

Overcoming the East-West Divide

Perspectives on the Role of the OSCE in the Ukraine Crisis

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Preface

By Lamberto Zannier¹

The Conference for Security and Co-operation in Europe (CSCE) was created to serve as a bridge between East and West – a confidence building project during a period of heightened Cold War tensions. Over time it transformed from a Conference to an Organization, developing its own *acquis* of principles and commitments, institutional arrangements, and a sophisticated toolbox, which includes field operations and autonomous institutions. Today, the Organization for Security and Co-operation in Europe (OSCE) is the world's largest and most inclusive regional security organization under Chapter VIII of the Charter of the United Nations (UN).

East-West relations have experienced ups and downs, which have been reflected within the OSCE and affected its capacity to deliver. In the 1990s, the organization experienced a period of smooth co-operation, enabling it to facilitate peaceful transitions and to play a decisive role in addressing a number of developing conflicts. But in time, tensions emerged over the implementation of OSCE principles and commitments and the focus of the organization's work. Protracted conflicts in the Caucasus and Eastern Europe created a permanent source of tension.

The Georgia conflict in 2008 was a wake-up call. It showed that armed conflict was still possible in the OSCE region and that deep divisions existed over the interpretation of the principles in the 1975 Helsinki Final Act. It also underlined the persistence of concerns about the preservation of spheres of influence, as well as an overall lack of trust among OSCE participating states.

Existing divisions and mistrust have been exacerbated by the current crisis in Ukraine. Yet, this crisis has also highlighted the enduring utility of the OSCE as the organization best suited to bridge the East-West divide and facilitate co-operative solutions.

Although other international organizations play important roles, the OSCE has often been identified as the most appropriate organization to help reduce tensions and restore peace and stability in Ukraine. The key reasons are the OSCE's inclusive nature, its established record as a facilitator, its role as an impartial observer, and its long-standing presence on the ground.

The OSCE provides the only permanent forum for sustained and inclusive dialogue among all the countries of the Euro-Atlantic and Eurasian space. It is the only regional organization that includes Ukraine and all its neighbors, as well as the countries of the EU, NATO, CIS, and CSTO.

Since the Ukraine Crisis began, dialogue within the OSCE has been extremely tense, often undiplomatic and sometimes marked by very serious mutual accusations. Yet, it has provided both an outlet for tensions and a tool for engagement enabling the OSCE participating states to take joint action on issues, even when they are divisive.

The OSCE is a consensus-based organization, which can make reaching agreement quite difficult, particularly on contentious issues. So it is worth mentioning that the 57 OSCE participating states were able to agree on the necessity of sending a Special Monitoring Mission to Ukraine (SMM), and an Observer Mission (OM) at two Russian checkpoints on the border with Ukraine. And despite different views on the cause of the tragic crash of Malaysia Airlines flight MH17, the 57 participating states adopted a declaration calling for an international investigation and the preservation of the site.

Today, the Special Monitoring Mission to Ukraine is the most visible example of OSCE joint action. The OSCE monitors serve as the international community's "eyes and ears" on the ground. Their reports, drafted from a neutral and factual perspective, inform the international community's decision-making. The Observer Mission at the Russian checkpoints Gukovo and Donetsk is also an important initiative. OSCE Mission staff on site act as observers and facilitators, helping to de-escalate potential tensions and foster mutual confidence.

The OSCE Institutions – the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM), and the Representative on Freedom of the Media (RFoM) – as well as the OSCE Parliamentary Assembly (PA) have all made important contributions to efforts to defuse the Ukraine Crisis. And the Office of the OSCE Project Co-ordinator in Kyiv has been supporting Ukraine in a number of key areas, including national dialogue.

The Ukraine Crisis has dramatically raised the OSCE's profile, highlighting its challenges – most notably the existing divisions among its participating states – but has also provided an opportunity for the organization to demonstrate its relevance. This is particularly important in the context of the "Helsinki+40" process (H+40), which aims to restore confidence among participating states and enable progress in the implementation of OSCE shared

¹ This preface is based on introductory remarks given by OSCE Secretary General Lamberto Zannier at an OSCE panel organized by foraus-Swiss Forum on Foreign Policy and the Center for Security Studies (CSS) at the European Forum Alpbach on 25 August 2014.

principles and commitments in the run-up to the 40th Anniversary of the signing of the Helsinki Final Act in 2015.

OSCE participating states share many security challenges that require cooperative responses, such as transnational threats like organized crime, terrorism, and trafficking in narcotics and human beings. In today's globalized world, these threats spread easily across borders. Tensions and lack of trust among countries whose security and prosperity are interconnected lead to a "lose-lose" situation. The OSCE's impact ultimately depends on the political will and engagement of its participating states. Looking forward, the OSCE will need more of both to effectively address not only the crisis in Ukraine, but also the many security concerns that OSCE participating states share.

In 2015 the OSCE will commemorate the 40th anniversary of the signing of the Helsinki Final Act. At that time, in 1975, leaders of States with profound ideological differences dared to sit together at the same table, leaving zero-sum games aside, and engaged in dialogue to prevent a new war. The same leadership is needed today to de-escalate tensions and regain the necessary spirit of cooperation to ensure security, stability, and prosperity throughout the OSCE region.

Introduction

By Christian Nünlist and David Svarin

The Organization for Security and Co-operation in Europe (OSCE) is the most comprehensive regional security organization. With its 57 participating states it comprises the whole of Europe as well as the Eurasian and Euro-Atlantic region. Inscribed in its DNA is the idea of providing a platform for dialogue between East and West. The OSCE, which can look back at over 40 years of existence, survived all major geopolitical events in recent history, including the end of the Cold War. In the 21st century, however, the relevance of the OSCE has sharply declined.² During this period of time, the European Union (EU) and NATO, all of whose members are also participating states in the OSCE, expanded and occupied a larger role in European Security. In the East, the countries emerging from the ruins of the Soviet Union developed their own notion of sovereignty and became skeptical towards the OSCE and its involvement in the region. In addition, there are still a number of unresolved conflicts among OSCE participating states. In particular, Europe's protracted disputes constitute serious obstacles to peace and prosperity on the continent.³ Since the late 1990s, it was increasingly debated whether the OSCE had indeed become irrelevant and whether it could again become an important player in Europe's security architecture, bridging gaps and resolving conflicts between East and West.

The OSCE and the Crisis in Ukraine

The year 2014 saw a reversal of this trend and suddenly put the OSCE in the international spotlight. The crisis in Ukraine, which began with a massive popular upheaval against the acting government and, following the overthrow of President Victor Yanukovich, evolved into a military confrontation with separatist militias in the East of the country,⁴ provoked a quick reaction from the OSCE. In comparison to other organizations such as the EU, NATO, or the Commonwealth of Independent States (CIS), which all would have been considered biased, and the United Nations which was blocked by Russia, the OSCE was the only impartial actor to try to mediate between the conflict parties. Not only does the organization include

among its participating states all the countries with a stake in the current situation but its consensual decision-taking mechanism is a guarantee for inclusive action. Overall, the OSCE has been successful in establishing and conducting missions on the ground.⁵ Furthermore, the current chairmanship country, Switzerland, proved to be highly dedicated to the OSCE's mission and invested a lot of effort in mediating between the conflict parties. Unfortunately, it seems, a major crisis in the borderlands between the EU and Russia was needed to prove that the OSCE is still a relevant organization for European Security.

The East-West Divide

The ongoing crisis in Ukraine not only revealed the OSCE's lasting importance, but it also demonstrated the stark divide which still exists between the Western and Eastern participating states. Since the start of the crisis and especially following Russia's annexation of Crimea, relations between Russia and the West reached a new low. Mutual accusations and bellicose rhetoric provide for a very unstable and uncooperative environment. In 2014, the gap between a resurgent Russia and the West became even deeper over the Ukraine Crisis. Nevertheless, despite a tense working mood and heated debates, the OSCE has managed to remain an important actor and its most important actions in Ukraine were approved by consensus from all 57 participating states. Thus, it seems that the opposing parties do not want to seriously compromise the organization's ability to do its work. This is an indication that in times of crisis the OSCE remains an important and useful platform for dialogue between the East and West.

The contributions to this volume are based on the presentations given at a panel entitled "Never mind the Gap: Overcoming the East-West Divide in the OSCE", co-organized by *foraus*-Swiss Forum on Foreign Policy and the Center for Security Studies (CSS) at ETH Zurich, and held at the European Forum Alpbach on 25 August 2014. Adopting an actor-specific approach, the panel focused on the perspectives of the Eastern and Western participating states as well as the Swiss OSCE chairmanship in order to find ways to bridge the East-West divide in light of the crisis in Ukraine.

Three Perspectives

In 2014, Switzerland held the chairmanship of the OSCE. Under the heading "Creating a Security Community for the Benefit of Everyone", Switzerland set the following priorities for the year: fostering security and stability,

2 Daniel Trachsler, "*The OSCE: Fighting for Renewed Relevance*", in: *CSS Analysis in Security Policy* no. 110 (2012).

3 These include the conflict in Georgia around Abkhazia and South Ossetia, the conflict around Transnistria in Moldova and the dispute between Azerbaijan and Armenia over Nagorno-Karabakh. The current crisis in Ukraine is the latest addition to the list. Kosovo still remains a contentious issue, none of the former post-Soviet states (with the exception of the three Baltic states) having recognized its statehood.

