

The United States and the OSCE after the Ukraine Crisis

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Abstract

Ever since negotiations on the Helsinki Final Act opened in Helsinki in 1973, the United States has regarded the Conference (later Organization) on Security and Co-operation in Europe with some ambivalence. The role of the Helsinki Final Act in establishing a normative regime that contributed significantly to undermining the authoritarian regimes in the former Warsaw Pact countries, eventually bringing an end to the Cold War, is widely recognized and appreciated in the United States. However, the expanded post-Cold War role of the OSCE has received less attention in US foreign policy and, with respect to issues of European security, has clearly been assigned a secondary role in that policy behind the NATO Alliance. Those knowledgeable about the OSCE in the United States widely regard its role in positive terms on issues such as human rights, rights of persons belonging to minorities, rule of law, election monitoring and other “soft” security issues. However, the OSCE role in “hard” security issues has been given little attention and receives only limited support, due largely to its inability to achieve consensus on most serious security problems and its lack of resources to effectively implement those decisions that it takes. Nevertheless, the recent crisis in Ukraine has awakened US interest in the OSCE as the institutional framework best able to manage that crisis. The challenge for the German Chairmanship in 2016 will be to build upon this renewed US attention to the OSCE’s role in “hard” security issues, in promoting negotiated resolutions to this and other stalemated conflicts, in rebuilding the badly damaged regime of confidence-building measures and conventional arms control, as well as responding, within the multilateral OSCE framework, to new security threats, such as cyber warfare and countering violent extremism.

Keywords

OSCE – United States – Ukraine crisis – eminent persons’ report – German chairmanship

Background

From the very origins of the Conference on Security and Co-operation in Europe (CSCE), the United States has always approached its participation with some ambivalence, at times even amounting to skepticism about the institution’s value for a state not located on the European or Eurasian continent. Initially the United States agreed to accept Finland’s proposal to enter into negotiations in Helsinki on what was perceived in Washington as a “soft” security arrangement, largely responding to the desire of the Soviet Union to ratify the post-World War II status quo in Central Europe. Therefore, the United States agreed to come to Helsinki only when the Soviet Union and its Warsaw Pact allies agreed to open negotiations with NATO on “hard” arms control on Mutual Balanced Force Reductions (MBFR). During the Geneva negotiation phase of the Helsinki Final Act, the US negotiators received relatively little support from Washington. Nonetheless, a dedicated group of young diplomats (many of whom continued to serve the CSCE/OSCE for many decades thereafter) largely succeeded in achieving major US goals in Helsinki. These included the body of confidence-building measures contained in Basket 1, which they perceived as useful in preventing or, at least, providing early warning of any impending conventional attack by the Warsaw Pact against Western Europe. They also included a series of provisions on the “human dimension” of security, especially Principle 7 in the Decalogue on respect for human rights and the Basket 3 provisions on enhanced human contacts across the Cold War lines of division within Europe. When President Gerald Ford and Secretary of State Henry Kissinger came to Helsinki at the end of July in 1975 to sign the Helsinki Final Act, many political and opinion leaders back home urged them not to sign the document. However, the fact that the Final Act was politically, rather than legally, binding meant that it was not subject to ratification, which would have required a two-thirds vote of consent in the Senate.

US priorities within the CSCE became clearer during the follow-on conferences that took place in Belgrade, Madrid, and Vienna, where the US emphasized human rights as the central principle of the Helsinki Final Act, to the point where many Americans to this day conceive of the OSCE mostly as a human rights organization, largely ignoring its focus on co-operative security.

This approach became evident in Madrid, where the US ambassador, former Supreme Court Justice Arthur Goldberg, frequently criticized the Communist governments of Eastern Europe for their failure to implement the human rights provisions of the Helsinki Final Act. This approach was further accentuated in Madrid when the administration of President Reagan took an even stronger anti-Communist stance, fully repudiating the policy of détente. Western governments in Madrid refused to move forward on proposals to reinforce confidence-building measures and other provisions to increase security until the situations in Poland, following the declaration of martial law by General Jaruzelski, and in Afghanistan, after the Soviet military intervention, were resolved to their satisfaction and until the Communist governments improved their general human rights performances. Under the leadership of Ambassador Max Kampelman, the United States continued to pursue these attacks on the Soviet Union and its allies for their dismal performance in implementing their Helsinki obligations. Finally in Vienna, after the installation of the Gorbachev government in Moscow, further advances were made in the human rights field when the concluding document emphasized that human rights are a fundamental component of international security, thereby linking the human rights and co-operative security elements of the Helsinki process more explicitly.

