

A New Helsinki for the OSCE?

Chances for a Revival of the European Security Dialogue

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The five-day war in Georgia has exposed an apparent crisis in the approach to co-operative security in Europe. The European Union and NATO have found it difficult to deal with this crisis and are increasingly in disagreement with the key actor, Russia. Against this background, a succession of politicians have brought the OSCE into play again. Recently, in Evian, Nicholas Sarkozy, on behalf of the EU Presidency, suggested an OSCE Summit in 2009 and found Russian President Dmitry Medvedev open to the idea. The chances of success for this approach can, for all intents and purposes, be viewed sceptically. After all, in recent years, the OSCE itself has been a source of dispute between Russia and the Western states. However, the OSCE today offers the only remaining institutional framework capable of reviving the European security dialogue. With key topics such as the settlement of regional conflicts at issue, important progress can be achieved at the OSCE Ministerial Council meeting in Helsinki, provided that the political will is there.

In itself, the five-day war between Russia and Georgia in August constituted an event of local importance that was hardly capable of shaking world politics to the core. The Georgian crisis achieved international political weight because it further intensified the long-standing latent tensions between Russia and the transatlantic partners and suddenly brought to light the deeper cracks in multilateral security policy. The system of co-operative security, as it was conceived after the end of the Cold War, is now in a deep crisis, which is reflected in a number of contentious issues, especially with respect to efforts at a consensual settlement of open regional

conflicts and in questions of arms control. Thereby, the central conceptual points of European security policy – co-operative, multilateral decisions and avoidance of unilateral action – have been seriously affected and have given way to the clearly delineated asymmetry of political perceptions in Russia and Western countries. What on one side appears to be right and a justifiable defensive reaction is perceived by the other side as aggressive behaviour. The situation is no longer stable. There is much potential for further escalation.

In light of this, it has been recognised both in Russia and in Western countries that the multilateral security dialogue

must be revived: Thus, President Medvedev emphasised in Evian this past October: "The events in the Caucasus have only confirmed how absolutely right the concept of a new European security treaty is today. It would give us every possibility of building an integrated and solid system of comprehensive security. This system should be equal for all states – without isolating anyone and without zones with different levels of security." His French counterpart, President Sarkozy, who currently represents the EU Presidency, rated this suggestion very positively and took Medvedev at his word by again bringing into play the Organization for Security and Co-operation in Europe (OSCE) – one of the European security institutions that many commentators have declared dead. "And that's where Dmitry Medvedev's proposal responds to a real need," Sarkozy said. "So, why not re-examine from every angle all groups, institutions and countries concerned, everything concerning security on our continent? And since we're at the beginning of the century and you made this proposal, why not modernise together our thinking, reflexes and habits that date back to the Cold War? We could certainly do it within the framework of the OSCE." Concretely, Sarkozy suggested "that a special OSCE Summit be convened for this purpose before the end of 2009 so that we could discuss your [Medvedev's] proposals and those of the EU on new pan-European defence concepts."

The current Chairman of the OSCE, the Finnish Foreign Minister, Alexander Stubb, took up this suggestion and placed the discussion of the Medvedev and Sarkozy initiatives on the agenda of the OSCE Ministerial Council meeting from 4–5 December in Helsinki: "The crisis in Georgia has highlighted the need to have a debate on security in Europe." He requested not only a political declaration but also hoped for decisions on the resolution of open regional conflicts.

The OSCE as an Inclusive Forum for Dialogue: Is There Life in the Old Dog?

Helsinki was once a showplace for an historic decision on European security. For at least a decade, however, the OSCE has been declining in political relevance. The last OSCE Summit took place in Istanbul in 1999. From that point on, the organisation has been gradually sliding into a political crisis. In the last decade, many of its activities have been subjected to criticism by Russia, criticism shared by a number of CIS states. Russia's objections here have been directed especially at the geographic asymmetry of the OSCE field missions – which are active exclusively in Eastern and South-eastern Europe, in the Caucasus and in Central Asia – and at the substantive disparity between the politico-military and the human dimensions of the OSCE, which has led to the neglect of politico-military questions. In addition, Russia increasingly perceives OSCE activities in the area of democracy and human rights as an intervention into its internal affairs.

At the heart of Russia's criticism are the OSCE election observation missions. In September 2007 Russia, together with other CIS states, presented a proposal to the OSCE, which aimed at limiting the number of members in election observation missions and leaving the decision about such missions to the Permanent Council of the OSCE, which decides by consensus. Independent election observation would thereby be made impossible. Consistent with this suggestion, Russia allowed the OSCE observation of the Russian Duma and presidential elections in 2007/08 to fail due to arguments over certain modalities.