4 For a detailed analysis of the Ukraine Crisis see Andrew Wilson, *Ukraine Crisis: What it Means for the West* (New Haven: Yale University Press, 2014).

5 The following website contains a useful infographic providing an overview of the OSCE's actions in Ukraine: <http://www.osce.org/ukraine-monitoring>.

improving people's lives, and strengthening the OSCE's capacity to act.⁶ From the very start of the Swiss chairmanship, however, attention was turned to the evolving crisis in Ukraine. Switzerland undertook efforts to mediate between the conflict parties and to work towards a resolution of the crisis. Ambassador *Thomas Greminger* provides an assessment of these efforts and analyzes why the crisis in Ukraine was equally a curse and a blessing for the Swiss chairmanship and the OSCE in general.

Over half of the OSCE participating states are either also members of the EU or NATO or both. While they do not always speak with one voice, they align behind the defense of Western values such as democracy, human rights, and the rule of law, and they strongly support the activities in the context of the economic and human dimensions of the OSCE. *Christian Nünlist* analyzes how Western insistence on these values antagonized Russia and other post-Soviet states. In addition, the Western reaction to the crisis in Ukraine put the OSCE before a dilemma. The organization now has to decide whether to cling to common values established in the 1975 Helsinki Final Act and reaffirmed in Paris and Astana in 1990 and 2010 respectively, risking to antagonize Russia and other authoritarian OSCE members, or to serve again, like during the Cold War, as an inclusive cooperative security dialogue forum for both democracies and authoritarian regimes.

The original talks about the establishment of the OSCE (then CSCE) took place upon the Soviet Union's initiative. The CSCE/OSCE survived the Cold War and all the former Soviet republics became members of the organization. *Pál Dunay* analyzes how these states, and Russia in particular, today perceive the OSCE's actions as misbalanced and biased toward stronger involvement in the Eastern dimension of the OSCE. Nevertheless, given the OSCE's consensus based decision-taking process, the OSCE seems to be generally regarded as the lesser evil. This is also true for its involvement in the crisis in Ukraine.

On 4–5 December 2014, OSCE foreign ministers will debate the lessons of the Ukraine crisis and its positive and negative implications for the organization at their Ministerial Council in Basel (Switzerland). The repercussions of the geopolitical earthquake that happened in Ukraine in 2014 will keep the organization busy in the years to come. 40 years after the landmark 1975 Helsinki Final Act, the OSCE is faced with a serious challenge to its vision of a

common security community reaching from Vancouver to Vladivostok.

6 For a detailed assessment of the Swiss chairmanship of the OSCE, see Christian Nünlist, "*Die Schweiz ist eine Mini-OSZE: Perspektiven auf das Schweizer OSZE-Vorsitzjahr 2014*", in: *Bulletin zur Schweizerischen Sicherheitspolitik* (2013), pp. 11–41; Mira Duronjic, Mélanie Gerber, and Bettina Kurz, *Schweizer OSZE-Vorsitz 2014: Mögliche Schwerpunkte des schweizerischen OSZE-Vorsitzes*, foraus-Diskussionspapier Nr.19 (2013).

The 2014 Ukraine Crisis: Curse and Opportunity for the Swiss Chairmanship

By Thomas Greminger

The crisis in and around Ukraine has dominated the Swiss chairmanship of the OSCE. It constitutes a curse and an opportunity at the same time, both for the OSCE in general as well as for the Swiss chairmanship in particular.

Why is it a curse? There are three reasons for this: *Firstly*, the illegal annexation of Crimea by the Russian Federation represents a breach of one of the principles of the Helsinki Final Act, the respect for territorial integrity. The destabilizing activities by separatists, tolerated by or actively promoted by the Russian Federation violate OSCE commitments. This implies that key principles and norms of the OSCE have been seriously undermined. *Secondly*, the world is currently experiencing a historic low in trust and confidence between the Russian Federation and the West. This bears heavily on an organization that was created to manage East-West relations. Many issues dealt with by the OSCE are affected by an East-West dividing line. This divide existed before, but it has clearly deepened due to the Ukraine Crisis. It can be heard and felt at every single Permanent Council (PC) meeting. *Thirdly*, dealing with the crisis in and around Ukraine has diverted attention, time, and energy from other important issues and priorities of the Swiss chairmanship. This is most obvious when it comes to the Helsinki+40 process which focuses on reforming the organization to face modern challenges. On some issues there is a total standstill. This is particularly evident in the reflections on how to re-launch conventional arms control or on how to modernize the confidence and security-building measures of the Vienna Document.

Why is this crisis at the same time an opportunity for the OSCE and the Swiss chairmanship? Again there are three reasons for this: *Firstly*, it has allowed Switzerland to awaken the sleeping beauty. Under the gaze of the international community and global media, the OSCE has managed to apply its entire conflict prevention and management tool box. Among the most important institutions and instruments used in Ukraine were:

- The High Commissioner for National Minorities (HCNM): Early on Astrid Thors pointed to the sensitivities of language legislation and probably prevented the situation from worsening.

- The Representative on Freedom of the Media Dunja Mijatovic continues to call all sides to protect journalists and to respect media freedom especially in times of crisis.
- The Office for Democratic Institutions and Human Rights (ODIHR) provided thorough human rights assessment and conducted the biggest ever electoral observation mission in its history, together with the Parliamentary Assembly (PA) of the OSCE. It gave international legitimacy to the presidential elections and had a significant de-escalating effect in a crucial moment.
- The confidence and security-building measures (CS-BMs) of the Vienna Document were called upon more times than during their entire history and allowed to bring transparency about military developments in some instances.
- In spite of its relatively weak mandate, the office of the OSCE Project Co-ordinator in Ukraine (PCU), offered relevant support services, for example in developing and conducting the National Dialogue Project.
- The OSCE Permanent Council in Vienna served as a useful dialogue platform for participating states to voice their concerns at any given moment in the evolving crisis.

Secondly, since the OSCE is a chairmanship-driven organization, it offers space for launching initiatives by the Chair. Switzerland used this space and showed leadership by offering the OSCE both as a platform for political dialogue and for operational crisis management. In February 2014, the OSCE Chairperson-in-Office (CiO), President Didier Burkhalter, appeared before the United Nations Security Council and proposed three ideas:⁷

- The establishment of a monitoring mission in Ukraine.
- The creation of a contact group among the key stakeholders, including Ukraine and the Russian Federation.
- The nomination of a Special Representative of the CiO on Ukraine.

All three ideas have been turned into reality over time. The Special Monitoring Mission for Ukraine (SMM) will be discussed below. The concept of the contact group has been implemented in different forms and on different levels. Over the summer of 2014, the “Normandy Group” composed of France, Germany, Ukraine, and the Russian Federation has sought to give political guidance to resolving the crisis on the highest political level. The Trilateral Contact Group (TCG) is working on concrete de-escalation measures on the ground, and is focused on more operational issues. It is based in Kyiv and comprises of the

⁷ Speech by Mr Didier Burkhalter, “*Swiss Chairmanship of the OSCE: Creating a Security Community for the Benefit of Everyone*”, New York, UN Security Council, 24 February 2014.

Ukrainian authorities, the Russian Federation, and the OSCE, through Ambassador Heidi Tagliavini. It is the only mechanism negotiating directly with the separatist groups in the east. The Swiss chairmanship made extensive use of the instrument of Personal Representative of the CiO. At different stages of the process Ambassador Tim Guldemann, Ambassador Wolfgang Ischinger, and Ambassador Heidi Tagliavini assumed important roles to promote dialogue, as did the CiO himself. In this regard, he took advantage of his capacity as both Minister of Foreign Affairs as well as Head of State. The latter was particularly useful in reaching out to Russian President Vladimir Putin.

Thirdly, the pressure and the political resolve that accompanied the crisis reactivated the OSCE's ability to take consensus decisions among the 57 participating states. On 21 March 2014, the OSCE Permanent Council agreed on a decision to deploy the Special Monitoring Mission to Ukraine (SMM).⁸ It was the first mission to be deployed by the OSCE for more than a decade. This mission represents the eyes and ears of the international community on the ground. It is the only source of objective information.⁹ In addition, it is an invaluable local facilitator. It was the SMM that provided access to international experts to the crash site of flight MH17, building on the negotiations with separatists conducted by the Trilateral Contact Group.

The Permanent Council also smoothly agreed the extension of the SMM by another six months.¹⁰ The PC declaration a day after the crash of MH17 proved more substantial than the one made by the UN Security Council.¹¹ In July 2014, an OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk was deployed.¹² This modest confidence-building measure could be extended to a fully-fledged border monitoring operation at a later stage.

In conclusion I would argue that the OSCE, under the Swiss chairmanship, is once again recognized as a leading international security organization. This is definitely good news. However, for the OSCE to remain a principal organization in the European Security architecture three criteria must be met:

Firstly, the OSCE is obligated to continue to handle the Ukraine Crisis in a competent and profiled manner, including under the Serbian chairmanship next year. *Secondly*, the OSCE needs a strong chairmanship in 2016. And, *thirdly*, the OSCE requires the resources that are commensurate with its tasks. Participating states need to stop the zero nominal growth policy and reinvest in the organization.