With the end of the Cold War in 1989, proposals emerged from some quarters in both the Soviet Union and from the new leadership of Central Europe, to transform the CSCE into a European co-operative security structure that would supplant both of the Cold War alliances, NATO and the Warsaw Pact. However, the response from Washington to these ideas was generally negative due to concern that an expanded CSCE might create competition for NATO, which the United States and at least some of its West European allies believed should be enlarged and strengthened as the foundation for post-Cold War security throughout Europe. The US strongly supported the creation of the NATO Partnership for Peace program and also enthusiastically supported the NATO-Russia Founding Act, believing that security across the entire continent “from Vancouver to Vladivostok” could best be assured through a revised and enlarged set of institutions intimately connected to the NATO framework. Within the CSCE, the US mostly supported the Charter of Paris and the Copenhagen Document on the Human Dimension of Security, both adopted in 1990. It also supported the creation of the CSCE Secretariat (while seeking to keep its role limited to mostly administrative functions), the Conflict Prevention Centre, the Office of Democratic Institutions and Human Rights and the office of the High Commissioner on National Minorities. In 1997, the US was instrumental in creating the Office on Freedom of the Media, consistent with its view of the CSCE as a “soft” institution focused on political issues within

Europe, rather than on “hard” security questions. The US has, nonetheless, become actively engaged in a number of activities focused on security issues and has seconded personnel to many of the Missions of Long Duration, especially in the Balkans, but also in the Caucasus and Central Asia. The US broadly recognizes the key role in conflict prevention and resolution that these institutions play, albeit with an emphasis on the primacy of diplomacy rather than of military force.

At the 1992 Helsinki Review Conference, however, the US opposed the creation of the Court of Arbitration and Conciliation, largely because of its legal character, while also opposing efforts initiated by some European participating States to provide the CSCE with a legal personality. The view in Washington was that any effort

to turn the CSCE into a legal institution would require the advice and consent of two-thirds of the US Senate, believed to be unlikely at the time. The US Congress did, however, become engaged in CSCE affairs with the creation of the bicameral “Helsinki Commission,” which has dealt with multiple issues over the following years, but generally with an emphasis on promoting the US agenda of human rights, good governance, and the rule of law. Similarly, a number of members of the US Congress have participated in the Parliamentary Assembly, directed since its inception by an American, Spencer Oliver, where again the emphasis has, for the most part, been placed on human rights issues rather than on larger security questions.

Throughout the decade of the 1990s, the United States maintained a generally active engagement in the CSCE/OSCE, contributing personnel to its missions and supporting all of its institutions. At the same time, the Organization maintained a low profile within the US, and the Clinton administration generally believed that this might enable the institution to avert some of the kinds of criticism often directed at the United Nations and other multilateral institutions within the US. The US, nonetheless, saw the CSCE/OSCE as an important vehicle for promoting the political transitions of former Communist states to democracy, and many in the Clinton administration viewed the institution as a foundation for a post-Cold War “democratic peace.” Even so, the administration always remained skeptical of such a large, multilateral organization that depended on consensus in order to make fundamental decisions on regional security. Largely for that reason, the United States also pressed forward with its efforts to enlarge NATO and to support the development of the European Union’s Common Foreign and Security Policy, in the hope that this might eventually enable Europe to manage its own regional security affairs, allowing the United States to focus on other issues in regions, such as Asia and the Middle East, that reflected US global priorities. In general, the US believed that the OSCE was unable, for the most part, to make decisions on hard security issues due to the consensus rule and, furthermore, was unable to effectively carry out those mandates that were passed, due to its lack of personnel and financial resources and the absence of widespread political support from its participating States. Therefore, the US tended to value mostly the “soft” security activities of the OSCE, including the promotion of good governance, human rights, and rights of persons belonging to minorities. Thus, many in the United States public, if they are aware of the OSCE at all, think of it as “that human rights organization.” By contrast, multilateral action on “hard” security issues would be undertaken primarily through NATO and its Partnership for Peace.