As a result of Russia's criticism, debates on the reform of the OSCE were conducted between 2002 and 2006, during which time further suggestions were submitted by the "Panel of Eminent Persons" in 2005. Overall, however, their implementation was only a modest success: While the effectiveness of operational procedures was improved, political dissent remained, apparent in Russia's desire to continue the reforms and

adopt a charter binding under international law, whereas from the Western perspective the reform had been finished.

In summary, it can be said that the positions of Russia and the Western states on key points of contention have gradually hardened and that the attempt to defuse the political dissent over a debate on OSCE reform has failed. So why should the OSCE, of all organisations, be the appropriate forum for a new pan-European security dialogue?

If this question is to be answered adequately, one must differentiate between the OSCE as an actor and the OSCE as a forum for security policy discussion and decision-making. In the first role, the organisation is active at an instrumental level with, for example, its High Commissioner on National Minorities, its election observation and field missions. Here, it is noteworthy that the ongoing political quarrel with Russia, which was also expressed in, for example, a blockade of the 2005 OSCE budget for several months, was *de facto* unable to affect the ability of these instruments to function. Expressed another way: Despite its vehement criticism, Russia did not significantly hinder the operative work of the OSCE or end it, though it would have been capable of doing so. Thus, important personnel decisions for 2008 – such as the election of the Slovenian Ambassador, Janez Lenarčič, to Director of the Office for Democratic Institutions and Human Rights (ODIHR), or the extension of the tenure of the Secretary General, Marc Perrin de Brichambaut – were able to be taken in consensus. The OSCE also continued to play an important operative role, for example, in Kosovo, where the OSCE mission took over tasks from the UN while the EU mission was still not fully operational. In addition, the other CIS countries did not join Russia's blockade of the OSCE election observation missions. So it is of great significance that the OSCE was able to observe the 2008 presidential elections in Armenia unimpeded, as it did the parliamentary elections in Belarus in Septem-

ber 2008. The discrepancy between the smoothly functioning core activities, such as field and election observation missions, and Russia's continued criticism of central aspects of these very activities exemplifies the current predicament in addressing the OSCE's role. Apart from the blockade of the 2007/08 election observation missions, Russia has thus far not attempted to override this discrepancy. Quite the contrary: With two Heads of Mission and important positions in the Secretariat, Russia is currently better represented by OSCE personnel than ever before.

Even more important for co-operative security in Europe is the second function of the OSCE: It currently provides the only inclusive and thematically comprehensive framework for a multilateral, co-operative security dialogue in Europe. Thereby, there are definite advantages when compared to NATO and the European Union. While it is true that NATO and the European Union – with their very different instruments of soft or hard security – have in the past affected stability in Eastern Europe in a much more comprehensive way than the OSCE, their ability to deal politically with the key actor, Russia, has been weakened since the Georgian crisis. Thanks to the strong response from Sarkozy, the European Union has, without doubt, demonstrated an astonishing capacity to act – in that, for instance, it negotiated the six-point plan with the Russian and Georgian parties to the conflict. However, successful crisis management did not lead to a sustainable solution of the conflict in the Caucasus.

The European Union and NATO find themselves in a strategic dilemma: On the one hand, their strong instruments offer them the potential of comprehensive influence. On the other hand, due to internal differences, the two organisations lack a common understanding of how these instruments should be strategically utilised. The European Union and NATO will continue to discuss a variety of questions with Russia, but as President Sarkozy acknowledged in his Evian speech in

October: “[T]hese dialogues and areas of co-operation clearly lack consistency.” As paradoxical as it may sound: The dilemma of the European Union and NATO is an opportunity for the OSCE. It is now the only framework for multilateral communication with Russia on the revival of the European security dialogue. For this, however, the OSCE has the necessary means available: from Summit and Ministerial Council meetings to the Permanent Council at ambassadorial level, including a well-practiced system of informal consultations, not to mention the special fora for arms control (the OSCE Forum for Security Co-operation, Joint Consultative Group of the CFE Treaty), as well as expertise on regional conflicts in the Conflict Prevention Centre of the OSCE Secretariat.

