

OSCE Chronicle

Ukrainian Crisis Tops the OSCE Agenda

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DOI: [10.1163/18750230-02504001](https://doi.org/10.1163/18750230-02504001)

1 Ukraine at the Top of the OSCE Agenda

It is no surprise that since the Ukrainian crisis erupted early last year, this has been the main issue on the agenda of the OSCE since then. This very serious crisis has not only revitalized the OSCE at a time that the organization had almost lost its relevance, but it has also changed the nature of the organization dramatically. All observers agree that the OSCE at present is very different from what it used to be.

Most visibly this is reflected, perhaps, in the meetings of the Permanent Council. Not that long ago these meetings were considered to be rather boring, as usually only prepared statements were presented and a real discussion did not take place. The real negotiations took place elsewhere, out of public sight. Right now the situation is very different and the PC meetings have become open confrontations between various delegations, in particular, of course, the Russian and Ukrainian delegations. This open confrontation in the meeting room has escalated to such an extent that no more visitors are allowed during the agenda item 'current issues' under which heading the discussions on the Ukraine crisis take place. The vehemence and hostility shown during these discussions have escalated to such an extent that the organization is protecting itself by conducting discussions in 'confidentiality'. The PC meetings turning into a battlefield are clearly not meant to be for public sight. Until recently PC meetings could be attended by special groups from outside without any problems, such as delegations from the OSCE Summer Academy or from universities. So, the much cherished transparency within the OSCE is the first victim of the new era in the OSCE's life.

Cooperative Security as a Pipe Dream

This new situation within the OSCE also implies that its much touted basic feature of 'cooperative security' has also become even more of a pipe dream than it was already. This basic philosophy, determining the nature of the OSCE as such, presupposes a willingness from all sides to reach compromises through voluntary cooperation. This is the basic assumption for the functioning of the OSCE which also determines its tools to achieve its main goal of promoting peace and security in the OSCE area 'from Vancouver to Vladivostok'. The aim to achieve results through cooperative tools also explains the absence of all forms of enforcement action within the organization. In reality, however, the present situation within the OSCE is a far cry from what it was supposed to be: instead of cooperation the main direction of the activity is now purely confrontation and the willingness to find solutions through peaceful negotiations has become difficult to find.

Muted Celebration of the OSCE's 40th Anniversary

The ongoing confrontation concerning the Ukraine crisis within the OSCE has also had its impact on the celebration of the 40th anniversary of the organization in Helsinki. Although in 'normal' times this might have been a big event in Helsinki with many heads of state and government, it has now turned out to be just a small event which was labelled as the "Informal High-level OSCE meeting" on the 10th of July and which took only about six hours. Apart from a few foreign ministers (the troika members Serbia and Switzerland and the host Finland), the other OSCE states were only represented at deputy minister or even a lower level. The political willingness to organize something more interesting simply did not exist in the present circumstances and even this short meeting took a disproportionate amount of time for the Serbian chairmanship to get its act (= consensus) together. The difference with the summit meeting that took place in Helsinki forty years earlier could not have been more striking.

Parliamentary Assembly

The commemorative event in Helsinki coincided with the annual meeting of the OSCE Parliamentary Assembly which was also marred by the dispute over the Ukraine crisis. This event was boycotted by the Russian

parliamentary delegation, as some members had their visa applications rejected by Finland because of the travel ban on a number of Russian officials after the annexation of the Crimea by Moscow. In some way or another this boycott might have been provoked by Moscow itself, since it selected a few parliamentarians who were known to be on the EU travel ban list, including a representative who represents the Crimea in the Russian upper house.¹

Panel of Eminent Persons

The fact that Switzerland has been hosting the OSCE chairmanship during the last year is generally seen as one of the most fortunate coincidences as the Swiss do not have their own strong agenda and are seen as neutral brokers by all parties. The present Serbian chairmanship is of a different standing, as Serbia is known to be much more pro-Russian as a reflection of the Slavic orthodox brotherhood. During the Swiss chairmanship last year, they created another Panel of Eminent Persons with the task to indicate ways out of the crisis. The Panel consists of a number of high-level, in theory independent personalities from the various parts of the OSCE region, including an American and a Russian expert.²