The highpoint of US participation in the OSCE during this period was the 1999 Istanbul Summit, which was attended by President Bill Clinton, the last time a US president participated in an OSCE event. Furthermore, the large US contingent at Istanbul came with a substantial set of proposals to strengthen the OSCE, to resolve some of the region’s “frozen conflicts,” and to negotiate critical security relationships with the Russian Federation, also represented at Istanbul by President Boris Yeltsin. However, the overall results at Istanbul, though substantial in many respects, proved to be disappointing. Within six weeks after the Istanbul Summit, Yeltsin was replaced as Russian President by Vladimir Putin, and, one year later, Clinton’s Vice President, Al Gore, was narrowly and controversially defeated by George W. Bush for the US presidency. Neither Putin nor Bush had much patience for or confidence in multilateral security institutions like the OSCE, and both tended to downplay their countries’ roles in the OSCE, leaving much of the responsibility for European security to the Europeans. After 9/11, US attention shifted strongly towards pursuit of the “War on Terror,” and, while the OSCE created the Action against Terrorism Unit within the Transnational Threats Department, (currently headed by an American), it did not play a significant role in overall US foreign policy. Meanwhile Russia’s President Putin increasingly focused on defending and restoring Russia’s role in its near abroad, thereby also turning away from the OSCE as an institutional vehicle for pursuing its foreign policy goals. Thus, the OSCE lost some of its value for American foreign policy makers as a venue where they could quietly engage both Russian

and European leaders in managing their regional diplomatic interests.

The Obama administration arrived in Washington in 2009, rhetorically taking a more multilateral approach to security issues than its predecessor. Although many issues were pursued by the US representatives in Vienna and in other regional meetings under OSCE auspices, the OSCE has seldom, if ever, achieved high level prominence in the White House and President Obama has never attended an OSCE meeting. Indeed, many of his advisors believed that the major European states had, by this time, developed both the talent and the resources necessary to manage European security and, therefore, that Europeans should increasingly take responsibility for managing their own security. In addition, pressures to reduce expenditures emanating from a Congress where the Republican opposition achieved a majority two years after Obama took office, caused the Administration to look for measures to reduce even its modest contributions to the OSCE budget. The size of the US delegation to the OSCE has declined in recent years and the US has insisted on cost trimming measures by the Secretariat as well. In Washington, the US Mission to the OSCE is supported by relatively junior State Department officials in the Bureau of European Affairs, not in the more appropriate International Organization Bureau (because the US does not consider the OSCE to be an “international organization” in the usual sense), nor in the more influential Bureau of Political-Military Affairs. Within the US foreign policy bureaucracy, the OSCE has little capacity to attract the attention of senior decision-makers within the State Department, not to mention the National Security Council or the President. Indeed, at one point, interest seemed to be mounting in the US Government, along similar lines with its Canadian neighbor, to withdraw from the OSCE altogether and, thereby, to reduce the role of the transatlantic partners in European international relations and to divert the modest US contributions to the OSCE budget to other priority activities. However, much of the impetus for this move dissipated with the Ukraine crisis of 2014.

This brief background suggests that there has been considerable consistency in US policy towards the CSCE/OSCE going back to its early years, crossing many administrations in the White House regardless of which political party held the presidency, and carrying into the current views of the OSCE. US ambivalence has led to numerous ups and downs in US support for the OSCE over the years and interest appeared to be declining, at least until the Ukraine crisis substantially changed Washington’s views of the security challenges that still remain in Europe.

US Approaches to the OSCE after the Ukraine/Crimea Crisis

The Ukrainian crisis that became violent in February 2014 and the Russian take-over of Crimea generally came as a surprise to policy-makers in the US and most other OSCE participating States, in spite of warnings from the Conflict Prevention Centre about increased tensions between the Russian and Ukrainian-speaking populations of Crimea. US officials, as a rule, regarded these reports coming from junior OSCE staff to be unreliable. Furthermore, OSCE decisions to strengthen its office of the Project Coordinator in Ukraine or to take any other action were partly stymied by the Ukrainian Chairmanship, still held by the Yanukovych government, which was unwilling to acknowledge that there were any brewing problems within Ukraine that might eventually require an OSCE response. Since the Russian moves were largely unanticipated, there was little to be done to deter or to prevent Russian actions to seize control of Crimea in the aftermath of the political crisis and extra-constitutional change in the government in Kyiv in February 2014. Therefore, everyone, including the OSCE and all of its participating States, was forced to react to a forcible change in the European status quo, in clear violation of the second principle in the Helsinki Decalogue, and in which the opportunity to engage in preventive diplomacy rapidly passed.