8 OSCE, Permanent Council Decision No. 1117, "*Deployment of an OSCE Special Monitoring Mission to Ukraine*", PC.DEC/1117, 21 March 2014.

9 Daily Updates from the Special Monitoring Mission to Ukraine can be found at <http://www.osce.org/ukraine-smm/daily-updates>.

10 OSCE, Permanent Council Decision No. 1129, "*Extension of the Mandate of the OSCE Special Monitoring Mission to Ukraine*", PC.DEC/1129, 17 July 2014.

11 OSCE Permanent Council, *Declaration on the Tragic Crash of the Malaysia Airlines Flight MH17 in Ukraine*, PC.DOC/2/14, 18 July 2014.

12 OSCE, *Permanent Council Decision No. 1130, "Deployment of OSCE Observers to Two Russian Checkpoints on the Russian-Ukrainian Border"*, PC.DEC/1130, 24 July 2014. On 22 October and on 20 November 2014, the Mission's mandate was renewed by one month in a consensus decision taken by all 57 OSCE participating states. On 20 November 2014, the Observer Mission was expanded from 16 to 22 civilian observers. See OSCE, *OSCE Permanent Council decides to extend OSCE Observer Mission at Russian Checkpoints Gukovo and Donetsk by one month*, 20 November 2014.

The West and Russia: Speaking with One Voice?

By Christian Nünlist

In early January 2014, neither Western intelligence services nor security experts did anticipate that only a month later, the European Security architecture would dramatically change. After Russia's annexation of Crimea, NATO's Deputy Secretary-General Alexander Vershbow said that NATO "now no longer saw Russia as a partner, but as more of an adversary"¹³ – a remarkably strong statement. At that time, not everyone in the West shared this view: Initially, Western countries were not united in their assessments on how to respond to the Ukraine Crisis and how to deal with Russia – an OSCE member state after all – in the near future.

In this essay, the evolution of different viewpoints within the Western OSCE members is discussed with regard to the role the OSCE is playing in European Security. In a brief *first* part, by recalling the origins of the OSCE, it is emphasized that the visionary Helsinki Final Act of 1975 was heavily shaped by Western European states. Arguably, it was the first success of a common "EU foreign policy". In a *second* part, it is recapitulated how the OSCE changed its character in the 1990s and how the Western notion of security was exported to the East. Russian complaints about this new OSCE will also be assessed in this part. *Finally*, the Western reaction to the Ukraine Crisis is analyzed and some early thoughts are offered about what this could mean for the future of the OSCE. It is argued that the OSCE finds itself at a crossroads: In 2015, its 57 participating states will have to decide whether to cling to its common (Western) values or to serve once again, like during the Cold War, as an inclusive cooperative security dialogue forum including Russia.

The EC-Nine at Helsinki: Speaking with One Voice

With the conflict over Ukraine between the West and Russia still escalating, it seems worthwhile to look back at the origins of the OSCE. The organization evolved from a year-long multilateral negotiation marathon on European Security. 40 years ago, the 1975 Helsinki Final Act was widely regarded as a victory of the Soviet Union over the West. *The New York Times* called the document a "sell-out", since the West had sanctioned the partition of Europe, and no legally binding results had been obtained in return. *Le Monde* called the Final Act "a diplomatic gadget

which no one will read"¹⁴ and Swiss diplomat Ernesto Thalmann wrote in an internal document: "The whole agreement will sink into oblivion, once the signatures from Helsinki are dried."¹⁵

They were all wrong. In retrospect, the CSCE Final Act was a landmark agreement, contributing to overcoming the East-West conflict. "Helsinki 1975" was in essence a cleverly construed, pragmatic compromise. On the one hand, the West was satisfied about the principle of self-determination and codified individual human rights that were not legally, but politically binding. On the other hand, Moscow emphasized the principle of state sovereignty and was relieved that the West had finally accepted the territorial status quo in Europe as of 1945.

The fact that the "Helsinki Process" after 1975 helped to advance Western values and interests in Eastern Europe became clear only much later. It was not the US but Western Europe who was responsible for the successful Western strategy that led the way to the end of the Cold War. European Cold War historians have argued that the "EC Nine" – the nine member countries that constituted the European Communities (EC) at the time – "were the actor group with the single biggest impact on the outcome of the negotiations" from 1972 to 1975.¹⁶

From the beginning, the EC Nine insisted on setting human rights on the agenda. Their perception of détente as a dynamic process contrasted with the view of both Washington and Moscow which aimed at stabilizing the status quo. NATO had dominated Western preparations for the CSCE. Yet, once the real multilateral talks started Dipoli near Helsinki in November 1972, the EC Nine took over the lead and dominated intra-Western policy formulation. They shared the same core values much more than NATO, which included allies like Greece, Turkey, and Portugal that did not support the Western human rights proposals. While not recognized at the time, the changed notion of security introduced by the EC Nine and codified in Helsinki in 1975 amounted to a revolution. All 35 CSCE founding members acknowledged that respect for human rights was a condition for peace and that the secu-

13 Speech by Alexander Vershbow, "A New Strategic Reality in Europe", Krakow, 4 April 2014.

14 Floribert Baudet, "It was Cold War and We Wanted to Win", in: Andreas Wenger, Vojtech Mastny and Christian Nünlist (eds.), *Origins of the European Security System: The Helsinki process revisited, 1965–75* (London: Routledge, 2008), pp. 183–198, at p. 183.

15 Quoted in Christian Nünlist, "The Neutrals as Negotiators and Mediators", in: Andreas Wenger, Vojtech Mastny and Christian Nünlist (eds.), *Origins of the European Security System: The Helsinki process revisited, 1965–75* (London: Routledge, 2008), pp. 202–221, at p. 213.

16 See Daniel Möckli, "The EC Nine and European Security", in: Andreas Wenger, Vojtech Mastny and Christian Nünlist (eds.), *Origins of the European Security System: The Helsinki process revisited, 1965–75* (London: Routledge, 2008), pp. 145–163. See also Angela Romano, *From Détente in Europe to European Détente: How the West Shaped the Helsinki CSCE* (Brussels: Peter Lang, 2009).

riety of individuals was complementary to the security of states. Innovatively, the EC Nine also qualified the static principle of inviolability of frontiers with the dynamic right to peaceful border changes.¹⁷

The Erosion of the “Zone of Peace and Prosperity”, 1990–2013

After the end of the Cold War, the CSCE became the OSCE. Its key mission changed. The OSCE now built tools to introduce and strengthen democracy, rule of law, and confidence-building in the post-Soviet space – in particular through field missions. The enlarged EU emerged as an attractive zone of peace, freedom, and prosperity. Fittingly, in 2012 the EU was awarded the Nobel Peace Prize for its successful transformation of Europe “from a continent of war to a contingent of peace” and “the advancement of reconciliation, democracy, and human rights in Europe”.¹⁸

Revisiting the 1990 Paris Charter today, the most important OSCE document since 1975, one wonders of the over-optimistic atmosphere of an “end of history” that reigned in the West at that time. The charter is titled “A New Era of Democracy, Peace, and Unity” and declares: “The era of confrontation and division of Europe has ended”.¹⁹ In 2010 at the last OSCE summit in Astana, 56 participating states recommitted themselves to the “vision of a free, democratic, common, and indivisible Euro-Atlantic and Eurasian security community”.²⁰ However, between Paris and Astana, this “community spirit” had suffered, following the Chechnya and Kosovo wars, NATO’s expansion to the East, and the Russian-Georgian war between two OSCE members in 2008.

The OSCE after 1990 overlapped to a large degree with the values and aims of the EU. Today, 28 of 57 OSCE member states are also EU members, and the EU provides about 70 percent of the OSCE budget. In the 1990s, the OSCE neglected the politico-military and the economic-environmental dimensions and almost exclusively focused on exporting human rights and democracy eastwards. Its activities concentrated on “East of Warsaw” – the West mostly disregarded Russian complaints that their security interests were neglected. For example, military aspects of security became less important for the West in the last 15 years. Thus, the OSCE arms control regime became more and more outdated. In addition, NATO and the EU increasingly competed for OSCE missions in

European Security – with much more resources than the OSCE whose annual budget was reduced by 25 percent in the last 10 years.²¹

The Impact of the Ukraine Crisis on Western Unity within the OSCE

Russia’s annexation of Crimea came as a strategic surprise for the West. In a threat perception survey undertaken in 18 OSCE countries by the “OSCE Network of Think Tanks” shortly before the situation in Ukraine escalated, only two countries feared a “strong and direct military threat” – Georgia from Russia, and Greece from Turkey. Written in January 2014, Ukrainian experts noted that “armed aggression that could lead to a local or regional war against Ukraine in the medium term is considered to be unlikely”, even if it saw a risk that a “crisis situation could potentially escalate into military conflict”. Also, Polish experts stated that “a direct armed threat now remains highly improbable”. US experts emphasized that “no part of wider Europe is seen as a source of instability or direct threat to the US”. Russia was not perceived as a threat.²²

