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OSCE Revitalized by the Ukraine Crisis

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1. The OSCE and Ukraine

The OSCE has reconfirmed its reputation as an international security organization 'of last resort' in the wake of the crisis which erupted in Ukraine after the flight of the former Ukrainian President Viktor Yanukovich to Russia. Although the organization struggled for years in order to find a proper place in the European security architecture in light of the expanding EU and NATO, it now became clear again that the consensus-based organization is a unique forum for dialogue and conflict prevention. The prominent role of the OSCE in this conflict became even clearer after the catastrophe with the Malaysian airliner MH17 which was shot down on the 17th of July, reportedly by separatists who are clearly supported by the Russian authorities. Even the missile launcher seems to have been sent to the region from Russia. This dramatic event turned the region-based conflict into a global issue which demonstrated the danger emanating from the conflict in the eastern parts of Ukraine.

At the same time it has to be acknowledged that the fundamental principles on which the organization is supposed to operate have been seriously violated by one of the main partners in the organization, in particular the violation of the principle of the inviolability of borders by the Russian Federation which annexed the Crimea, a territory that belongs to Ukraine. This makes the future of the OSCE a highly open question.

The OSCE has been and is involved in the Ukrainian crisis in a number of ways which will be briefly listed here:

a) The most visible activity of the OSCE in Ukraine is undoubtedly theSpecial Monitoring Mission to the Ukraine (SSM) which was established by the OSCE Permanent Council on the 21st of March for an initial period of six months. The mission has gradually expanded to over 400 members, seconded by a large number of OSCE participating states including Russia. Although it is officially an OSCE mission, also approved by Russia, its costs are not covered by its regular budget, but by voluntary contributions which are mainly coming from Westerncountries. The SSM mandate is to reduce tensions and foster stability, peace and security by promoting dialogue and to identify ways and means to promote confidence and understanding, in particular also inview of the separatists who are active in the southeastern part of Ukraine. The SSM was the main body after the airline catastrophe to arrange access to the crash site for investigators from the Netherlands (which lost 196 citizens in the tragedy) and other countries by negotiating with the separatists and Ukrainian government officials. The crash site was in the middle of the territory where there is heavy fightingbetween the separatists and the Ukrainian army, which seriously hindered the crash investigation. In particular in relation to this tragedy the role of the OSCE became highly visible in the world press. On a few occasions rebels took mission members hostage for prolonged periodsof time. At first the SSM was temporarily headed by Adam Kobieracki,the head of the Conflict Prevention Centre in Vienna. After an outstanding Norwegian candidate declined the position, the Chairman-in-Office appointed Ertrogrül Apakan, a Turkish ambassador, as the permanent head of mission.

b) The SSM had been preceded by a mission of 35 unarmed military personnel which had been invited by Ukraine on the basis of the Vienna Document on Confidence and Security-Building Measures. Ukraine invoked one of the little known mechanisms from this document whichaims at fostering confidence in cases of crisis, in this case the mechanismon unusual military activities.[1] The Russian troop movements at the Ukrainian border and the rebel activities in places like Luhansk and Donets constituted the background for this initiative which does not require the consensus of the organization. This mission also attractedworld attention, as rebels

1 See paragraph 18 of the 2011 Vienna Document on CSBMS.

in the east kidnapped a number of mission members and kept them hostage for weeks. The mission does not seem tohave achieved its aim of promoting confidence, but its establishment wasa clear sign that Ukraine tried to use all crisis prevention mechanismsfrom the OSCE's tool box. This mechanism has only been used very rarely.

c) At the end of July a new monitoring mission started its work, aimed atmonitoring the border between Russia and Ukraine in the area where the rebels are in control on the Ukrainian side. The two border crossings concerned are Donetsk and Gukovo and the mission consists of 16 civilian monitors. Although Russia invited the mission which resulted in a pc decision, its mandate is only to monitor the border crossings, not the whole border between Ukraine and Russia that is in the hands of the rebels. There are, therefore, serious doubts as to whether this new 3-month mission will be able to do anything of value. Although the Russians took this initiative to prove their repeated controversial statements that theyare not supplying the rebels with (heavy) arms and ammunition, the monitors are clearly not allowed to monitor the border where crossingsdo take place. It will not change the overwhelming evidence of Russian military involvement in the southeast of the Ukraine.