Once the change in Crimea's status had been consummated without any direct OSCE involvement, including the Russian refusal to hold a referendum under ODIHR monitoring or to allow the High Commissioner on National Minorities to enter Crimea to evaluate the status of both Tatar and Ukrainian-speaking minorities, the United States threw its support behind the efforts of the Swiss Chairmanship to create a role for the OSCE in the rapidly developing situation in the Donbas region of eastern Ukraine. The US Mission has expressed its admiration for the Swiss effort to create consensus in support of the establishment of the OSCE Special Monitoring Mission (SMM) in Ukraine, thereby avoiding Russian opposition. Although the US, like many other participating States, was not pleased with some of the restrictions placed on the SMM in order to gain Russian support, especially its inability to identify concretely those parties responsible for violations of the agreements intended to limit violence, overall the US perceived the SMM, even with its limited mandate, as superior to any realistic alternative. Furthermore, although some US diplomats felt that the initial recruitment for the SMM was inadequate, they were also pleased that most of those deficiencies were subsequently corrected by recruitment of monitors with the necessary skills and knowledge of relevant military and operational issues. The US delegation also supported the creation of the OSCE border checkpoints at Gukovo and Donetsk, while simultaneously believing that their mandate ought to be expanded to permit more intrusive inspection of vehicles crossing the border and that additional monitors should be deployed at other border crossing points where US officials believe that most military personnel and hardware are passing from Russia into eastern Ukraine. In addition, the monitoring project in eastern Ukraine received considerable attention in US media, and, since 2014, the media often refer explicitly to the "Organization for Security and Co-operation in Europe" in marked contrast to virtually all prior media references since 1991, which identified only a "European security organization" (unnamed), without noting US participation in this anonymous institution. Therefore, many in the attentive US public who had never even heard of the OSCE became aware not only of its existence, but also of its important role in the service of peace and security in a volatile region of the world.

Finally, US officials privately acknowledge that the OSCE has provided an essential forum in which the United States and Russia have been able to discuss many of the issues generated by the Ukraine crisis, both bilaterally and in the more formal multilateral setting, "below the radar screen." The Ukrainian crisis has created a sufficient political storm in Washington, including frequent reversion to Cold War rhetoric, that open diplomatic negotiations with Russia have become politically toxic. The distance provided by the Vienna diplomatic scene, as well as the long-established interpersonal relations among diplomats assigned to the OSCE, allows for various forms of discrete diplomacy that will not make headlines in the US media. For the United States, the primary value of the OSCE remains the political forum that it provides for diplomatic negotiations involving Russia, the European Union, European neutral/nonaligned states, and the US. No other forum except the UN provides such a framework and, unlike the UN, the Ukrainian crisis receives priority attention within the OSCE framework. If it served no other useful purpose, the general US view seems to be that this "talking shop" alone provides sufficient payoff for the rather limited resources that the United States provides to the OSCE. In many respects, a number of officials who have represented the US in various capacities in the OSCE believe that the OSCE's anonymity for the US public and the general congressional perception that it is solely a human rights organization that has no relevance for hard security questions, may be advantageous. Other institutions, especially the United Nations, are frequently criticized strongly in Congress, in the media, and by the general public. By contrast, the OSCE's anonymity, by and large, enables it to escape that close scrutiny and politically motivated criticism. This allows US diplomats to go about their business quietly in Vienna and other OSCE venues without the glaring attention that their efforts would likely garner at the UN or in many other fora. At times of crisis, such as that which followed the annexation of Crimea and the outbreak of fighting in the Donbas region, the OSCE provides a point of contact with Russia, Ukraine,

and other involved parties “below the radar.”

One of the OSCE’s responses to the Ukraine crisis was a report by a Panel of Eminent Persons” on “Lessons Learned for the OSCE from its Engagement in Ukraine.”¹ The US was represented on this panel by Ivo Daalder, former US ambassador to NATO under President Obama and the Director for European Affairs of the National Security Council in the administration of President Bill Clinton. The report emphasizes that not every recommendation was supported by the entire panel, but there is no reference in the draft document to specific US dissent. This report contains five recommendations for the OSCE, and, on the basis of past US positions, the likely reaction of the US can be estimated with respect to each of these recommendations.