Once the conflict with Russia intensified, the Western OSCE members reacted quite differently to the challenge to the post-Cold War European Security system: The *United States* promptly reevaluated its relationship with Russia. President Barack Obama had famously launched his “reset” policy in 2009 to promote US-Russian cooperation. In retrospect, “resetting” the relations only a few months after the war in Georgia might have encouraged Putin to repeat the scenario in early 2014 in Ukraine. After Russian actions in Ukraine, however, the US took a hard line. Russia was now seen as an adversary instead of a partner. The US responded with condemnations and economic sanctions. On 3 June 2014, Obama used a visit to Warsaw to announce his plans to increase US military deployments in Europe and reassured exposed NATO allies of the US security guarantee.²³ The US focus to deal with the Ukraine Crisis clearly was on NATO and direct diplomacy with Russia and Germany. At the NATO summit in Wales on 4–5 September 2014, the US reassurance package was multilateralized and adopted by the Western alliance.²⁴ Within the for Washington less important OSCE,

17 Möckli, “The EC Nine and European Security”.

18 Norwegian Nobel Committee, Press Release, “*The Nobel Peace Prize for 2012*”, 12 October 2012.

19 OSCE, *Charter of Paris for a New Europe*, 21 November 1990.

20 OSCE, *Astana Commemorative Declaration: Towards a Security Community*, SUM.DOC/1/10, 3 December 2010.

21 Christian Nünlist, “*Die Schweiz ist eine Mini-OSZE: Perspektiven auf das Schweizer OSZE-Vorsitzjahr 2014*”, in: *Bulletin zur schweizerischen Sicherheitspolitik* (2013), pp. 11–41, at pp. 16–19. On the erosion of the OSCE regime for conventional arms control, see Matthias Bieri / Christian Nünlist, “*The Future of Conventional Arms Control in Europe*”, in: *CSS Analyses in Security Policy* No. 146 (2013).

22 OSCE Network of Think Tanks and Academic Institutions (ed.), *Threat Perceptions in the OSCE Area*, 29 April 2014, pp. 22–25.

23 “*Obama’s First Stop in Europe*”, in: *The Economist Blog: Eastern Approaches*, 3 June 2014.

24 Christian Nünlist and Martin Zapfe, “*NATO after Wales: Dealing with Russia*”, in: *CSS Analyses in Security Policy* No. 161 (2014).

US Ambassador Daniel Baer strongly condemned Russia's actions in the OSCE Permanent Council in Vienna with rather bellicose rhetoric.²⁵

A strong response also came from *Poland and the Baltic states*. In early March 2014, they requested an emergency meeting of the NATO Council under article 4 to consult in case of the Russian threat.²⁶ NATO decided to increase military exercises and deploy troops in Central and Eastern Europe on an interim basis. Poland and the Baltic states called for a permanent deployment of NATO forces there. In the end, however, NATO heads of state and government decided at a summit in Wales on 4–5 September 2014 to uphold the 1997 pledge in the NATO-Russia Founding Act not to station “substantial combat troops” permanently in the former Soviet sphere of influence.²⁷ In February 2014, in the framework of the Weimar Triangle together with Germany and France, Warsaw had been at the heart of international diplomacy to defuse the crisis. Yet, Russia successfully blocked Poland out of the International Contact Group that dealt with the crisis since June 2014. Since then, Germany and France represent the EU without Poland.²⁸

The *Czech Republic, Slovakia, and Bulgaria* responded less antagonistic and wanted to safeguard their economic ties with Russia, being heavily dependent on Russian energy. Thus, they were against permanent troop deployments or drastic increases in the defense budget. They were also critical about the logic of sanctions against Russia.²⁹ Hungary's Victor Orban continued his maverick position within the West, distancing his country from EU and the US and publicly stating that EU sanctions were wrong.³⁰

Whereas the US, Poland, and the Baltic states mostly focused on NATO and military reassurance, *Germany* took the lead within the EU to ensure that its 28 members were speaking with one voice. Germany always argued for a strong OSCE role to defuse the crisis. Federal Chancellor Angela Merkel and her Foreign Minister Frank-Walter Steinmeier took on a new role and dominated European management of the Ukraine Crisis. Berlin had always dominated in economic questions, but London

and Paris had traditionally led European Security policy. In the Ukraine Crisis, however, Germany assumed leadership. Merkel and Steinmeier brought the divergent EU viewpoints together and condensed them into a common EU position. They harmonized this EU position with Obama's course. Finally, Merkel also kept the dialogue open with Putin and was at the same time in close contact with Kyiv.³¹

For the OSCE it bore well that German Foreign Minister Steinmeier appreciated the role the organization can play during an emergency – and that coordination between Berlin and the Swiss OSCE chairmanship was very close throughout 2014. Over the summer of 2014, when the situation in East Ukraine escalated again, the OSCE's role was less high profile than before. At that time, the US, Germany, and the EU took back the lead in dealing with the crisis. They finally agreed on sharpening Western sanctions against Russia in late July 2014 once Merkel and Steinmeier had changed their position and went along with the earlier US hardline after the downing of MH-17. That the EU commonly agreed to implement sanctions that would hurt its own national economies was a strong signal for European stability. Yet, despite brief hopes for a truce between pro-Russian separatists and Kyiv after the Minsk Agreement of 5 September 2014, the cease-fire did not hold and the crisis escalated again in mid-November 2014. Western OSCE members confirmed their carrot and stick approach by keeping up the dialogue with the Kremlin, but also threatening to tighten economic sanctions if Moscow continued its uncompromising course.³²

Conclusion: The Future of the OSCE

What are the lessons of the Ukraine Crisis and the struggle for a common Western response for the future of the OSCE? *First*, changed threat perceptions brought the West closer together by mid-July 2014. Under German lead, NATO and the EU did indeed speak with one voice and shaped a coordinated transatlantic response to Russian aggression. In that regard, Putin's hope to divide the West was not fulfilled. Yet, keeping the Western camp together will not be easy as views and interests of the 28plus countries still differ greatly. In November 2014, potential differences on how to deal with Russia seemed to have emerged in Germany's policy with Chancellor Merkel generally adopting a harder line towards the Kremlin that Foreign Minister Steinmeier.³³

25 See <http://osce.usmission.gov/statements2014.html>.

26 “Russia's Seizure of Crimea Is Making Former Soviet States Nervous”, in: *The Atlantic* (1 March 2014).

27 “Despite Misgivings, Russia Signs Historic Security Alliance with NATO”, *Associated Press* (27 May 1997).

28 Piotr Buras, “Has Germany Sidelined Poland in Ukraine Crisis Negotiations?”, in: *European Council on Foreign Relations Commentary* (27 August 2014).

29 Zaki Laidi, “Europe After Ukraine”, in: *Project Syndicate* (11 April 2014).

30 Andrzej Sadecki, “Hungary's Stance on the Ukrainian-Russian Conflict”, in: *OSW Analyses* (21 May 2014). See also “EU Allies Alarmed at Hungary's Kremlin Drift”, in: *Reuters* (14 November 2014).

31 See Christian Nünlist, “Fäden laufen in Berlin zusammen”, in: *Die Nordwestschweiz* (11 July 2014). See also Klaus Larres and Peter Eltsov, “Merkel in the Middle”, in: *Politico Magazine* (17 July 2014); Ulrich Speck, “Germany Plays Good Cop, Bad Cop on Ukraine”, in: *Carnegie Europe Article* (25 June 2014).

32 “Western Leaders Confront Putin at G20 with Threat of More Sanctions”, in: *Reuters* (15 November 2014).

33 “Guter Bulle, böser Bulle”, in: *Süddeutsche Zeitung* (25 November 2014).

Second, the confrontation between the West and Russia has put the OSCE back into the spotlight. In the Ukraine Crisis, the organization played a role for which it was well suited. It provided many useful services, including enhancing military transparency through Vienna Document and Open Skies activities, enhancing knowledge on the facts on the ground through its Special Monitoring Mission, and increasing its efforts to monitor a small part of the Russian-Ukrainian border. Furthermore, it also kept open the dialogue between the various conflict parties.³⁴

In the long term, however, the OSCE will need to decide on its future role and *raison d'être*: Is it still aiming at becoming a "Security Community" based on common (Western) values like democracy, rule of law, and human rights – antagonizing Russia and other autocratic OSCE states which in turn can block the OSCE by vetoing its activities? Or should it rather aim at revisiting its traditional Cold War task and make use of its inclusive concept of security, trying to reestablish trust across the divide and keeping the dialogue with Russia open? During the Cold War it was possible thanks to the CSCE to discuss opposing views, to build trust, to set up common rules, and to regularly control their implementation – despite completely different ideologies. Originally, the CSCE was neither a community of values like the EU or like the new OSCE after 1990, nor was it an alliance against an enemy like NATO. In contrast, the strength of "Helsinki 1975" was that three different dimensions of security were irreversibly tied together. It respected Western and Eastern concepts of security. The OSCE's strength, still today, therefore is that states with very different values from different cultures and with different historical experiences sit together and establish by way of political compromises and consensus-building common rules for living together.³⁵

Maybe this traditional view could help during the ongoing process of drafting a common political vision for the OSCE's 40th anniversary. The Ukraine Crisis has demonstrated that the CSCE's old but lately neglected theme "more security by less weapons" is suddenly relevant again. Verified military transparency would help in rebuilding trust. And maybe there is even hope to come up with creative linkages and package deals between the security and the economic dimensions as in the early Helsinki process. After all, the Ukrainian conflict erupted exactly at the interface of these two dimensions.

