

Russian Views of the OSCE and the 2016 German Chairmanship

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Abstract

The article explores the challenges of the German OSCE Chairmanship against the background of the current stalemate within the OSCE and Russian policies. It argues that, despite the current engagement of the OSCE in Ukraine and its renaissance in Russian politics, the task of revitalizing the OSCE has not become easier. The German Chairmanship may be considered a success if it manages to unblock political dialogue within the OSCE and to redefine the agenda for future structured dialogue, which could be accepted as a fair deal in conjunction with the wider debate over a vision for a Wider Europe.

Keywords

OSCE – chairmanship – Germany – Russia – Minsk process

Introduction

Germany's chairmanship of the OSCE in 2016 is welcomed in Russia, not only because Germany is believed to have the political, human and financial resources required to provide a strong leadership role in the Organization, but also because it is seen as a dedicated champion of the Organization, not only capable, but also willing to promote dialogue within the OSCE.¹ At the same time, particular expectations pertaining to potential deliverables at the end of 2016 remain realistically modest in Russia as well as elsewhere, probably including Germany itself.

The task of upgrading the OSCE and increasing its role within the European security architecture appeared to be an almost impossible mission even before the beginning of the Ukraine crisis. The deepening divisions within the Organization and increasingly diverging visions of its future virtually killed any appetite among most of the participating States to seriously engage in a discussion of any substantial reform of the OSCE. The frustrating experience of the last eleven years of fruitless discussions has only resulted in a deepening OSCE fatigue. Most recent attempts to revitalize political dialogue within the Organization, such as the Corfu process in 2010, the V2V debates in 2011, and the Helsinki+40 discussions, have failed to break this inertia.

Although the OSCE's active engagement in mitigating the Ukraine crisis has brought the Organization back into the limelight of European politics, it has not made the task of revitalizing the Organization easier while linking any progress along the OSCE agenda to the regulation of the crisis.

As long as uncertainty about the general design of the European security architecture after the Ukraine crisis persists, the readiness among participating States and, particularly in Russia, to discuss even obvious substantial issues, such as conventional arms control or confidence-building, has significantly declined pending a clearer understanding of what a broader European security deal might look like. This makes any progress along the OSCE agenda even more dependent on overall European developments than had been the case over the last decade.

Setting the Stage

Two developments have set the stage for the German Chairmanship when Berlin takes it over in January 2016.

First, since 2014, the Ukraine crisis has brought the Helsinki+40 discussions within the OSCE to an almost

1 See: 'obse nakonec-to rabotaet tak, kak dolzhna byla rabotat' vseгда' ('The OSCE finally operates in the way it was always supposed to'). Interview with Andrei Kelin, forthcoming in Security Index journal, 2 October 2015, <http://www.pircenter.org/articles/1957-obse-nakonecto-rabotaet-tak-kak-dolzhna-by-la-rabotat-vsegda>.

complete halt.² Many participating States are proceeding on the basis that no substantial discussion of any issues on the OSCE agenda is possible or desirable unless the armed conflict in Ukraine is de-escalated.³

There is no explicit common understanding of exactly what conditions on the ground need to be met in order to declare the conflict de-escalated and unlock dialogue within the OSCE. However, the shared sense of this generally links this issue to the progress of the Minsk Process – the single most viable framework for settling the Ukraine crisis agreed upon within the Normandy group (France, Germany, Russia and Ukraine) in 2014 and 2015, endorsed by the OSCE and the UN, and assisted by the OSCE Special Monitoring Mission as well as by the Trilateral Contact Group established under the auspices of the OSCE Chairmanship.