- a) In July the PEP presented its first report which interestingly was adopted by consensus, although it contained many footnotes expressing differing opinions from, in particular, the Russian panel member. This first report is entitled “Lessons Learned for the OSCE from its Engagement in Ukraine”. As a matter of fact the PEP lists five lessons:
- b) In spite of the difficulty of moving from early warning to early action, the OSCE should continue to consider conflict prevention as a key task and should empower the Secretary General accordingly. The sg will have noticed this recommendation with appreciation, also because it reflects his growing international political standing in practice.
- c) The position of the sg comes back again in the second lesson learned which deals with leadership. The PEP recommends ‘developing’ the Troika system and (again) ‘strengthening’ the position of the sg. The PEP is being served on the spot, as the present Serbian Chairmanship is using the Troika more than has happened since many years, also reflecting the fact that Switzerland and Germany as Troika members are key allies with great political clout.
- d) The third lesson learned relates to the almost ‘eternal’ question of the lack of legal personality of the OSCE and the PEP again stresses the fact that the OSCE ‘owes it to all of its staff’ to solve the problem of this lacking personality. In principle this is nothing new, although the Ukraine crisis has demonstrated with even greater urgency the problems that exist because of this highly remarkable situation.
- e) The fourth lesson learned deals with the operation of the Special Monitoring Mission in Ukraine. It is recommended that its task should move in the direction of de-escalation and reconciliation. In particular the OSCE’s ability to deal with entities whose states are disputed (read: the unrecognized peoples’ republics in Donetsk and Luhansk) should be recognized. This is indeed an important factor,

1 http://www.nytimes.com/2015/07/03/world/europe/OSCE-boycott-russia.html?rref=world/europe&module=Ribbon&version=context®ion=Header&action=click&contentCollecti on=Europe&pgtype=article&_r=1.

2 A first Panel of Eminent Persons functioned in 2005 with the task of providing guidance for the reform of the organization. Although this PEP produced an interesting report, it hardly had any impact upon the course of events in practice.

as the OSCE's engagement with the rebels in the eastern regions of Ukraine should not be construed as international recognition of their legal status.

- f) A final lesson learned is related to the OSCE's operational capacity and it is recommended that this should be strengthened, in particular through enhanced policy planning in Vienna and stronger partnerships with other international organizations.

All these recommendations hardly seem to be controversial and, as a matter of fact, most of them are not new at all, as they have been suggested on several occasions in the past. But it is definitely an interesting development that these lessons were drawn once again, and now with much more urgency, from the ongoing crisis in the OSCE area which goes beyond any other crisis with which the OSCE has had to cope with in the past. So, although there is some truth in the observation that “what is interesting in this report is not new, and what is new, is not interesting”, this misses the point that these issues are articulated at this specific point in time. And the fact that the PEP members managed to obtain consensus on this report is already an achievement in itself, even though the Russian expert felt obliged to insert six footnotes in the text with differing opinions upon a number of issues. This Russian expert was Professor Sergei Karaganov of the National Research University Higher School of Economics in Moscow. Not a single other member apparently felt the same urgency, as footnotes from other PEP members are conspicuously missing, although rumours tell us that at first they also had included a number of individual opinions, but chose to delete them later in order not to be seen as ‘trouble makers’.

OSCE Office in Azerbaijan Closed

The sudden decision by the authorities of Azerbaijan in early June to terminate the mandate for the office of the OSCE Project Coordinator in Baku as from the 1st of July this year came as a surprise to most OSCE participating States. The Azeri authorities informed the OSCE that they did not see “any further need” for the activities of the Coordinator. Last minute attempts to convince the Azerbaijani authorities to reverse their decision did not bring any results and consequently the office is officially closed. At this point in time the staff are working to wrap up all activities.