If one wants to establish a new security dialogue within the framework of the OSCE, it is essential to take into account the tensions between its role as an actor and as a forum for those issues just elaborated on. With a focus on the dialogue format, there is a risk that Russia could call into question the activities focussing on the human dimension. Consequently, damage to – or even instrumentalisation of – the actor role of the OSCE as a result of its function as a discussion framework must be prevented. Assurances from Russia and the other CIS states must be demanded so that they will not conduct the multilateral security dialogue at the expense of other OSCE instruments or even argue for a package deal.

This political process of balancing both OSCE functions will take years to accomplish. Thereby, each sitting chairperson will have an important role in setting the agenda and mediating consensus decisions. The Finnish Chairman has already set the standards for this; he has single-mindedly abided by the principles and commitments of the OSCE despite all the setbacks and, at the same time, tried to open new channels for discussions with Russia and other CIS states. Should there, in fact, be a new start for the European security dialogue in Helsinki in 2008, this would also be thanks

to Finland. A key role would also fall to the Kazakh Chairmanship in the medium term in 2010. As early as 2003, Kazakhstan had already applied for the OSCE Chairmanship. In the entire discussion about the Kazakh Chairmanship – which, until the decision by the Madrid Ministerial Council meeting in 2007, was extremely contentious – the fear that Kazakhstan would not adequately resist any attacks on the substance of the human dimension of the OSCE, or might even support them, played a decidedly important role. However, in 2007 Kazakhstan clearly committed itself – at least at a declaratory level – to maintain the ODIHR as a key instrument and would be confronted with massive pressure to justify itself should this be contravened. It is in the increasingly self-confident and independent foreign policy of Kazakhstan, which has made an effort to have good relationships with all relevant states (or groups of states) in the OSCE, that the chance to strengthen the European security dialogue lies, without threat of weakening the human dimension.

Despite all its good points, it must, however, be clearly seen that the OSCE as an organisation is not itself a solution and can only offer the multilateral framework for co-operative discussion. Like other international organisations, it also serves less as a source than as a mere venue for conflicts that arise, primarily from the relationship between the United States and Russia. The OSCE will, of necessity, have to deal with the given differences. The prospects of success for a revival of the security dialogue within the OSCE framework are thus dependent on two interrelated, fundamental conditions: first, on a transition to more flexibility in the hardened Russian-American relationship; secondly, on progress in central policy areas of co-operative security in Europe.

Russian-American Co-operation: *Conditio sine qua non* for the OSCE

The crisis in co-operative security results, in essence, from the growing Russian-American tensions of recent years. As long as both key actors show no greater degree of readiness to co-operate, an agreement on central policy areas of European security will remain a virtually hopeless prospect.

Considering the inheritance following eight years of the Bush Administration and the recent unrelenting position of Russia, any relaxation of the hardened positions in both countries will be difficult to establish, though it is not impossible. Admittedly, however, in recent years, both sides have taken steps that have been perceived by the other side to be confrontational. Among these are the United States' announced intention to deploy elements of a global missile defense in Europe and Russia's threat to respond to this measure with the deployment of nuclear short-range missiles. The recognition of the independence of Kosovo and the announcement of the wish to expand NATO to include Georgia and Ukraine provoked vehement criticism from Russia in April of this year. US President-elect Obama may feel bound to the foreign policy commitments of his predecessor – to the agreement with Poland on missile defence, for example. And Russia has shown itself to be a difficult partner that is prepared, if necessary, to use military means to underpin its regional dominance. Moscow expects recognition of its great power position.

Despite these rather inauspicious conditions, there are indications of a relaxation of the positions in Moscow and Washington. Medvedev's suggestion for a kind of stability pact from Vancouver to Vladivostok – an open hint in the direction of OSCE – signals clear interest in co-operative solutions. However, the suggestion is imprecise and is bound up with a number of conditions. Medvedev will not, however, be able to distance himself from his rhetorical commitment without losing face if the United States and their transatlantic part-

ners take him at his word. Furthermore, since the Georgian crisis, Russia has been isolated with respect to foreign affairs. The unilateral recognition of Abkhazia and South Ossetia was not even supported among the circle of allies in the CIS space or in China. Plunging prices on the Moscow stock market and capital flight could contribute to Moscow's becoming aware of its vulnerability. In Washington the change in presidency opens up opportunities for a realignment of US foreign policy positions. President-elect Obama has already made known his readiness to negotiate seriously on extending the START Treaty on the limitation of strategic nuclear weapons, which expires in 2009 – a topic to which Russia attaches the highest priority. If, in the end, both countries were able to agree on a compromise on missile defence, this would come close to a breakthrough at the level of strategic arms control, notwithstanding an array of additional contentious questions. Should Russia and the United States show an increased interest in joint solutions and more readiness to compromise, a revival of the European security dialogue within the OSCE framework could also succeed. However, improved Russian-American co-operation does not, by any means, make the multilateral dialogue in the OSCE superfluous. Bilateral agreements on strategic questions must also carry over to multilateral and regional levels so that the specific interests of smaller states are also considered. And, finally, the European security dialogue can itself prove to be a supportive element to an improved Russian-American relationship.