Second, the most recent Minsk Process roadmap endorsed in February 2015⁴ was initially supposed to be implemented by the end of 2015. But obviously, every stage of its implementation is taking longer than anticipated, and the process itself has been repeatedly accompanied by setbacks. In October 2015, the Normandy group agreed on measures to streamline the implementation of the Minsk Process by more clearly defining the sequence as well as the timeline of steps agreed upon earlier in 2015.⁵

The strict observance of this timeline can hardly be taken for granted. The working groups within the Trilateral Contact Group have yet to reach agreement on the relevant issues, such as the electoral legislation applying in Donbass, dates for local elections, election observation by the OSCE etc. And the implementation of further steps is conditional on whether the OSCE attests local elections in Donbass as meeting the relevant criteria for free and fair elections. However, even if the timeline for sequenced steps agreed upon in Paris in October 2015 is followed, this process will, by no means, be accomplished by the end of this year and will continue well into the winter of 2016 and probably beyond it.

All in all, Germany takes over the OSCE chairmanship at a time when implementation of the Minsk Process remains unfinished business and, as a consequence, many OSCE participating States remain reluctant to engage in any serious discussions within the Organization except for those concerning the Ukraine crisis.

Whether Germany would wish to and could succeed in relaunching political dialogue within the OSCE without waiting for the ultimate attainment of the goals of the Minsk Process is still an open question. Should it decide to work toward this end, it should first seek an agreement and generate consensus within the OSCE on what progress in implementing the Minsk Process would generally be seen as justifying the return to substantial discussions of other issues on the OSCE agenda.

Should Germany succeed in relaunching political dialogue within the OSCE, this could already be seen as a major success of its Chairmanship under the current circumstances.

2 Ch. Nünlist, 'Helsinki+40 in the Historical Context', in *Security and Human Rights*, Vol. 25 (2014), no. 2, p. 200.

3 K. Möttölä, 'The OSCE at 40: Looking at the Abyss of a Fault-line', in *Security and Human Rights*, Vol. 25 (2014), no. 2, p. 166.

4 'Declaration by the President of the Russian Federation, the President of the Ukraine, the President of the French Republic and the Chancellor of the Federal Republic of Germany in support of the "Package of Measures for the Implementation of the Minsk Agreements" adopted on February 12, 2015 in Minsk', The Press and Information Office of the Federal Government, Thursday, 12. February 2015, number 59, http://www.bundesregierung.de/Content/EN/Pressemitteilungen/BPA/2015/2015-02-12-ukraine-erklaerung_en.html; 'Complex of measures to implement the Minsk agreements', 12 February 2015 (in Russian), http://news.kremlin.ru/ref_notes/4804.

5 'Pressekonferenz von Bundeskanzlerin Merkel und dem französischen Präsidenten Hollande in Paris', 3 Oktober 2015, <http://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2015/10/2015-10-02-merkel-hollande-pk.html;jsessionid=98C4D5429C8DBF519AD7AB8D9C280115.s3t1>.

Russian Policy on the OSCE: Status Quo Versus Real Reform

Some sort of renaissance of the OSCE can be observed in Russian policy since 2014 as a consequence of the Ukraine crisis, thus terminating – at least temporarily – a longer period of neglect or even strong criticism of the Organization by Moscow. With reference particularly to the job done by the OSCE Special Monitoring Mission to Ukraine, Russian officials now praise the Organization for finally coming back to its proper business.⁶ The reappearance of the OSCE on the Russian government's radar screen still needs to be correctly understood against a more comprehensive background of the dynamically evolving European security landscape, while the consequences of this apparent rethinking for the OSCE itself should be assessed with caution.

The reasons for the appreciation of the OSCE in Russia in the context of the Ukraine crisis are plausible. Primarily due to its inclusive membership, the Organization is the single multilateral platform, on which collective decisions pertaining to the management of the Ukraine crisis can be taken and endorsed by all relevant actors including the U.S., the European Union, as well as both Ukraine and Russia. Although those decisions entail many compromises and are not fully satisfactory for everybody, the engagement of the OSCE on the ground in the crisis area helps to mitigate, to the extent possible, the consequences of the increasingly unilateral activities of Russia, Ukraine, NATO and the EU.

