only are dialogue and quiet diplomacy better suited to dealing with sensitive individual cases, but they are also more effective in reaching agreement on rules for mutual exchange.

The transformation of the OSCE into a permanent conference would reduce its operational capacity to act, as participating States would only be left with ad hoc arrangements, such as the Special Monitoring Mission in eastern Ukraine. Willingness to engage could grow, however, since the participating States would no longer have to fear losing control.

Reversing the trend of ever-growing confrontation with and through the OSCE?

Despite the avenues for reform outlined above, any optimism should remain limited. The crisis faced by the OSCE reflects the state of affairs between Russia and the West. Accordingly, the chances of improving this relationship by reforming and reactivating the OSCE are slim. The OSCE comprises states with highly divergent interests, political approaches, and expectations. Moreover, the OSCE must prove its comparative advantage over other organizations. Its success in this regard since 1990 has been limited, and its relative appeal has only further declined since the beginning of the 2000s.

Nevertheless, the OSCE offers opportunities to address these challenges and reverse the typical "steps to war". Theories on the outbreak of war assume that territorial conflicts escalate to the level of war when actors engage in strategies such as power demonstrations, alliance building, and armament and when boundaries between policy areas become blurred as a result.[23] If this path is to be reversed, it is important to stabilize engagement in areas of common interest, build confidence in the area of security, and at least freeze territorial conflicts. In Europe, this applies with particular urgency to the conflict in eastern Ukraine.

The OSCE will not be able to reverse these steps to war unless its participating States accept that pressure and threats will not force the "other side" into agreement. Although this view has had few supporters in Moscow and in the West-

ern capitals, in the absence of alternatives it is gaining traction.[24] As a forum for military confidence building, and given its engagement in eastern Ukraine, the OSCE provides the right platform for developing a way out of the escalating confrontation. If the OSCE is to play a constructive role in this conflict, however, it must engage in institutional restructuring that takes normative differences into account. The reform paths presented here are ideals and can be combined to some extent. Nevertheless, they would appear to offer the most feasible ways out of the crisis facing the OSCE in particular and East–West relations in general.

Notes

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