The first recommendation focuses on remedying the “failure of prevention” of the Ukraine crisis by strengthening the conflict prevention institutions of the OSCE and empowering the Secretary General to act in this capacity. US officials familiar with the OSCE frequently believe that the Conflict Prevention Centre lacks the technical capacity to implement its mandate in areas, such as logistics, recruitment of short term staff, training of personnel, as well as essential specialties, such as mine clearance. While favoring enhancing the capacity of the CPC, this is often undercut by the reluctance of the US to provide additional resources to create such an enhanced capacity.

The second recommendation focuses on strengthening OSCE leadership through increasing the capacity of the Secretary General to respond rapidly to brewing crises in support of the Chairmanship. The analysis by the Panel of Eminent Persons focuses here on the lack of continuity from one Chairmanship to the next, even though the three-year term in the “troika” at least provides for some modest continuity. But this recommendation is also based on the observation that the effectiveness of the Chairman-in-Office (CiO) often varies from year to year. This can be especially problematic if a weak CiO, or a CiO with special interests, holds this position at a time of crisis and is consequently ineffective in responding in a timely fashion. Indeed, this was the situation during the Ukrainian Chairmanship, at a time when the region was slipping rapidly into conflict. This recommendation, however, flies in the face of a long-enduring US concern, going back to its institutionalization in 1990, that the OSCE should not become overly bureaucratized, but should be led politically by the participating States rather than by the Secretariat. Ironically, this view is held most strongly by Washington bureaucrats and by politicians in the US who want to keep the OSCE relatively weak so as not to challenge the pre-eminence of NATO in US European security policy. US officials routinely express the belief that a strong Secretary General, overtaken by his or her self-importance, might somehow take over in times of crisis in defiance of the wishes of the participating States. Even while acknowledging that a stronger Secretary General might have been able to become more actively engaged in the Ukraine crisis to deal with Russian obstructionist behavior, these same officials would prefer to take this risk rather than run the alternative risk that somehow an activist Secretary General might disregard US interests in his or her diplomatic engagement. Thus, while the United States bemoans the weakness of the OSCE’s capacity to act rapidly and effectively in crisis situations, it opposes most structural changes that might enable it to respond more rapidly and effectively.

The third recommendation, granting the OSCE a “legal personality,” potentially sets up a “red line” for the United States. Ever since the beginning of the Helsinki negotiations in 1973, the United States has consistently favored making all provisions of the CSCE/OSCE “politically binding” as opposed to “legally binding,” mostly

1 This analysis is based on the interim report, since the final report was not completed at the time of this writing

for domestic political reasons. The US Constitution requires that all legally binding international treaties and agreements must receive the “advice and consent” of a two-thirds majority vote in the US Senate. This has not prevented US presidents throughout history from signing “executive agreements” with other states that are politically binding, but at least formally, though seldom in practice, may be abrogated by a subsequent administration. Therefore, every US president from Gerald Ford in 1975 through Barack Obama in 2015, both Republicans and Democrats, regardless of which party has been in control of the Senate,² has been reluctant to enter into legally binding agreements with the CSCE/OSCE out of fear that they might not receive this two-thirds majority in the Senate, thereby potentially forcing the US to withdraw from the Organization altogether. This has been a consistent issue throughout the 40 year history of the CSCE/OSCE and, given the current dysfunctional nature of the US Congress, it is virtually impossible for agreement on any issue, no matter how benign, to receive 67 votes of consent. Therefore, to the US government, any change in the status of the OSCE that would need to be submitted to the Senate prior to ratification is viewed as a non-starter.

Furthermore, US officials generally believe that the present status has worked sufficiently well for 40 years, suggesting that there is no need for a change. Although acknowledging that some OSCE personnel would feel better protected if they had legal protections while stationed outside their home countries, the US insists that ad hoc arrangements that did not require a legally binding document have usually been possible and that, so far, no OSCE personnel have been seriously harmed due to their lack of a more formal legal “personality.” As the report of the Panel of Eminent Persons points out, the abduction of eight members of the SMM in eastern Ukraine, during the period when a Memorandum of Understanding was still being negotiated between the OSCE and the government of Ukraine, indicates the serious problem the OSCE could face in the absence of a permanent legal personality. A major crisis was averted when the hostages were eventually released unharmed and the MoU was negotiated and put into effect for the SMM operation in Ukraine. In short, some US officials believe that the present system works just fine, so there is no need to change it, especially given the political risks that would come with any change in that status.