d) The Swiss Chairman-in-Office of the OSCE has been extremely active in trying to bring the parties to the negotiation table and to reduce tensions as much as possible. That Switzerland is this year's chair of the organization is a lucky coincidence, as one could not have imagined what would have happened if the crisis had erupted a little earlier, when Ukraine itself was the chair of the organization in 2013. Since Switzerland is a neutral and financially powerful state, it could perform a major task in thisregard. This went so far that a Swiss think tank even started advocating apermanent Swiss chairmanship of the OSCE, although this idea was immediately heavily criticized as being illogical, undemocratic and unrealistic.[2]

e) Of all OSCE institutions the Representative on Freedom of the Media (RFM), Dunja Mijatovic, has probably been the most active of all. She has repeatedly warned against serious violations of the freedom of the media by almost all parties to the conflict. As a matter of fact it has to be observedthat part of the conflict is an open media war where parties do not have many moral or ethical restraints in dispersing wildly exaggerated and often outright erroneous information. This has become a major feature of this conflict. The world as seen from the media in Moscow is a totally different world as seen in most other countries in the world. Hate speech, harassment and the killing of independent journalists, discrimination and lies have unfortunately become daily events in the media world atthe moment.[3] Instead of media freedom, the media are now being abusedby the parties to serve their interests, irrespective of whether the information is right or wrong. During the airline crash the Russian media, for instance, were mainly paying attention to unfounded reports that a Ukrainian military jet had been spotted close to the Malaysian airliner. And the Russian media continue to label the new authorities in Kiev as 'fascists' and 'murderers'. Only the very few independent news media thatstill exist in Moscow continue to struggle to bring a more balanced viewof the world. This culminated in an edition of Novaia Gazeta, the mainindependent news outlet in Moscow, which had a large front page withthe title: "Netherlands, forgive us", both in Dutch and Russian. The activities of the RFM are, therefore, more needed than ever. Even though it might have only a limited impact, the groups targeted will certainly notbe pleased by the continuous reminders of their misbehaviour.

2 See: http://www.shrblog.org/blog/A_permanent_Swiss_Chairmanship_for_the_OSCE_a_viable_suggestion.html?id=479.

3 See e.g. http://www.examiner.com/list/russia-s-top-100-lies-about-ukraine. See also Paul Goble, Lies, Damned Lies, and Russian Disinformation, Hot Issue of the Jamestown Foundation of August 13, 2014.

f) The Office for Democratic Institutions and Human Rights (ODIHR) has also been deeply involved in the crisis. For the presidential elections in May 2014 it fielded one of its biggest ever election observation missions, encompassing over 1,000 observers from a large number of OSCE participating states. But it was also involved in other ways. Together with theHigh Commissioner on National Minorities (HCNM) it was involved in developing a human rights assessment report at the request of the (new) Ukrainian authorities. This mission visited many places all over the country, including the eastern region and the Crimea, just before the Russian annexation of the Crimea in March this year. The report[4] described numerous findings which implicated the Russian Federation, specifically its support for rebel groups in the Crimea and the eastern provinces ofthe Ukraine. It also described in detail the dire consequences of the Russian annexation of the Crimea for the Crimean Tatars on the peninsula.

g) At the beginning of the crisis in February, March and April the HCNM was also deeply involved in the unfolding crisis with some visits to the region. This is obvious as the crisis involves quite a few issues of a complicated ethnic nature. The hurried annexation of the Crimea by the Russians caused the Tatars to suddenly wake up in a totally new country, whereas the Ukrainian people living in the Crimea were suddenly transformed into a new national minority with all the consequences thereof. There is, therefore, indeed an important role for the HCNM which will continue inthe time to come. After the spring period, however, not much HCNM activity can be publicly noticed.

