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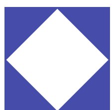
Institute for Peace Research and Security Policy
at the University of Hamburg / IFSH (ed.)

OSCE Yearbook 2018

Yearbook on the Organization for Security and
Co-operation in Europe (OSCE)



Nomos

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Volume 24 – 2018

Institute for Peace Research and Security Policy
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Yearbook on the Organization for Security and Co-operation in Europe (OSCE)

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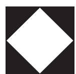

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Enzo Moavero Milanesi

Foreword by the Chairperson-in-Office

Italy has started its 2018 Chairmanship of the Organization for Security and Co-operation in Europe (OSCE) at a critical time for European security, when conflicts in the OSCE area and crises unfolding around the Mediterranean region were deemed the most urgent challenges.

During our tenure, we have always kept in mind our goal to strengthen the OSCE as a platform for dialogue and co-operation among its 57 members.

We deeply believe that the real "added value" of the Organization is in its ability to promote a positive agenda based on consensus among its members and partners, rather than only focussing on crisis management.

During our Chairmanship, we have worked to put the Mediterranean dimension at the heart of our action in order to contribute to the global management of migrations.

We have built on the success of the Palermo Conference, organized by Italy in 2017 as Chair of the Mediterranean Contact Group. The 25th Ministerial Council in Milan reinforced the OSCE commitment towards contributing to security in the Mediterranean, a principle enshrined in the Helsinki Final Act. I personally addressed the Permanent Council in August 2018, echoing the words of the founding fathers of the OSCE and calling on the Organization to step up its engagement with its Mediterranean Partners for Co-operation as a way to stem emergencies and security threats that originate in that region. The declaration on security and co-operation in the Mediterranean adopted in Milan mandates the OSCE to adopt a strategic approach in dealing with Mediterranean-related issues, including by mainstreaming a Mediterranean perspective throughout its work.

Beyond the Mediterranean, our Chairmanship also focused highly on conflict management. The crisis in and around Ukraine and protracted conflicts in the OSCE area – Nagorno-Karabakh, Transdniestria, Georgia – have been on top of our agenda. In all regions affected by armed fighting, the humanitarian situation remained our main concern. Particularly so in eastern Ukraine, where more than four years after the signing of the Minsk agreements hundreds of thousands of civilians still have limited access to basic goods and services. We have extended our political support to the Special Monitoring Mission to Ukraine, also through the tireless work of the Chairmanship's Special Representative. We have established frequent and effective channels of consultation with the Trilateral Contact Group mediators, also and above all to confirm our political support to a complex exercise, which sees no alternatives for now. Likewise, we have intensified our efforts to promote a solution to

protracted conflicts in the OSCE area, reaffirming our commitment to a negotiated solution to both the conflict in Nagorno-Karabakh and the conflict in Georgia.

With regard to the Transdniestrian settlement process, we have worked together with the parties to sign the Rome Protocol in the 5+2 format in May 2018. Thanks to the work of our Special Representative, we reached a breakthrough on international road traffic through the establishment of the first Joint Vehicle Registration Offices in Ribnita and Tiraspol. We were particularly glad to see much positive progress in the Transdniestrian settlement process in 2018. The opening of the Joint Vehicle Registration Offices can be considered a milestone achievement for civilians: The inhabitants on the left bank of the Nistru River will now have the opportunity to register their vehicles and travel on international roads.

We also focussed our efforts on the human dimension of the OSCE, succeeding in adopting the first new commitments in the human dimension since 2014 in Milan, therefore signalling the determination of all participating States to continue mutual engagement even in these difficult years.

Guided by the principles of transparency and collective ownership, we have strived to restore mutual trust in military matters. Within the framework of the Structured Dialogue on current and future challenges and risks to security in the OSCE (established in 2016 under the German Chairmanship and activated in 2017 by the Austrian Chairmanship), Italy has brought together senior officials from capitals, and ambassadors of the Organization's 57 participating States in the format of an informal working group. The Structured Dialogue enabled discussions on the challenges in the wider politico-military sphere, explored possibilities for overcoming divergences and reversing the negative developments that have marked European security in recent years.

Other political developments in the OSCE region reminded us that new crises could unexpectedly and abruptly emerge at any moment. Our experience shows that we need the OSCE. Its consensus-based decision-making, broad membership and flexibility make it uniquely suited to intervene in different scenarios and de-escalate crises, including of a military nature, to seek their resolution through peaceful means. Its in-house expertise in field operations and autonomous institutions render the Organization one of the most advanced and reliable tools at our disposal to effectively address the conflict cycle.

We need this Organization today more than ever. We need to build on the common ground that unites all participating States, as the founding fathers of this Organization did in 1975, when they signed the Helsinki Final Act.

During our Chairmanship, we consistently sought this common ground among all our countries, in all three dimensions. We found broad support in our attempt to reinforce our response to new security threats, as no country is equipped to tackle them alone. This is particularly the case for terrorism or cyber warfare and cybercrime. We also found a common ground in the desire to break the link between various forms of illicit trafficking and terrorism or

organized crime, activities that fuel corruption and money laundering and thus undermine trust in our institutions. We need genuine partnerships and co-operation to tackle them in the most effective way.