At the Basel Ministerial Council on 4–5 December 2014, OSCE ministers are expected to launch an introspective, soul-searching exercise about the implications of the conflict between Russia and the West for Euro-Atlantic security and the role of the OSCE as an inclusive, consensus-oriented security organization. The Swiss chairmanship suggested to create a panel of eminent persons from all OSCE regions and to task them to write, within six months, a report on the repercussions of the Ukraine Crisis on the European Security system as defined in Helsinki in 1975 and confirmed in 1990 (Paris) and 2010 (Astana). In addition, debates are necessary within the ongoing "Helsinki plus 40" reform process about the lessons of the Ukraine Crisis for the crisis management capabilities of the OSCE and about how early warning and early action mechanisms can be further improved.³⁶

For the future of the OSCE, it is vital to reaffirm the normative Helsinki principles and to rebuild trust between the West and Russia. It is an encouraging sign that with Germany and Austria, two countries with the ability to constructively shape solutions for the benefit of all 57 members, are committed to lead the OSCE in 2016 and 2017. Both German Foreign Minister Frank-Walter Steinmeier and his Austrian counterpart Sebastian Kurz believe in the OSCE and its ongoing relevance in today's world.

34 For a detailed analysis of the OSCE management of the Ukraine Crisis, see Christian Nünlist, "Testfall Ukraine-Krise: Das Konfliktmanagement der OSZE unter Schweizer Vorsitz", in: *Bulletin zur schweizerischen Sicherheitspolitik* (2014), pp. 35–61.

35 See Christian Nünlist, "Building Bridges for Everyone: Switzerland's Chairmanship of the OSCE in 2014", in: *Security and Human Rights* 24 (2014), pp. 355–372; Dov Lynch, "The State of the OSCE", in: *The EU-Russia Centre Review* no. 12 (2009), pp. 5–13.

36 Speech by Didier Burkhalter, "Addressing the Crisis of European Security: The Way Forward", New York, 25 September 2014; Speech by Didier Burkhalter, "Reconsolidating European Security with Vision, Determination, and a Stronger OSCE", Geneva, 3 October 2014.

The OSCE in the East: The Lesser Evil

By Pál Dunay

The history of the CSCE/OSCE in Eastern Europe is not free from ups and downs. The Soviet Union and other member states of the Warsaw Treaty Organization were the initiators of a pan-European Security conference in 1969 following the invasion of Czechoslovakia just half a year earlier. The socialist countries were CSCE enthusiasts until the Belgrade follow-up meeting. It started just two years after the signature of the Helsinki Final Act in 1975 by the heads of state or government of the 35 participating states. In Belgrade, the strong human rights emphasis of the US administration of Jimmy Carter made everybody realize that the CSCE fora might be difficult for states whose politics was not based on the respect for political rights and individual freedoms. The other challenge was domestic: Helsinki monitoring groups mushroomed in the Soviet Union and elsewhere from Moscow to Prague. Although retaliation was severe and immediate, it became clear that the Helsinki process led to political costs both on the international and the domestic level.

The next peak came during the end of the 1980s and the beginning of the 1990s. The Soviet Union under the leadership of Mikhail Gorbachev demonstrated readiness to make compromises and gain recognition in turn for a conciliatory stance. A new edifice was built on documents that had content unimaginable just a few years earlier.³⁷ This second period of enthusiasm lasted until the mid-1990s when the Russian Federation concluded that it was not gaining recognition for its conciliatory stance and its readiness to accept the status of a junior partner was not rewarded.

It is important to conclude from these two apogees in CSCE/OSCE history that the organization had good times when the Soviet Union, and later the Russian Federation, was supportive of it.

A Less Enthusiastic Stance

Since the mid-1990s and even more since the beginning of the 21st century the OSCE was muddling through.³⁸ The

organization was important enough to exist but not important enough to play a leading role in the European Security architecture. The general comment is that an organization cannot play a larger role than what its members allow it to play. Furthermore, the Russian Federation and the West established a number of other channels that connected Moscow with the Western power centers. Russia has become a member of the Council of Europe, joined the G-7 (that thus became G-8), the Permanent Joint Council (later the NATO-Russia Council) was established between Russia and NATO, and regular summits were held with the EU. Taken together, it has been far less important for Moscow to manage international relations through the OSCE. Moreover, there was a certain mirror effect because some Western states also attributed less importance to the OSCE than before. This could be clearly felt in the US attitude during the George W. Bush years.

Other countries in the former Soviet space also had their own view of the OSCE, which was seldom enthusiastic as many of them felt exposed by the organization for their poor human rights record, the absence or the curtailment of democracy, and the neither free, nor fair elections. For some the OSCE still remained a multilateral channel to address protracted conflicts. Hence, Azerbaijan, Georgia, and Moldova had reason also to appreciate the OSCE as an organization that provided a multilateral framework to address, manage, or even resolve, their pending conflicts. However, for the overwhelming majority of the states in the former Soviet space the OSCE remained too much of an organization identified with its human dimension. Those that accepted Russian leadership regularly joined Moscow and issued documents reflecting their reservations about the course the OSCE has taken. Although such demonstrations of collective grievance have become less frequent in the second decade of the century, the reservations are still very much present on the agenda. It is suffice to mention here that a number of states obliged the OSCE to reduce its presence on their territory as well as the size of the OSCE missions and objected to certain activities. The list is quite long: It entails the re-organization of the OSCE presence in Azerbaijan into a project coordinator office, the closure of the Almaty office of the OSCE, the forthcoming termination of certain projects in Kyrgyzstan (the so-called Community Security Initiative), the reduction of the OSCE presence into a project coordinator office in Uzbekistan, a similar development in Turkmenistan de facto, and last but not least the closure of the OSCE presence in Belarus.

If one takes a look at the OSCE's presence in the former Soviet space, the following conclusion can be drawn: The richer the OSCE participating state in terms of per capita GDP, the less dependent it is upon the OSCE as an organization, which is not only there to project values but also

37 In the "Charter of Paris for a New Europe" of 1990 the signatory states declared a "steadfast commitment to democracy based on human rights and fundamental freedoms" as well as to "prosperity through economic liberty". See the full text at: <http://www.osce.org/mc/39516>.

38 See also Pál Dunay, "*The OSCE in Crisis*", *Chaillot Paper no. 88* (April 2006).

to provide project-based support and assistance. This connects the five richest states of the post-Soviet space. While Russia and Belarus have no OSCE presence on their territory, Kazakhstan, Azerbaijan, and Turkmenistan have curtailed the activity of the OSCE. These are the five richest states of the post-Soviet space. Kyrgyzstan and Uzbekistan certainly do not belong to the same category, however, it is clear that Uzbekistan had lasting problems with the OSCE whereas in the case of Kyrgyzstan it is more related to some topical concerns and subjective decisions. It is thus impossible to strictly apply the principle that the richer a state in the post-Soviet space the less it is cooperating with the OSCE, but it can be established that the states with a higher GDP per capita have better chance to contemplate such an option.

OSCE and the East: The Three Imbalances

The Russian Federation and some of its followers declared having difficulties with what they perceive as the so-called three imbalances in the OSCE. *Firstly*, there is too much emphasis on certain OSCE principles at the expense of others and hence imbalance in the Helsinki Dialogue. *Secondly*, too much attention is brought to the area east of Vienna and insufficient attention to the West. *Thirdly*, the perceived overemphasis on the human dimension is one of the lasting grievances of states in the post-Soviet space.

As far as the imbalance among the principles enshrined in the 1975 Helsinki Final Act is concerned, the complaint of the Russian Federation and its partners is not unfounded. It is one possible interpretation to speak about overemphasis or imbalance between various dimensions. However, there are two other aspects to consider: *First*, it has been clear since the end of the Cold War that disrespect for human rights and democracy is a frequent cause or aggravating factor of conflicts. And, *second*, it must be accepted that many participating states of the OSCE have deep-seated commitments to democracy. It would hence be impossible to imagine that while they regard democracy as the foundation of their political system they would give up on representing it internationally. However, the moment any conflict turns into violence one has to consider where to set the priority. This was the case in 2008 (Russia-Georgia war) and even more in the spring of 2014 (Ukraine Crisis). The Western leaning majority of the OSCE concluded that the right to self-determination has priority. No doubt this has been the position of those states in the best perceived interest of the community of OSCE participating states. However, in the course of the Ukraine Crisis for instance, this led to Russia taking those states at their word by deciding to integrate Crimea into the Russian Federation, rather than creating another pseudo-state, like Abkhazia or South Ossetia. Sealing the deal with a referendum in an area where ap-

proximately 58 percent of the population was of Russian ethnicity, Russia could refer to the right to self-determination. In fact, the West appeared ready to accept this.