The importance of the OSCE for Moscow further increased with the paralysis of the NATO-Russia Council, as well as with the suspension of the high-level political dialogue between the European Union and Russia. The 'return' to the OSCE was, thus, largely necessitated by the failure – meanwhile admitted⁷ – of the policy over the last two decades of institutionalizing direct strategic partnerships between Russia, on the one hand, and NATO and the EU on the other – largely at the expense of the OSCE.⁸ It is open whether and to what extent the two strategic dialogues with NATO and the EU can be repaired 'after' the Ukraine crisis is over. But it is clear that, as long as the two avenues don't work properly, Russia's involvement in multilateral European affairs will remain reduced to participation in the OSCE and its uneasy membership in the Council of Europe.

However, this does not necessarily imply that Russia would become more open to a far-reaching strengthening of the Organization. It is rather moving in the opposite direction and prefers to continuously hold the OSCE institutions hostage to the consensus of the participating States and thus to a green light from Moscow.

Discussions held in Moscow within the Helsinki+40 framework and summarized in a report issued in 2014 by the Russian International Affairs Council⁹ have clearly revealed the explicit conservatism of Moscow's current approach to the OSCE. It does not go beyond Russia's previous agenda for the Organization and gives clear preference to maintaining the status quo out of fear that any profound changes would happen at the expense of Russia's interests, thus undermining one of the last bastions of its involvement in multilateral European affairs. In some instances, Moscow is even abandoning some of its former desiderata within the OSCE. Preserving and strengthening the consensus rule clearly enjoys the highest priority. Abandoning or amending

6 The OSCE finally operates in a way it was always supposed to', Interview with Andrei Kelin

7 'The OSCE finally operates in a way it was always supposed to', Interview with Andrei Kelin.

8 On the shift in the Russian policy in 1994–1995 see: A. Zagorski, 'The Transformation of Russia-ECE Relations', in A. Zagorski (ed.), *Russia and East Central Europe After the Cold War: A Fundamentally Transformed Relationship*, Prague, 2015, pp. 55–57.

9 A.V. Zagorski. *Strengthening the OSCE. Building a Common Space for Economic and Humanitarian Cooperation, an Indivisible Security Community from the Atlantic to the Pacific* [I.S. Ivanov, Editor-in-Chief]; RIAC, Moscow, 2014, <http://russiancouncil.ru/common/upload/Report16en-OSCE.pdf>.

this rule is an absolute taboo in Moscow, as is any idea of expanding the independence of relevant OSCE institutions. Some adjustments, such as investing more into the OSCE Conflict Prevention Centre, are possible, but only within the current general *modus operandi* of the Organization.

This is certainly a snapshot, a static view of where Russia now stands with respect to the OSCE agenda. It must be admitted that a more dynamic evolution is not impossible. However, it depends less on discussions within the OSCE itself, but rather on the general dynamics in the debate over how the wider Europe can be organized. As part of this debate, the OSCE can be part of the solution, but not the solution itself.

For this reason, any attempt to revitalize political dialogue within the OSCE by the incoming Chairmanship is likely to fail if it is not embedded into a wider network of communications – formal and informal – exploring what broader arrangements pertaining to the European security order may be required and feasible and what the OSCE could contribute to making these arrangements work better. The German Chairmanship seems to be well equipped for taking on this role and for pursuing and managing a pretty comprehensive network for such a debate.

What Agenda for a Resumed Dialogue?

Relaunching political dialogue within the OSCE simply for the sake of that dialogue may well be accepted by Russia, but definitely would fall short of the expectations that may be invested into such a dialogue. It should encompass a set of substantive issues and clearly defined goals which, in their entirety, meet the interests and the expectations of the participating States and, ultimately, enjoy consensus of all of them.

One way to go is to follow the inertia of the OSCE agenda as established over the last two decades: arms control and confidence- and security-building measures (modernization of the Vienna Document), protracted conflicts, legal personality and a legal constituent document for the OSCE, strengthening the position of the Secretary General by authorizing him/her to take urgent action in extraordinary situations without waiting until consensus of participating States has matured, improving the human dimension mechanisms etc.