Strengthening the OSCE and our collective security, however, also requires rediscovering the concept of "comprehensive security", the common ground and basis for the creation of the CSCE in 1975.

I remain convinced that shared challenges require a collective effort based on joint responsibility and solidarity. This is the true spirit of Helsinki and the true added value of OSCE multilateral efforts, which we must continue to spread in the OSCE area and beyond.

Ursel Schlichting

Preface

On a trip through the Western Balkans, the President of the European Commission, Jean-Claude Juncker, stated in an interview with *Deutsche Welle* in January 2018: "Not too long ago, the region saw a fierce war. If we take away the western Balkans' accession perspective, that could soon repeat itself."[1] In the same breath, he admitted: "Clearly, people in the EU are tired of enlargement."[2] In the OSCE Yearbook 2015, Jenny Nordman already pointed out that many politicians and observers warned that "if the pace of EU integration is not increased, this may contribute to a revival of nationalist sentiments in the region, radicalization and, consequently, the resurfacing of ethnic conflicts".[3] The impression that people in South-Eastern Europe are disappointed, that they increasingly feel abandoned and neglected is also confirmed by talks with representatives of the Western Balkan countries in the OSCE. What would be the consequences of such neglect? How great is the danger of a renewed flare-up of bloody wars and conflicts in the Balkans? How seriously should the warnings of security risks resulting from a slowdown in the EU integration process be taken? Are references to a link between the EU's "enlargement fatigue" and the increase in ethnic tensions in some Western Balkan countries correct? These questions, which must be taken seriously for the stability not only of the region, but also for security and co-operation in Europe as a whole, have led us to make the Western Balkans – and thus also the state of EU integration of the countries in the region – the thematic focus of the OSCE Yearbook 2018.[4]

A brief review: After the end of the Cold War, the disintegration of the multi-ethnic state of Yugoslavia took its course with the aspirations of the constituent republics or certain provinces and regions for independence. The 1990s in the successor states of Yugoslavia were shaped by a series of serious armed conflicts – the ten-day war in Slovenia (1991), the wars in Croatia (1991-1995) and Bosnia and Herzegovina (1992-1995), the Kosovo War (1998-1999), and the uprising of Albanian separatists in Macedonia (2001) – all of which involved wars of independence, ethnic conflicts, and insurgencies to varying extents,

1 EU expansion: Juncker stresses real progress on western Balkans trip, Interview by Lars Scholtyssyk with Jean-Claude Juncker, 28 February 2018, *DW*, at: https://www.dw.com/en/eu-expansion-juncker-stresses-real-progress-on-western-balkans-trip/a-42776178.

2 Ibid.

3 Jenny Nordman, Nationalism, EU Integration, and Stability in the Western Balkans, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2015*, Baden-Baden 2016, pp. 151-163, here: p. 154.

4 Countries belonging to the "Western Balkans" include Albania and the successor states to Yugoslavia, excluding those that have already joined the European Union, i.e. Slovenia and Croatia. Cf., for example, Federal Ministry of Education and Research/International Bureau, at: https://www.internationales-buero.de/en/western_balkan_countries.php.

and were often accompanied by brutal "ethnic cleansing". As the last former constituent republic, Montenegro declared independence in 2006 and left the State Union of Serbia and Montenegro (1992-2003: Federal Republic of Yugoslavia) peacefully. Yugoslavia has finally disintegrated into the now internationally recognized states of (from north to south) Slovenia, Croatia, Serbia, Bosnia and Herzegovina, Montenegro, and Macedonia; the status of Kosovo under international law is still controversial. Sustainable peace, however, did not materialize; (inter-ethnic) tensions continued with varying intensity or threatened to erupt again.

OSCE field missions were established in all the successor states of Yugoslavia (with the exception of Slovenia) and Kosovo in the 1990s:[5] in 1992, the CSCE/OSCE Spillover Monitor Mission to Skopje (renamed Mission to Skopje in 2010), whose initial task was to prevent the war in Bosnia and Herzegovina from spreading to Macedonia; in 1994, the OSCE Mission to Bosnia and Herzegovina; in 1996, the OSCE Mission to Croatia (replaced in 2007 by the OSCE Office in Zagreb, which closed in December 2011); the OSCE Presence in Albania in 1997; in July 1999, the OSCE Mission in Kosovo (OMIK), which formed a distinct component within the UN Interim Administration Mission in Kosovo (UNMIK) and was to support the implementation of UN Security Council Resolution (UNSCR) 1244, the adoption of which had ended the Kosovo War; and finally, in 2001, the OSCE Mission to the Federal Republic of Yugoslavia (since 2003, Mission to Serbia and Montenegro, renamed the OSCE Mission to Serbia in 2006, with unchanged mandate; the OSCE Mission to Montenegro was re-established at the same time).