The Principle of Sovereignty

Eastern European countries often did not enjoy uninterrupted sovereignty or, in the case of Central Asia, their modern statehood started with their integration into an empire, first under the Tsar, then in the Soviet Union. When the Soviet Union crumbled, they were hesitant to become sovereign. It is memorable that Kazakhstan, for instance, declared independent statehood in the middle of December 1991 and even then somewhat hesitantly. In spite of such a beginning, the new rulers have all the more enjoyed independence, statehood and sovereignty. New statehood goes hand in hand with the search for a national identity. Building an identity consists, at least, of the following two elements. Firstly, to define who you are, and, secondly, to define who you are not. The new sovereigns inescapably have to go through a phase of development when they find their national identity. This may take difficult forms of exclusion, disrespect for diversity, identifying the state with the nation as for example some constitutions do in Central Asia. There is no doubt that in historical terms states will get beyond this and will create more inclusive structures together with their neighbors both bilaterally and eventually multilaterally. However, this may take a long historical period and may be burdened by new grievances or some enduring conflicts.

For this reason, in Eastern Europe what states perceive to need the least is the intrusion of external players, states and international organizations that can easily trespass the boundaries of sovereignty. This is the most important underlying factor that can be seen when we observe the reservations of many Eastern European states vis-à-vis the OSCE.

The question emerges whether Western politicians were ill-advised to put full emphasis upon the right to self-determination and human rights in their OSCE policy rather than retaining a balance between self-determination and territorial integrity. It is also a question whether this was the idea of politicians or whether they have been taken hostage by expert discourse.³⁹ Either way, Russia made the West face its own unthoughtful approach – if not outright mistake.

³⁹ I have been arguing for long in favor of keeping the balance between the right to self-determination and the respect for state sovereignty (and hence non-interference) among OSCE principles. See Dunay, "The OSCE in Crisis", p. 36. There I have also contested the view of Arie Bloed who was of the view that the non-intervention principle no longer applied in the OSCE generally. See Arie Bloed, "CIS Presidents attack the functioning of the OSCE", in: *Helsinki Monitor* 15, no. 3 (2004), p. 220.

Same Standards for East and West?

With regard to the overemphasis on the East and insufficient attention to the West, there is a point to make again. However, here the Western position is better established. Not because there aren't any problems in the West which the OSCE could not facilitate to resolve, but for a variety of other reasons: *First*, In the West the society is fostering democratic solutions and arrangements, which, once achieved, are respected more often than not. It is suffice to mention cases like Northern Ireland and Scotland's thrive for independence as examples. In both cases the matter has been settled. Hence, the states have demonstrated their capacity to address these matters without external support. *Second*, institutions other than the OSCE are far more influential in these states. Hence, the role of the OSCE in EU member states is indeed marginal even though it would be wrong to assume that it is irrelevant. It should be remembered that the Office of Democratic Institutions and Human Rights (ODIHR) also observes elections in the West (old and new alike) and comments on freedom of the media as well. Hungary and Italy should be mentioned as recent examples. In case of the former, ODIHR concluded that the parliamentary elections of April 2014 were free but not fair.⁴⁰ Hungary's media freedom was often commented upon by the Freedom of the Media representative (FOM). Italy was mentioned in connection with media freedom being curtailed by a variety of methods. Hence, even though it would be wrong to conclude that the activity of the OSCE is geographically balanced, it would be just as wrong to state that its activity focuses exclusively on the East. It focuses more upon areas and states, where the problems are not being addressed adequately by national authorities.

It is also important to understand that while many states in the post-Soviet space have argued against the disbalance between the human and the politico-military dimensions, reality is far more complex. As a catchword, complaining about disbalance may sound correct. However, many OSCE activities can be categorized in different dimensions simultaneously. It is suffice to mention that support for police reform falls into different dimensions, monitoring and thus contributing to holding free and fair elections does not only belong to the human dimension but may well be regarded a conflict prevention measure, and so forth. These factors taken together may drive us to the conclusion that irrespective of the difficulties for some states to accept this for two decades, it is fully understandable why the focus was on the human dimension.

Whose Values?

One of the regular complaints about the OSCE more generally is its pro-western orientation and that it projects Western values. Some fundamental questions are to be decided. Are those values Western or European or principles of any democracy? It is important to ask ourselves, irrespective of the answer to the first question, what happens if we change the referent object of the analysis? Is it better for the people, the human beings, to live with such values or not. We may offer different answers. However, it is certain that every participating state accepted these declared values in various CSCE/OSCE documents and even confirmed them in the declaration of the Astana summit in 2010.⁴¹ Hence, complaining about them retroactively is odd. Whether or not most such commitments were adopted in one of those two periods – in 1975 and between 1989 and 1992 – when the Soviet Union and then the Russian Federation was most positively predisposed towards the CSCE, may be taken into consideration. However, it may not legitimize the violation of the commitments taken in those periods.

A further complaint is that the OSCE reaches out to the NGO sector of its participating states. Even though the situation has changed compared to 1975, this was one of the matters resolved in Helsinki when the activity of monitoring groups was permitted. Whereas in the 1970s and in most of the 1980s reaction against NGOs was tough and immediate it was formally in concord with the criminal law of the respective states. Now the reaction is more complex and sophisticated. It includes the use of covert methods, soft oppression as well as active measures, including the organization of NGOs by the government, the so-called GONGOs (government organized NGOs).

Last but not least, some OSCE participating states are not delighted that the local presence of the organization reports about their political and social life. It is essential to see the tit-for-tat here. Without accurate reporting it is difficult to imagine that the organization could carry out its activities, including supporting the participating states in need. It may well be more of a problem that the OSCE at least temporarily lost its nature as a cooperative security organization in the last decade. Even though one might rightly be of the view that change of system for a system that offers more individual rights and satisfaction to people is desirable, it is also well established that the costs of externally induced regime change are often un-

⁴⁰ OSCE, "Hungary: Parliamentary Elections 6 April 2014", OSCE/ODIHR Limited Election Observation Mission Final Report, 11 July 2014.

⁴¹ OSCE, *Astana Commemorative Declaration: Towards a Security Community*, SUM.DOC/1/10/Corr.1, 3 December 2010.

affordable.⁴² Hence, patient, cooperative influencing of political processes and societies may well be the way with constant attention of how societies mature to be ready for gradually improving their own lives.

The situation has definitely got better compared to the first decade of the 21st century. That decade was indeed characterized, as Russian foreign minister Sergey Lavrov wrote, by mentor–pupil relations,⁴³ elections that were not observed by saying there was no reason, and the closure of the OSCE mission in Georgia after the 2008 war.

Nowadays, the participating states understand better that they have to maintain the interest of every participating state if the OSCE is to have a future. This can be demonstrated by the fact that elections are monitored even if governments are often reluctant to accept that the conclusions drawn are in the interest of the host state. Missions find a combination of functions to prove their contribution to cooperative security. Last but not least, the grievance of the Russian Federation that its diplomats could not get ranking functions in the OSCE and that post-Soviet states were not found eligible to take the chairmanship are no longer founded. Both Kazakhstan in 2010 and Ukraine in 2013 ran chairmanships and diplomats from the post-Soviet area are heading OSCE centers.⁴⁴ Furthermore, the idea of the Russian Federation to start a new chapter in European Security by winding up the OSCE, as was put in the original version of the so-called Medvedev initiative in 2008, changed in the „codified” version of 2009 for guaranteeing the recognition of four institutions (two from the West and two from the East) and leave the OSCE untouched.⁴⁵

Although the OSCE struggled for two decades between the mid-1990s and 2014, it was only relegated to a role of lesser importance. It did not disappear and continued to carry out its job. The visibility problems notwithstanding, it continued to play a useful complementary role. The OSCE was to be reactivated the moment there was a conflict where some parties found it a better partner than

any other. Contrary to the Georgia-Russia war of 2008 when the EU and its presiding country France „stole the show” from the OSCE, when the Ukraine conflict broke out it was clear the OSCE could be the favored multilateral framework of communication and eventually cooperation.

The OSCE’s Role in the Ukraine Conflict

Why has the OSCE, an organization that was not in favor in Moscow, qualified as the most suitable organization to address the Ukraine conflict? The answer to the question may well be quite simple. If one takes a look at the multi-lateral frameworks in Europe, the following conclusion may be drawn. NATO, an organization so heavily disliked in Moscow could not be considered for any role. Irrespective of whether the Russian view of the Atlantic Alliance is well-founded or not, it is regarded as a transmission belt of the US and an adversarial military alliance. Not to mention that NATO has done a lot between March and September 2014 so that it could not be an acceptable partner for Russia either in this case or more generally.⁴⁶ Whereas no major change occurred in this respect compared to earlier times, the situation was different as far as the EU was concerned. The EU could be a credible and largely unbiased forum during the Georgia – Russia crisis. In 2008, Russia’s request was that no country in the former Soviet space would aspire for NATO membership. This changed in 2014 and Russia now opposed any kind of Western leaning behavior, including the intensification of relations with the EU. On the other hand, however, the EU also contributed to the difficulties with its behavior, resulting in a situation in which it has become a geopolitical rival in the Ukraine conflict. Before the EU always avoided this role and there was a double game: Some of the EU member states were fighting for geopolitical and geostrategic influence while the EU appeared as a force for good. This has now come to an end.⁴⁷

Contrary to NATO and EU, the Council of Europe (CoE) at least had the conflicting parties among its member states. However, the pronouncements in the Parliamentary Assembly of the Council of Europe and its rather confrontational attitude would have made cooperation at that forum difficult. Not to mention that the profile of

42 It is suffice to mention the cases of the externally supported Orange revolution in Ukraine in 2004, the regime change in Iraq in 2003 and the humanitarian intervention in Libya in 2011. In the latter two cases the life of a large portion of the population has certainly got worse due to the externally induced regime change whereas in Ukraine the pendulum swung back and gave way to just another regime/system change in 2014, following years of disillusionment in the second half of the previous decade.