OSCE Security Dialogue on Arms Control and Regional Conflicts?

Without initial success in central policy areas of European security, however, this dialogue would remain very fragile. Particularly with respect to conventional arms control and the constructive resolution of open regional conflicts, it would depend on concrete progress growing out of the

security dialogue. However, due to recent developments, the starting point is altogether ambivalent.

1. Arms control: Co-operative security in Europe is based quite significantly on a series of partly politically, partly legally binding arms control agreements that apply either to all OSCE states or – as with the Treaty on Conventional Armed Forces in Europe (CFE) – to each of the 30 states and their successive states that belonged to NATO or the Warsaw Pact in 1990. The core of this regime is the CFE Treaty. The Adapted CFE Treaty (ACFE) was signed at the Istanbul OSCE Summit meeting in 1999. It became necessary because the old bipolar logic on which the CFE Treaty from 1990 rested no longer applied, and members of the fictitious Eastern “Group of States Parties” were, meanwhile, part of the actual Western alliance. In Istanbul, Russia had also committed itself politically to withdrawing its armed forces from Georgia and Moldova. Originally against the will of the German federal government, NATO declared that the fulfilment of these “Istanbul commitments” would be a condition for ratification of the ACFE Treaty. However, this condition has never been completely fulfilled. Nine years after its signing, the ACFE Treaty has only been ratified by Belarus, Kazakhstan, Russia and Ukraine; meanwhile, parts of it have been overtaken by reality. In order to force the NATO countries to ratify ACFE, Russia unilaterally “suspended” the CFE Treaty in December 2007 and, for good measure, made the putting into force of the ACFE dependent on the abolition of the so-called flank rule, which, among other things, limits the number of heavy weapons of the Russian armed forces in the Caucasus. In this context, the planned stationing treaties with South Ossetia and Abkhazia, which, in the eyes of the Western states, openly violate every article of the ACFE, according to which stationing foreign armed forces may occur only with the agreement of the host country – in this case Georgia – has become an explosive issue. The consequence of all

this is that the entire treaty regime has become increasingly ineffective. Other European arms control agreements, such as the Vienna Document on Confidence and Security-Building Measures, or the Open Skies Treaty, are either outdated to a great extent or not sufficiently relevant to promote European arms control on a sustainable basis.

The situation has developed in such a way that only one thing would help: negotiating at the highest level the means by which the ACFE Treaty could be rapidly ratified and implemented in order to immediately open follow-up negotiations on a new treaty in the circles of all OSCE states. However, a condition for this is that the new US administration and Russia agree on a changed approach to arms control questions. Only under this premise can the OSCE also be a forum for pan-European arms control negotiations.

2. Regional conflicts: In contrast to the situation with arms control, there are some grounds for muted optimism on the settlement of open regional conflicts. The conflict in Georgia brought about enhanced awareness of the existing danger of escalation and provided impetus for positive development. This is all the more remarkable as 2008 has been marked by an intensification of Russian-American confrontation in this policy area. With the recognition of the independence of Kosovo by the United States and the bulk of the Western states, and Russia’s recognition of the independence of Abkhazia and South Ossetia, the scope for negotiation here became severely limited. A consensual settlement of these contentious status questions in an international body such as the UN Security Council was, and remains, virtually impossible. In view of this, the OSCE, which continues to be present with its field missions on the ground, is also not able to provide a forum for a negotiated solution.

However, unlike with the two areas in Georgia, new prospects for a settlement of the status of the Armenian-populated en-

clave of Nagorno-Karabakh in Azerbaijan have recently opened up. Admittedly, the conflict has a much more limited geopolitical dimension, since neither Russia nor the United States is directly involved as a party to the conflict. With the Minsk Group – established in 1992 – the OSCE has made an adequate negotiation framework available. Since 1997, the Chairmanship has been shared by the United States, Russia and France – thus the key actors for European security in recent weeks and months – all of whom have clearly spoken out for a rapid solution to the conflict. Under pressure from Azerbaijan, representatives of the disputed Nagorno-Karabakh enclave have been shut out of the negotiations since 1997, which hinders sustainable pacification. Until 2008 the Minsk Group was unable to bring about substantial progress between the parties to the conflict, but at least prompted them to recognition of fundamental principles of a future conflict resolution, the so-called basic principles.