That said, the US delegation has generally supported the terms of the 2007 draft “Convention on the International Legal Personality, Legal Capacity, and Privileges and Immunities of the OSCE,” which they believe would significantly improve the legal protections for OSCE personnel without creating a full-scale international organization that would require approval by the US Senate. This convention had been supported by the Russian Federation when it was drafted in 2007, but since President Medvedev’s proposals in 2008 to create a new Charter on European Security, Russia has insisted that a new Charter with a different mandate for the OSCE is required in view of the transformed European security environment many years after the end of the Cold War. This has left the US and Russia at loggerheads, with the US arguing that the 2007 draft convention goes as far as it can go to create a legal personality, while Russia now rejects that draft agreement in favor of a new Charter, which is unacceptable to the United States. Some in the US see the Russian insistence on negotiating a new, legally binding Charter as a cynical move to force the United States out of the OSCE or any new structures for European security. Whatever the Russian motivation, however, there is little doubt that any new legally binding institutional structure within the OSCE framework would potentially force the United States to withdraw from the OSCE.

In this author’s opinion, it is still very much in the interest of the United States to remain within the OSCE, and it is in the interest of European states to keep the US firmly connected to the broad principles of European

2 No party has held a two-thirds majority in the Senate throughout this 40 year span.

security through participation in the OSCE. There can be little doubt that the United States continues to play a significant role in European security and will continue to do so for the indefinite future. Given that fact, whether one likes it or not, it is useful to retain a vibrant OSCE as a vehicle through which the United States, Russia, and all of the states of continental Europe and Eurasia can consult and negotiate about issues of security and co-operation in Europe that affect them all. This US position may require other OSCE participating States to choose between an organization with, at best, a modest legal personality, such as that contained in the 2007 draft convention, or one with a more robust legal personality, which might well cause the withdrawal of, at least, the US and possibly also Canada, thereby potentially leaving the OSCE without its transatlantic partners. In short, any move to make the OSCE into a legally binding international organization through the adoption of a new Charter would likely constitute a “red line” for the United States that could not be crossed under virtually any current conditions.

The fourth recommendation of the Panel of Eminent Persons on the “primacy of politics” is one that would seem to generate support overall from the United States. In the end, the US would like for the OSCE to be able to take a significant political role, led by its major states, in frameworks such as that created to deal with the Ukraine crisis, namely the Trilateral Contact Group. Indeed, as noted above with regard to Recommendation 2, the US prefers an OSCE as a political institution capable of dealing with Europe security issues, as opposed to a bureaucratic international organization. The flexibility that this provides for innovative structures, such as those created by the Swiss Chairmanship to respond to the Ukraine crisis, is precisely the preferred US model for the OSCE. Indeed, as the report emphasizes, the fact that the OSCE is not a state (and, in the US view, that it is not a legal international organization) gives it the flexibility to consult on an informal basis with non-state actors, such as the representatives of the Luhansk and Donetsk regions in eastern Ukraine. As the report notes, the OSCE cannot even implicitly grant international recognition to non-state actors and this is a significant advantage. The US would be pleased to see the capacity of the SMM expanded, especially its technical capacity to monitor the Minsk ii agreement, likely including the ability to make use of unmanned aerial vehicles and satellite imagery, and it would also like to see the mandate of the current border stations between Russia and Ukraine at Gukovo and Donetsk expanded and additional checkpoints monitored by OSCE personnel. In addition, the US delegation believes that the OSCE should become more engaged with newer political challenges to transatlantic security, including developing confidence-building measures to deal with cyber warfare and expanding efforts to counter violent extremism in Europe that often provide recruits for radical movements globally and for terrorists who might attack within the OSCE region.

Finally, the US is unlikely to find anything objectionable in the fifth recommendation of the Panel of Eminent Persons for enhanced technical capacity of the OSCE and stronger partnerships with other regional organizations, as well as with the United Nations, as long as these do not entail significant increases in the overall OSCE budget.