43 Sergey Lavrov, „*Reform will enhance the OSCE’s relevance*”, *Financial Times* (28 November 2004).

44 For an assessment of the Kazakh chairmanship see Pál Dunay, „Kazakhstan’s Unique OSCE Chairmanship in 2010”, in: Institute for Peace Research and Security Policy (ed.), *OSCE Yearbook 2011* (Baden-Baden: Nomos, 2012), pp. 49–63.

45 Pál Dunay and Graeme P. Herd, „Redesigning Europe? The Pitfalls and the Promises of the European Security Treaty Initiative”, in: Institute for Peace Research and Security Policy (ed.), *OSCE Yearbook 2009* (Baden-Baden: Nomos, 2010), pp. 77–98.

46 It is suffice to mention that the Wales summit of NATO in September 2014 spoke about Russia’s aggressive actions in Ukraine. The Wales summit declaration of 5 September 2014 tacitly (and rightly) declined to give a guarantee to Russia that Ukraine would not become a member of the Atlantic Alliance. See NATO, *Wales Summit Declaration*, 5 September 2014, point 1. This certainly makes it impossible for Moscow to regard NATO as a partner.

47 For diverging views on the issue of who provoked the Ukraine Crisis, see John J. Mearsheimer, „Why the Ukraine Crisis Is the West’s Fault: the Liberal Delusions That Provoked Putin”, *Foreign Affairs* 93, no. 5 (2014), 77–89; Michael McFaul, „Faulty Powers: Who Started the Ukraine Crisis: Moscow’s Choice”, *Foreign Affairs* 93, no. 6 (2014), 167–71; Stephen Sestanovich, „Faulty Powers: Who Started the Ukraine Crisis: How the West Has Won”, *Foreign Affairs* 93, no. 6 (2014), 171–75.

the CoE would have been far too narrow to address the complex matters raised by the Ukraine conflict.

In many ways, the OSCE thus became the lesser evil to address the matter. The inclusive structure of the organization, its broad or even comprehensive agenda in addressing international security, weak institutionalization which kept the consensus-based decision-making in the hands of the participating states, the flexibility with which the OSCE could address the complex matters relevant for the management of the conflict and the professionalism of the chairmanship country as well as some of the OSCE institutions were all contributing factors for the reliance upon the OSCE. It is essential that Russia and Ukraine are equal actors in the OSCE. This is very good for Ukraine that faces an insurmountable Russian diplomatic offensive in the UN Security Council. Overall, the OSCE has become more visible than ever.

The Importance of the OSCE's Activities in Ukraine

Several of the OSCE's activities in this context have been particularly important. *Firstly*, facilitating exchanges both in Vienna and elsewhere between Kyiv and Moscow as well as between Kyiv, Moscow and the self-declared entities of Donetsk and Lugansk. *Secondly*, monitoring the elections in Ukraine both in May (presidential) and in October (parliamentary) and denying the referendum in Crimea legitimacy. And, *thirdly*, the Special Monitoring Mission, an OSCE field operation in Ukraine, and the reactivation of some other field activity in Ukraine.

Exchanges in Vienna, in the OSCE Permanent Council and at several other fora were essential as thermometer among the participating states. It reflected the internal power structure of the OSCE. The main players, in addition to Ukraine, were Russia (both in its own "right" and as a party to the conflict), the United States, and much less visibly the European Union. Russia and the US were the main protagonists whereas the EU, an internally deeply structured entity, tried to find its constructive role.

It was also important that the OSCE could observe the processes between the parties and the two non-state actors/pseudo-states. The Chairman-in-Office appointed three ranking diplomats to this function: Tim Guldemann, the Swiss ambassador to Berlin, Wolfgang Ischinger, the former German ambassador to Washington and Ambassador Heidi Tagliavini. There can be no doubt that all the three are diplomatic heavyweights with vast experience and can be regarded good choices of the Swiss OSCE chairmanship. What has also been clear that a strong feeling for the region, a kind of *Fingerspitzengefühl* in the post-Soviet space, was necessary. In this sense, Ambassador Tagliavini had the richest experience. It happened during her role as observer that the Minsk cease-fire

agreement was achieved. Even though it has been violated frequently and systematically since, there was at least a point of reference to getting out of the stale-mate. While the diplomatic exchanges continue, they do not solve the conflict. The main parties press forward their agenda. The US strongly advocates the return to the *status quo ante* with regard to the territorial integrity of Ukraine, including the return of Crimea. The US are well-aware that this would not happen but such a view strengthens the bargaining position. The Russian Federation is adamant that Crimea's integration into its territory, legitimized by the referendum held in March 2014, is irreversible. Indeed, it is. However, most reasonable persons believed that with this Russia's thirst for gaining some territory of the former Soviet Union, sort of turning back the course of history, would be satisfied. Whether we have turned out to be fatally wrong and getting away with one territorial demand has been increasing Russia's appetite further remains to be seen. It is certain, however, that placating Russia (in order to avoid the term appeasing Russia) did not work.

As far as elections go, the OSCE as the standard-setting organization in election monitoring made a great contribution. It provided legitimacy to President Poroshenko's victory in May. Even though the Russian Federation argued for some time that his leadership was based on a *coup d'état* and thus unconstitutional, Mr. Poroshenko's election victory was the best that could happen to Russia. Moscow needed a reliable and experienced partner in Kyiv and they found one in Mr. Poroshenko. It is a separate question how much he will be able to break apart with the disappointing recent history of independent Ukraine.

Last, but not least, the OSCE decided extremely quickly to establish a field presence in Ukraine and also, far less visibly, to start upgrading the residual field presence that had been there. The OSCE Special Monitoring Mission (SMM) was established in a haste. There are two preliminary conclusions to draw. *First*, the OSCE is not prepared for such contingencies. It cannot start a mission in a few days as it does not have neither the human nor the financial resources. Memorably, the head of the Conflict Prevention Centre (CPC) had to step in as chief monitor before adequate decisions could be taken. The initial financing was based on leftovers from the budget of the previous two years. This must lead to the conclusion that the OSCE should be better prepared for contingencies. *Second*, if there is a will, there is a way. The moment the participating states understood the importance of the situation for European Security, they opened their wallets and were ready to find the manpower for the mission.

Even though there were some serious problems with the SMM (initial reporting was of poor quality, insufficient

personnel, wrong geographical distribution, management problems) the mission was quickly up and running. It was clear, however, that the SMM will stretch the OSCE to its limits and with the extension of its duration the OSCE will need more lasting solutions. Now the SMM is extended until the end of March 2015.

The OSCE faces the question whether it will benefit from the current upswing in European Security, the enduring conflict and gain in importance lastingly. This cannot be taken for granted. However, the fact that the Russian Federation has clearly and openly rejected its integration into a Western dominated world raises not only the question how the particular conflict and its management will evolve in the post-Soviet space and what will be its longer term repercussions. It also raises the question what will be the effect of the rearrangement of international security relations in Europe for the OSCE as an organization.

Will there be a more than ever complex set of relations among the participating states and with a rearrangement of the European Security landscape a more balanced relationship between the politico-military and the human dimensions? And, will the OSCE, an organization very different from the CSCE of the 1970s and the 1980s, increasingly resemble its own past?

Conclusions

By Christian Nünlist and David Svarin

In early 2014, the Organization for Security and Co-operation in Europe (OSCE) was struggling for relevance. Since late 2011, OSCE participating states had tried to adopt the organization to current needs through a broad reform process. The aim was to implement the 2010 OSCE Astana Declaration's vision of a common Euro-Atlantic and Eurasian Security Community with concrete actions. The target date set for this reform was 1 August 2015 – the 40th birthday of the OSCE. In August 1975, 35 countries had established common principles for living together peacefully from Vancouver to Vladivostok. The 1975 Helsinki Final Act was a milestone agreement in stabilizing the territorial status quo in Cold War Europe, while at the same time planting the seeds for overcoming the East-West divide with the introduction of the innovative concepts of human security and confidence-building measures into European Security.

