

Ukraine and Security Disorder in Europe – A Defining Moment for the OSCE?

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The Organization for Security and Cooperation in Europe (OSCE) is the first and currently the only international organisation to have a monitoring mission deployed in Ukraine.

This is as it should be. After all, ever since the signing of the Helsinki Final Act on 1st August 1975, the Conference for the Security and Cooperation in Europe, which subsequently became the OSCE, has served as one of the main platforms for dialogue between East and West.

One of the ten guiding principles of the Helsinki Final Act is the peaceful settlement of disputes; the role of mediation and conflict management is thus key to the *raison d'être* of the OSCE and indeed determines its relevance on the international stage.

The decision to deploy an “OSCE Special Monitoring Mission to Ukraine” was taken over the weekend of March 21-22 at the height of the unfolding crisis in Ukraine. It was by no means a foregone conclusion that such a mission would be agreed. All OSCE decisions are taken by consensus of its 57 Participating States in the Permanent Council – the OSCE’s decision-making body comprising ambassadors of all 57 Participating States, based in Vienna. However, despite initial reluctance, Russia went along with the consensus and has even sent a number of monitors as part of the mission.

The decision provides for the deployment of up to 500 ‘civil monitors’, of which almost 150 are already on the ground and deployed in many of the conflict zones in the east of Ukraine. Although, technically, the decision covers all of Ukraine, any deployment in Crimea has not so far been attempted for security reasons.

The mission’s tasks will focus on facilitating dialogue at all levels so as to reduce tensions and “promote normalisation of the situation”. It will also gather information and report on the actual situation on the ground – a crucial element to counter the relentless propaganda war being waged by Russia’s media. Its mandate covers a period of six months, renewable by another consensus decision of the Permanent Council.

This mission represents a defining moment for the OSCE, and its every move will be scrutinised and judged, both for its effectiveness in diffusing tensions and for its success in

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creating a climate conducive to the much-needed search for long-term solutions. It will not be an easy task; on the one hand there is a weak interim administration in Kiev struggling to maintain control and prepare for presidential elections scheduled for May 25, and on the other hand there are various pro-Russian protesters who claim to speak for the population in the east of Ukraine.

Gaining acceptance as a trustworthy interlocutor, particularly with the groups supported by Russia, while carefully negotiating the ethnic minefield in the country, will be a remarkable achievement in itself. Both President Putin and his Foreign Minister vehemently deny any involvement with these pro-Russian groups. The mission will also need to address the growing pressures for constitutional reform and devolution of power to the regions. In so doing, it will need to avoid sensitivities around the notion of 'federalisation', which has become a no-go area for Kiev following Russia's insistence on the need for a federal system in Ukraine, which would give Russia easy control over the east. Leaving aside Russia's ulterior motives, there are fortunately useful precedents in this respect that can be taken up - notably the notion of 'devolved administration', which was the term used with success in the Northern Ireland peace process.

The great advantage of the OSCE is that it has at its disposal the necessary 'soft power' and administrative tools - the OSCE High Commissioner for National Minorities, the OSCE Office for Democratic Institutions and Human Rights, which oversees extensive election monitoring throughout the OSCE area, and the OSCE Representative for Freedom of the Media.

Its comprehensive approach to security, covering all three 'baskets' of the Helsinki Final Act (politico-military, economic and environmental and human rights and fundamental freedoms), distinguishes the OSCE from any other organisation. It has managed to enhance its role in conflict mediation, particularly in respect of the so-called 'protracted conflicts' in Moldova/Transnistria and in the Caucasus.

But despite the proven expertise and successes of the OSCE's field missions and presences, which have accomplished pioneering confidence-building measures and reconciliation at national and local level in post-conflict societies, the OSCE suffers from a low profile and poor visibility among the general public.