2. New Director of ODIHR; Secretary-General reappointed

As of the 1st of July ODIHR appointed a new director in the person of Michael Georg Link from Germany. He succeeded Ambassador Janez Lenarcic from Slovenia who had been in the position for the last six years. It is the first time that a non-diplomat has been appointed to this highly delicate position within the OSCE which so far had always been occupied by experienced diplomats.

Michael Link was a member of the German Bundestag from 2005 to 2013. He gained some experience with the OSCE in 2012 and 2013 when he was serving as the Minister of State at the German Foreign Ministry in charge of Germany's co-operation with international organizations. Also as a parliamentarian he has been dealing with OSCE issues. Since election observation is one of the ODIHR's key functions so far, Link's parliamentary background may be an asset.

On the same date Ambassador Lamberto Zarnier from Italy started his second three-year term as Secretary-General of the organization. He is witnessing most interesting times for the organization in the wake of the Ukrainian crisis which also resulted in a greater visibility of the sg in the media.

3. Heating up of the Nagorno-Karabakh conflict

The situation around Nagorno-Karabakh, one of the so-called protracted conflicts in the OSCE area, has seriously deteriorated recently with the outbreak of an increasing number of hostilities on the front line between Armenia and Azerbaijan at the end of July and the beginning of August. Although skirmishes are not uncommon at the line of contact, this time the number of casualties is higher than it has been since 2008 with deaths on both sides. As usual both sides blamed each other for breaking the 20 year-long cease-fire.

Some observers pointed at Armenia as the party which initiated the increased skirmishes. The reason could

4 See http://www.OSCE.org/ODIHR/118476 for the text of the report.

be that Armenia is increasingly concerned about Russia's stance towards its claim on the Nagorno-Karabakh territory: it not only recognizes the officially recognized Azerbaijani borders, but it is also in the process of major weapon deliveries to Azerbaijan. Moreover, the Armenian leadership could benefit from the fighting because of domestic political instability, in particular because of economic reasons. Besides, the Azerbaijani Minister of Defence had to urgently return from vacation due to the hostilities which is not an indication that Baku was behind the growing tensions.[5]

Although the OSCE Minsk Group under the co-chairmanship of Russia, the USA and France would be expected to mediate between the parties, on this occasion it was the Russian President Putin who took the initiative to bring the parties together in the Russian coastal town of Sochi at the beginning of August.

4. Study on visa requirements

For the first time in the OSCE's history the ODIHR has published an interesting study on how visa requirements affect freedom of movement within the OSCE area. Although it is a well-known problem within the region, so far the organization has not carried out a systematic investigation into this obstacle to interpersonal contacts across the borders of all OSCE participating states.

The Baseline Study on Cross-Border Mobility in the OSCE Region[6] focuses on good practices in operating visa regimes to facilitate cross-border travel for legitimate purposes, while responding to illegal immigration, and was launched in Vienna at a two-day expert roundtable conference on cross-border mobility and visa facilitation in May.

"The Baseline Study is intended to help policymakers, civil society organizations and think tanks in OSCE participating States better understand the current situation with regard to movement across borders in the region," said Ambassador Janez Lenarčič, Director of ODIHR. "We hope this will help them identify good practices in the implementation of OSCE commitments on freedom of movement and human contacts."

The roundtable conference gathered official representatives and visa policy experts from OSCE participating States, as well as representatives of the European Commission, the World Tourism Organization and the European Stability Initiative.

Good practices in national and regional visa facilitation policies discussed at the meeting included different approaches to processing visa applications, such as the use of online tools and other information technology solutions.[7]

5 See Eurasia Daily Monitor, Vol. 11, issue 145.

6 http://www.OSCE.org/ODIHR/118506.

7 http://www.OSCE.org/ODIHR/118613.

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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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