The 2016 German Chairmanship of the OSCE offers a unique opportunity to get the United States more engaged in the work of the OSCE. Few, if any, European political leaders have the same clout in Washington as the German Chancellor, Angela Merkel, and the Federal Minister of Foreign Affairs, Frank-Walter Steinmeier. As the single most important partner of the US in the NATO Alliance as well, Germany’s credentials in managing issues of both “hard” and “soft” power are widely respected in the United States. Therefore, an active effort by Germany’s leadership to emphasize the importance of the OSCE to President Obama and Secretary of State Kerry, as well as to the candidates running for the November 2016 presidential election in the United States, will likely have an influence on future US policy. In particular, the German Chairmanship may offer an

opportunity to impress upon US political leaders that the OSCE, though an important actor in fields such as human rights and good governance, is also an important institution in fostering security co-operation in a part of the world that remains fragile and is essential to US security interests. Obviously, frustration with conflicts in the Middle East and Southwest Asia, as well as the “pivot” to Asia, will continue to dominate a great deal of US attention in foreign and security policy for the foreseeable future. However, Germany is well placed to remind the United States that events in Eastern Europe and Central Asia are especially likely to affect vital US security interests. In particular, Germany could persuade the United States to join with it in reinvigorating new efforts within the multilateral OSCE framework to restore the broken regime of conventional arms control in Europe, promoting new negotiations with the Russian Federation and other relevant parties to try to bring an end to many of the stalemated conflicts in the region, especially in Ukraine, but also in Georgia, Moldova and Nagorno-Karabakh and, finally, in stabilizing the now-fragile situations in the Balkans, especially in Bosnia-Herzegovina, Kosovo, and Macedonia. Germany could also engage the United States in using the OSCE as a vehicle for managing some newer security issues where common interests, such as cyber security and countering violent extremism, may be broadly shared among OSCE participating States. In short, no other OSCE participating State has a greater capacity than Germany to get the attention of top US decision-makers and to engage them in more active support for the vital role that the OSCE plays in fostering security and co-operation “from Vancouver to Vladivostok.”

Conclusion

Ever since the Helsinki Final Act was signed 40 years ago, the United States has generally viewed the OSCE, and the “conferences” that preceded its formal institutionalization, in a favorable light, but as a secondary institution of considerably lesser centrality to US foreign policy interests than NATO or the UN. The United States has always valued the Helsinki Process for its contributions in areas such as human rights, rights of persons belonging to minorities, freedom of the media, and ODIHR’s role in advancing the rule of law and election monitoring. However, the OSCE has also been viewed skeptically as a “security” institution due both to its inability to achieve consensus on vital security issues, especially since 2000, and the lack of resources available to carry out decisions in the security arena. Thus, the US has relied almost exclusively on NATO or on bilateral relations with relevant states to manage security challenges in Europe, while generally treating the OSCE as a “talking shop”, largely incapable of meaningful action on “hard” security issues. In this context, however, it also sees a potential role for the OSCE in responding to some new security issues, such as cyber warfare and countering violent extremism, where there may be common interests shared by all participating States.


Furthermore, the Ukraine crisis has reawakened US interest in and support for the OSCE, which, in spite of its limitations, has been more useful in managing this crisis than most US policy makers would likely have expected. It has also demonstrated forcefully that the European/Eurasian region is not as stable as some believed and that risks of violent conflict continue to plague the continent. This danger has increased as a consequence of the Ukraine crisis along the fault lines where NATO has enlarged and where, simultaneously, Putin’s Russia views itself as having a national interest in its “near abroad,” especially in defense of ethnic Russians who have been living outside the borders of the Russian Federation ever since the breakup of the Soviet Union.

Therefore, unless there is a major and unanticipated change in US domestic politics in the near future after the 2016 presidential and congressional elections, it is likely that the US will maintain a modest degree of engagement with and support for the OSCE, with two striking caveats: 1) strengthening of the organization, in

the US view, must fall short of transforming it into a full-blown, legally based international organization, and 2) any expansion of OSCE activities should involve minimal additional budgetary resources and should avoid creating an overly entrenched bureaucracy that might develop its own interests, independent of the political will of the participating States, thereby potentially undermining its flexibility and capacity for innovative responses. To most informed observers in the United States, this adaptability to new challenges has been the hallmark of the OSCE over the past 40 years and should be preserved well into the future. The German Chairmanship in 2016, therefore, provides a unique opportunity to build on these strengths and, thereby, draw the United States into assigning greater importance to the OSCE as a useful institution for promoting security and co-operation across Europe and North America.

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