In addition, the OSCE has been weakened in recent years by repeated criticism from Russia, which claims that the West is being selective in its approach and focuses too much on human rights issues at the expense of the other dimensions of the OSCE's comprehensive approach to security. It is indeed no coincidence that this criticism has grown as respect for basic human rights and fundamental freedoms has come under increasing threat in Russia, and in its partner countries such as Belarus. Russian accusations of "double standards" have been a common refrain aimed at diverting attention from internal developments in that country, with the result that the OSCE has been unable to take any meaningful decisions in the human dimension at its annual ministerial meetings.

With the decision to deploy the Monitoring Mission in Ukraine, there is a chance for the OSCE to reassert its authority and bolster its indispensable role in the comprehensive security architecture of Europe.

It comes at a time when the OSCE is in the middle of the so-called Helsinki + 40 process. Based on an initiative launched during the Irish Chairmanship of the OSCE in 2012,¹ the process aims at using the forthcoming 40th anniversary of the signing of the Helsinki Final

¹The OSCE operates on the basis of a Participating State assuming the Chairmanship for one year; this year the Chairmanship is held by Switzerland, next year it will be Serbia.

Act to set out a vision and roadmap for the OSCE to meet the challenges of the 21st century. Strengthening the OSCE's capacity in conflict prevention and conflict resolution, using different models such as enhanced civil society involvement and greater focus on the implementation of agreements reached, while preserving its comprehensive approach to security, will all be part of this exercise.

Its success will ultimately depend on the political will of the Participating States, however. This also goes for the Monitoring Mission in Ukraine. Allowing the civil monitors to play their role without hindrance in the eastern part of Ukraine will be a key test of Russia's commitment to the success of the mission and ultimately of the OSCE's effectiveness. As the former German Minister of Foreign Affairs, Hans-Dieter Genscher, said at the 30th anniversary of the Helsinki Final Act, the OSCE "cannot be better than its members want it to be".²

But the EU also needs to play its part and offer support, which goes beyond mere declaration. The proposal by some member states' foreign ministers for the EU to deploy its own mission on the ground is seen by many as a complicating factor, precisely at a moment when all the emphasis should be on helping the OSCE fulfil its mandate.

The EU and its member states contribute over 70% of the OSCE's budget; yet the EU's influence in the Organization is far less than it should be. Instead of having a more long-term strategic relationship with the OSCE, the EU tends to pick and choose among areas of cooperation. And although there is close interaction between both organisations in the negotiations relating to protracted conflicts, in other areas where the OSCE has proven expertise, such as minority rights and media freedom, cooperation tends to be on a more ad hoc basis. The EU's own internal divisions and cumbersome decision-making processes have weakened its image.³ The EU is thus seen by many, not least the US, as punching well below its weight in external action.

Forty years ago, in the negotiations leading up to the signing of the Helsinki Final Act, it was the success of the European Community's European Political Cooperation (EPC) of the nine member states working together as a cohesive and effective group that ultimately shaped the end product. This represented the biggest foreign policy achievement of the EC nine throughout the Cold War period, "providing a morale boost that reverberated for years, demonstrating to decision-makers the feasibility, potential and desirability of EPC and establishing the EC countries as a new actor in European Security".⁴

Today, with EU members making up half the membership of the OSCE, the EU needs to show greater responsibility and far-sightedness in its dealings with the OSCE. In the run-up to the 40th anniversary of the Helsinki Final Act, and faced with its most serious security crisis since the fall of the Berlin Wall, the EU should take the lead once again in fostering collective responsibility on the part of all Participating States to ensure a meaningful and effective role for the OSCE.

² OSCE Magazine, Special anniversary issue, October 2005.

³ The member states spent more than a year determining whether its statements in the Permanent Council should be "on behalf of the EU", or "on behalf of the EU and its member states".

⁴ Daniel Möckli, "The EC Nine, the OSCE and the Changing Pattern of European Security", in *Origins of the European Security System*, Centre for Security Policy Studies, Zurich, Routledge: London, 2008.