At the OSCE Ministerial Council in Dublin in December 2012, the then 56 OSCE participating states agreed to conclude the internal institutional reform process until mid-2015. The process thus became known as the „Helsinki plus 40“-process. The goal was to reaffirm the OSCE states' commitment to the concept of comprehensive, cooperative, and indivisible security and to reconfirm and build upon OSCE achievements across all three dimensions (politico-military, economic, human), and to meet current challenges.⁴⁸

In 2013, the Ukrainian chairmanship launched Helsinki+40 and set up various informal “H+40 Working Groups” at the level of OSCE ambassadors in Vienna. Eight thematic areas were defined for discussion, including revitalizing and modernizing conventional arms control and confidence and security-building measures (CSBM) regimes, enhancing the organization's capacities in addressing transnational threats, further strengthening OSCE capacities across the conflict cycle, achieving progress towards the settlement of protracted conflicts, or strengthening the human dimension.⁴⁹ At the December 2013 OSCE Ministerial in Kyiv, a Declaration noted the positive spirit of the H+40 discussions during the Ukrainian presidency and tasked the consecutive Swiss and

Serbian OSCE chairmanships to further develop the reform process in 2014–15.⁵⁰

The ongoing civil war in Ukraine, Russia's military aggression against a neighbor and fellow OSCE participating State, and the escalating conflict between the West and Russia negatively impacted the Helsinki+40 reform process in 2014. The geopolitical struggle between the EU and Russia on Ukraine's strategic orientation led to a dangerous crisis that fundamentally challenged the European Security architecture invented in 1975 and confirmed in 1990 and 2010 – a European Security system that had stabilized a continent from which conflicts had triggered global wars twice in the 20th century. Clearly, the lack of respect for key principles of the OSCE as evidenced by Russia's illegal annexation of Crimea following irregular warfare on Ukrainian territory and Russia's ongoing destabilization of Eastern Ukraine also posed a serious challenge to the OSCE.

The OSCE's Western members, some 28 plus EU and NATO members, had miscalculated Russian intentions in 2013. Vladimir Putin had repeatedly emphasized the vital importance of Ukraine remaining within the Russian sphere of influence. Already in 2008 Moscow had drawn a “red line” – Ukrainian membership to NATO was unacceptable for Russia even more than Georgia joining the Western military alliance. The West had been surprised when the Kremlin intervened militarily in Georgia in 2008 and the OSCE was unable to play any constructive role in crisis management. Instead, the EU under a very active French presidency negotiated a ceasefire. Russian obstructionism led to an end to the OSCE field mission in Georgia in December 2008. Already in early 2009, the US returned to business as usual with President Barack Obama's famous “reset” policy towards Russia, just a few months after the war in Georgia. The EU had conceptualized a strategy of harmless economic approaches to gain influence in the borderlands between the Union and Russia (“*Zwischeneuropa*”). It had completely miscalculated with its Eastern Partnership initiative and failed to foresee that for Russia the plan to lure Ukraine into EU partnership and later membership seemed like a first step to NATO membership – thus crossing Putin's red line.

The OSCE had already been challenged by President Dmitri Medvedev's proposal for a new European Security Treaty in June 2008. Yet, the Finnish and Greek OSCE chairmanships cleverly managed to channel the Russian proposal for an alternative security architecture into an internal reform debate within the OSCE, including Russia.

48 OSCE, *Ministerial Council Decision on the OSCE Helsinki+40 Process*, 7 December 2012.

49 Stephanie Liechtenstein, „*The Helsinki+40 Process: Determining the Future of the OSCE*“, in: *SHR Blog*, 23 September 2013; Matthias Bieri, „*Helsinki+40*“, in: *ISN Blog*, 10 October 2013.

50 OSCE, *Ministerial Council Declaration on Furthering the Helsinki+40 Process, MC.DOC/1/13*, Kyiv, 6 December 2013.

The “Korfu reform process” of 2009–10 led to the 2011 “V+V dialogue” (Vancouver to Vladivostok via Vienna and Vilnius) and finally to the ongoing “Helsinki+40” reform discussion.⁵¹

For the East and Central European countries, which had been members of the Warsaw Pact from 1955 to 1991 but which had used the window of opportunity (and Russian weakness) to join both the EU and NATO in 1999 or 2004 respectively, Russia had always remained a threat to their security. For years, they had called upon Washington, London, Berlin, and Paris not to disband NATO’s military capabilities for deterring and defending against a possible Russian aggression. Their calls for more emphasis on traditional collective defense and Article 5 had not been answered. In the Afghanistan decade, NATO had focused on international crisis management and expeditionary warfare abroad and neglected its traditional role in Europe. After the Russian-Georgian War in 2008, NATO started to getting the balance right again between crisis management and collective defense. At the Lisbon summit in 2010, the Western Alliance emphasized both tasks, a strategy that was confirmed at the Chicago NATO summit in 2012.⁵²

In 2014, Western and Eastern OSCE members reacted differently to the Ukraine Crisis and the escalating conflict between the West and Russia. At the NATO summit in Wales in September 2014, the United States and Germany led the way in shaping a compromise solution that was acceptable to all 28 allies, but in effect was closer to the Western position on how to react to Russia’s aggression. Rather than to use the opportunity to permanently station US or West European troops in the Baltic states or Poland in response to Moscow’s military aggression in Ukraine, a more prudent line prevailed. NATO leaders decided to respect the 1997 NATO-Russia Act despite Putin’s revisionist policy and to keep the political dialogue with Moscow open. The Baltic states and Poland were reassured with various reassurance measures.⁵³

The Ukraine Crisis and the question how to deal with Putin’s Russia also directly concerned the Swiss OSCE chairmanship. Switzerland could not prevent that the OSCE’s key principles as codified in 1975 and reaffirmed in the 1990 Paris Charter and 2010 Astana Declaration were flagrantly broken by OSCE member Russia. Yet, as an active OSCE Chairman-in-Office, Swiss President and Foreign Minister Didier Burkhalter used the crisis to showcase

the utility of the OSCE in a serious conflict in Europe and employed every available tool for conflict management. As a result, the OSCE again gained relevance and visibility in 2014.⁵⁴ It was the only major security organization that played a constructive role in Ukraine and that was able to mediate between the West and Russia. Neither the United Nations (with Russia as a veto power in the Security Council) nor the EU (as direct party of the geopolitical struggle for Ukraine) were accepted to play a role in international crisis management.

The Ukraine conflict dominated the Swiss OSCE presidency. A few days after the crisis in Kyiv had escalated in mid-February 2014, OSCE Chairman-in-Office Burkhalter in a speech at the UN Security Council in New York offered his ideas how the OSCE could play a useful role in the Ukraine Crisis.⁵⁵ *First*, an international contact group should enable the direct dialogue between Moscow and Kyiv. *Second*, a Special Representative, Swiss Ambassador Tim Guldemann, should coordinate all OSCE activities in the conflict. *Third*, the OSCE was ready to observe parliamentary elections in Ukraine. *Fourth*, an OSCE mission was suggested to investigate human rights violations committed in Kyiv. In March 2014, Burkhalter’s initiative was crucial to get Russia’s green light to the planned OSCE Special Monitoring Mission, the first such OSCE field mission deployed to any OSCE country in over ten years. Further Swiss diplomatic initiatives included hosting an international contact group meeting in Geneva in April 2014 and drafting a “road map” suggesting sequential steps for de-escalation. In addition, Swiss Ambassador Heidi Tagliavini was nominated as Burkhalter’s Special Representative for Ukraine. She participated in the drafting of the Minsk Agreements that in September 2014 established a fragile truce. The Ukraine Crisis thus underlined the importance of the OSCE’s operational diversity and its manifold practical tools to deescalate a crisis within the OSCE space.

The Swiss chairmanship also successfully lobbied for a strong OSCE chairmanship in 2016–17, following Serbia’s turn which will be mentored by Swiss diplomacy. Germany and Austria announced their readiness to lead the OSCE in 2016 and 2017 respectively. Already in 2014, the close relationship between the Swiss OSCE chairmanship and German diplomacy was crucial for the OSCE’s management of the Ukraine Crisis. German Foreign Minister Frank-Walter Steinmeier was actively involved in trying to find de-escalatory steps in the conflict. Austria as host of

51 See Nünlist, “Die Schweiz ist eine Mini-OSZE”, p. 19f.

52 NATO, *Lisbon Summit Declaration*, 20 November 2010; NATO, *Chicago Summit Declaration*, 20 May 2012.

53 Christian Nünlist and Martin Zapfe, “NATO after Wales: Dealing with Russia – Next Steps”, in: *CSS Analysis in Security Policy* No. 161 (2014).

54 Stephanie Liechtenstein, “Renewed Relevance and Visibility – Switzerland’s Chairmanship of the OSCE”, *ISN Blog* (10 November 2014).

55 Speech by Mr Didier Burkhalter, “Swiss Chairmanship of the OSCE: Creating a Security Community for the Benefit of Everyone”, New York, UN Security Council, 24 February 2014.

the OSCE Secretariat and OSCE Permanent Council is also a choice that will help the OSCE to remain a relevant and visible part of the Euro-Atlantic security architecture. The Ukraine Crisis clearly demonstrated the importance of a strong and active OSCE Chairman-in-Office and the need for an annual OSCE budget capable of dealing with unexpected crises, enabling full-fledged OSCE activities to de-escalate tensions and conflicts.

Russia's aggression and illegal annexation of Crimea, however, dealt a severe blow to the 1975 Helsinki process and the core vision of the OSCE. It remains to be seen whether the Swiss-Serbian-German OSCE troika in 2015 will be able to constructively channel the lessons learnt from the Ukraine Crisis into a fruitful debate about the future of European Security and the OSCE's role.

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