However, moving ahead with this agenda may turn out to be more rather than less difficult today than it was before. Not least because, more recently, positions of the participating States on a number of those issues have tended to harden and become more rigid. Arms control is a good example. While it is widely believed to be increasingly important to save and strengthen co-operative security in Europe,¹⁰ Western states tend to reduce the issue to the development of new confidence- and security-building measures – once the Ukraine crisis is settled. In turn, Moscow is communicating that, for the time being, it is not interested in conventional arms control in Europe, which would straightjacket the modernization of its armed forces, not to mention the improvement of confidence-building measures which, from Moscow's perspective, have been largely abused in the context of the Ukraine crisis.¹¹

At the same time, new issues are being raised in this context. For instance, while Moscow makes it clear that it has no intention of rewriting the Helsinki principles, it wants to agree on a more uniform interpretation in

¹⁰ T. Tiilikainen, *Reviving Co-operative Security in Europe through the OSCE. Contribution of the OSCE Network of Think Tanks and Academic Institutions to the Panel of Eminent Persons*, Helsinki, 2015, pp. 25–26; *Strengthening Stability in Turbulent Times. Second Report of the Dep Cuts Commission*, Hamburg, 2015, pp. 8–12; W. Zellner (coordinator) et al., *Towards a Euro-Atlantic and Eurasian Security Community. From Vision to Reality*, Hamburg, Paris, Moscow, Warsaw, 2012, p. 17; Ł. Kulesa, 'The Role of Arms Control in Future European Security', in *Security and Human Rights*, Vol. 25 (2014), no. 2, pp. 221–234.

¹¹ 'The OSCE finally operates in a way it was always supposed to', Interview with Andrei Kelin.

areas in which contested interpretations came into conflict recently. Such grey areas will certainly require attention whenever they are raised.

Two issues within the contemporary debate may exemplify such areas. One relates to the recent claim by a number of participating States that the interpretation of the Principle VI – non-intervention in internal affairs – should be further elaborated in order to ban any form of regime change policies within the OSCE area. Another example is the mounting debate over self-determination (Principle VIII). The discussion within the OSCE over the past twenty-five years has strengthened a widely shared understanding that the inner self-determination of peoples should enjoy priority over external self-determination (independence) without ruling out the latter option altogether. But the grey area delineating the boundary, when attempts at inner self-determination have been exhausted and cessation has become a legitimate option, still exists. Trying to narrow the gap may well make sense, although it may be extremely challenging.

It needs to be acknowledged that finding solutions to those issues, particularly in the absence of any discussion on them, would be extremely challenging. A more modest goal for the incoming Chairmanship may be to attempt to revisit the agenda of the OSCE in order to identify an appropriate set of issues, which should be at the heart of the future structured debate within the OSCE, in conjunction with the discussion of other relevant issues of European security outside of the OSCE framework.

The views of participating States on which issues should be included or excluded from that debate will definitely differ, as they also will probably continue to diverge. However, the goal should be to come up with a package that ultimately could be accepted by participating States as a fair deal and could be submitted to the 2016 Ministerial Council meeting for approval.

Conclusions

It was clear from the very beginning that the 2016 German Chairmanship of the OSCE would be extremely challenging. The contemporary renaissance of the OSCE in Russian policy is unlikely to help to meet those challenges as Moscow remains focused on maintaining the status quo rather than seeking to dramatically expand the role of the Organization. However, Germany, which is generally seen as a capable and dedicated leader to steer the OSCE through a difficult time, can still set reasonably ambitious goals.

It may define benchmarks related to the progress of the Minsk Process, which would be accepted by the participating States as a fair reason to unblock political dialogue within the OSCE on issues other than the Ukraine crisis once those benchmarks are met.

The Chairmanship may launch a process of revisiting the agenda of the OSCE discussions and seek to reframe it by adding new items, which appear relevant against the background of the current developments in Europe. At the end of this exercise, Germany may seek to identify a package of issues to be included in the structured debate within the OSCE that could be accepted by the participating States as a fair deal worth presenting to the OSCE Ministerial Council meeting for approval.

These endeavors should not be pursued within the OSCE in an isolated manner, but should be supported by advancing formal and informal debates over the vision for a wider Europe, or an OSCE security community, to put it in the language of the 2010 Astana Commemorative Declaration, and the role of the OSCE in such a community.



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