This deadlocked conflict received a new dynamic during the course of the Georgian crisis. The negative effects surrounding the war in South Ossetia made the dangers of a crisis escalation in the Caucasus clear: Transit and trade routes were interrupted; Armenia suffered considerable economic losses. However, the widespread feeling of vulnerability served as a catalyst for a cautious rapprochement between Armenia and Azerbaijan. At Russia's initiative, the presidents of the two states met on 2 November 2008 and announced their readiness to work together for a solution to the Nagorno-Karabakh conflict. It is true that these activities lacked substance and a positive outcome is anything but assured, however it is noteworthy in two respects: First, both countries agreed to the principle of refraining from the use of force, despite the enormous militarisation and significant arms build-up of recent years. Second, they showed a certain pragmatism, since such a meeting would have been impossible not so long ago, in a year in which elections were taking place in both countries.

Russia's initiative for a negotiated solution at first raised suspicions. Russia's neighbouring countries – as well as some Western states – suspected the motive was a diplomatic offensive in addition to the military one, with the goal of securing its pre-eminence in the post-Soviet space. But the document signed in Moscow offers some indications that it could also contribute to a strengthening of multilateral conflict resolution. First, it seizes upon the basic principles negotiated by the Minsk Group; second, it confirms the Minsk Group as the negotiation framework; third, it demands legally binding international guarantees for a possible negotiated settlement. Thus, just in this current phase of the conflict around Nagorno-Karabakh, new scope for negotiation has opened up, which the OSCE as lead mediator can use to achieve some concrete results.

Ministerial Council and OSCE Summit: Chances for Co-operative Security

The two political areas just dealt with still carry a risk of acute escalation, but also afford some starting points and scope to negotiate deescalating initiatives. If the relevant actors manage to translate the increased awareness of the problems into political will, there are short and medium term opportunities for reviving the European security dialogue with concrete measures within the framework of the OSCE:

► **Helsinki Ministerial Council meeting 2008:** The meeting of the OSCE Ministerial Council from 4-5 December 2008 will, in the near future, make available a framework that is suitable for taking initial decisions on the direction of the revival of the European security dialogue. A positive point in the run-up to this meeting is the emergence of an already significantly stronger participation of representatives at the ministerial level than in previous years. An agreement on a final declaration – which there has not been since the 2002 Ministerial Council meeting in Porto – would, without doubt, be a clear political

signal. Joint decisions on concrete courses of action in the open regional conflicts could serve as a renewed commitment of the OSCE participating States to co-operative security. Moreover, there are countless opportunities for communication in Helsinki that, in light of the potential for escalation, already act to build confidence and security. Representatives from European Union and NATO states can talk with representatives of Russia within this framework without increasing internal differences or exposing themselves to the accusation that they are putting joint Western solidarity at risk with respect to Russia.

► **OSCE Minsk Group:** Since efforts to resolve the Nagorno-Karabakh conflict have gotten new impetus, there is now a chance to advance a resolution with concrete initiatives in the context of the Helsinki Ministerial Council meeting. However, this will scarcely be possible if the external conflict managers are competing with each other. Thus, Russia should be committed to the Moscow Document and to the assurance of further negotiations within the framework of the Minsk Group. Urgently needed beyond this is a return of the representatives of Nagorno-Karabakh to the Minsk Group, which is supported by Russia but still blocked by Azerbaijan.

► **OSCE Summit 2009:** Sarkozy's suggestion to hold an OSCE Summit in 2009 on pan-European security deserves special attention, as its realisation would be an expression of a revived European security dialogue. An OSCE Summit in 2009 can hardly resolve the security problems in Europe, but rather create important basic conditions by formulating goals and tasks. The credibility of commensurate efforts would be confirmed if a breakthrough in a relevant topic area – such as the CFE – could be achieved. However, an OSCE summit does not, in the medium term, absolve countries from the task of conceptualising the system of co-operative security in Europe anew with Russia as an equal partner. Nevertheless, it does offer the basis for the European Union and NATO, as domi-

nant security actors, to strategically rearrange their instruments vis-à-vis Russia without an imminent risk of escalation. If, however, one does not succeed in dealing with important decisions for the future in the inclusive OSCE space – in interrupting the current escalation and initiating a positive dynamic – then the question arises: Under what circumstances can co-operative security in Europe have any sort of chance at all?

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