The decision was totally unexpected. Actually the Chairman-in-Office, the Serbian Foreign Minister, had just completed a visit to the South Caucasus on which occasion he also met the Azeri President Aliiev and no word was uttered about the possibility of closing down the OSCE presence in the country. So the real reason for the decision remains an issue of some speculation. It is no secret that the Azeri authorities for a long time were already not pleased with the attention being given by the OSCE bodies to the country's increasingly controversial human rights policies and its clamping down on the free media. A strong rumour was that the US was being blamed for the decision with the reasoning that the Americans were pushing for a more critical head of the OSCE presence, something the Azeris were said to be displeased with.

The decision came after the OSCE presence had already been downgraded in 2013 from an “Office” to that of a “Project Coordinator”. Whereas an Office still holds a political mandate, a Project Coordinator is only allowed to implement (technical) projects which all require the explicit approval of the authorities. And practice showed that Baku only allowed a few of the proposed projects to be implemented, withholding approval for several others.

The termination of the OSCE presence in Baku is generally considered to be a major blow for the OSCE. Many

observers fear that it may have a domino effect, as it is well known that several other countries are also rather sceptical about the activities of the OSCE in their countries.

Although the OSCE presence in Baku is now officially closed, this does not mean that the OSCE will not continue some of its activities in the country. Other OSCE agencies (such as the Representative of the Free Media or the High Commissioner on National Minorities) will certainly continue to pay attention to the country and visit it from time to time. Also the OSCE Special Representative for the Minsk Process, dealing with the conflict in and around Nagorno-Karabakh, will continue his activities. Nevertheless, at this time of crisis in the Eurasian area, the OSCE has lost a useful tool to monitor the situation on the spot in a country which is critical for the organization. That is the price which has to be paid for being a cooperative security organization where the consent of the host state concerned is vital for any of the organization's activities.


3 Violence in Macedonia

The crisis in Ukraine places such a heavy burden on the OSCE's capacity and draws so much attention that the international community devotes much less attention to another dangerous crisis in the Balkans right now. For the last few months ethnic-based violence has again erupted in the small Balkan country of Macedonia (officially the Former Yugoslav Republic of Macedonia in clumsy OSCE jargon due to Greek objections about the name of the state) and the stability of this state has been seriously jeopardized.

The crisis alerted the international community in particular in May this year when a gun battle between the police and ethnic Albanian gunmen in the northern town of Kumanovo left 18 people dead. But it had started a few months earlier, when the opposition started publishing excerpts from what it said were illegal wiretaps of almost anybody of some significance in the country. It revealed the image of a widely corrupt and manipulative ruling party (with a prime minister in power since 2006) which shook the very foundations of the country which has aspirations to join NATO and the EU in due course, although this is now being blocked more or less permanently due to a Greek veto.

It took heavy EU pressure to bring the parties to a compromise which was reached in July and which included the stepping down of the controversial prime minister at the end of the year and new elections in the spring of next year. The deal ended the opposition's boycott of parliament to which it will return in September.

Although the OSCE was again not the main actor in bringing stability back to the country, just as was the case in 2001 when the country was on the brink of civil war, the OSCE played an important role behind the scenes by promoting dialogue and bringing the parties to the negotiation table.



This article was first published with Brill | Nijhoff publishers, and was featured on the Security and Human Rights Monitor (SHRM) website.

Security and Human Rights (formerly Helsinki Monitor) is a journal devoted to issues inspired by the work and principles of the Organization for Security and Cooperation in Europe (OSCE). It looks at the challenge of building security through cooperation across the northern hemisphere, from Vancouver to Vladivostok, as well as how this experience can be applied to other parts of the world. It aims to stimulate thinking on the question of protecting and promoting human rights in a world faced with serious threats to security.

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