The Western Balkans (including Croatia at that time) thus represented one of the geographical focuses of OSCE field operations, the OSCE's most important post-conflict peace-building instruments, into which a large part of the Organization's resources flowed. The main focus of the Missions' mandates initially was on democratization, including building democratic institutions and monitoring of their functioning; the protection of human rights, including the rights of persons belonging to national minorities; the return of refugees and internally displaced persons, including related property questions; and the organization and monitoring of elections. At the same time, however, many political actors both in Western Europe and in the countries concerned only expected a real stabilization of the Central and Eastern European (CEE) states and a lasting peace to be achieved by integrating into the European Union as quickly as possible. At a summit meeting of the EU and the Western Balkan states in Thessaloniki in June 2003, the EU formally opened the prospect of accession to the EU to the latter: The Heads of State or Government of the member states of the EU, the acceding and candidate states, and the potential candidates Albania, Bosnia and Herzegovina, Croatia, the

5 Cf. OSCE, The Secretariat, Conflict Prevention Centre, Survey of OSCE Field Operations, SEC.GAL/110/18, 25 June 2018 (excluding predecessor missions such as fact-finding and rapporteur missions).

former Yugoslav Republic of Macedonia, and Serbia and Montenegro agreed that: "The EU reiterates its unequivocal support to the European perspective of the Western Balkan countries. The future of the Balkans is within the European Union. The ongoing enlargement and the signing of the Treaty of Athens in April 2003 inspire and encourage the countries of the Western Balkans to follow the same successful path. Preparation for integration into European structures and ultimate membership into the European Union, through adoption of European standards, is now the big challenge ahead. […] The speed of movement ahead lies in the hands of the countries of the region."[6] The EU had thus assumed the leading role in the stabilization efforts for the Western Balkans region and, in the long-term, was working towards integrating these countries into the Union or at least enabling them to co-operate closely. The Stabilisation and Association Agreements (SAAs), negotiated or even implemented by all countries in the region, addressed a much broader range of issues than the OSCE could ever cover. This left the OSCE with only a supporting role in the Western Balkans.[7]

However, the OSCE Missions and the EU worked hand in hand in this process. One example is Croatia, which signed the SAA with the EU on 29 October 2001, applied for membership on 21 February 2003, and was recognized as a candidate country by the European Council in June 2004. Put simply and to summarize, one could say that the OSCE Mission "called the shots", the EU translated the given agenda into accession conditions and provided the incentives, in short: The Mission did the groundwork, the EU ensured the results.[8] The OSCE prioritized formulating reform goals related to democracy and the rule of law as well as to human rights and the rights of persons belonging to national minorities. These goals ultimately found their way into the SAA and dominated the EU Commission's discussions as it prepared to draw up its recommendation for the opening of accession negotiations. The prospect of EU accession, in turn, had a highly favourable effect on the Mission's work

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6 European Commission, Press Release, EU-Western Balkans Summit, Thessaloniki, 21 June 2003, at: http://europa.eu/rapid/press-release_PRES-03-163_en.htm. The Treaty of Athens mentioned in the text is the Treaty of Accession to the EU signed on 16 April 2003 between the EU and the ten countries Estonia, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, the Czech Republic, Hungary, and the Republic of Cyprus. Slovenia's accession was sealed with this treaty.

7 Cf. Wolfgang Zellner, Asymmetrical Security in Europe and the Tasks of the OSCE, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 61-73, here: p. 67.

8 Cf. Solveig Richter, The OSCE Mission to Croatia – Springboard to Europe, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 93-106, here pp. 98-103. This form of co-operation between the OSCE and the EU had already proved its worth in the early 1990s. For example, the HCNM and the OSCE Missions to Estonia and Latvia worked closely together to reduce tensions between ethnic Estonians and Latvians and the large Russian-speaking minorities. The success of their efforts, however, was largely due to the fact that the Missions and the HCNM were supported by the European Commission and both states were motivated to meet the 1993 Copenhagen criteria for accession to the EU, including respect for and protection of minorities. Cf. Zellner, cited above (Note 7), pp. 66-67.

and proved to be the most powerful incentive for conflict resolution and reform in Croatia; without it, the available diplomatic and security-policy instruments would most likely have remained ineffective.[9]

Nevertheless, Croatia had to wait ten years, until July 2013, before it became a member of the EU as the second successor state of Yugoslavia after Slovenia. Following years of optimism, the integration process has now stalled; the situation 15 years after the "Thessaloniki promise" is sobering. Of the six Western Balkan aspirants for EU membership, four have "candidate country" status: Macedonia (since 2005; application for EU membership: 2004), Montenegro (since 2010; application for EU membership: 2008), Serbia (since 2012; application for EU membership: 2012), and Albania (since 2014; application for EU membership: 2009). However, accession negotiations have so far only begun with two of them: Montenegro (2012) and Serbia (2013). Bosnia and Herzegovina (application for EU membership: 2016) and Kosovo (the only candidate not to have applied for membership yet) are so far only "potential accession candidates" (Bosnia and Herzegovina since 2003, Kosovo since 2008).[10]

On 15 July 2014, Jean-Claude Juncker finally declared categorically: "In the next five years, no new members will be joining us in the European Union. As things now stand, it is inconceivable that any of the candidate countries with whom we are now negotiating will be able to meet all the membership criteria down to every detail by 2019."[11]

The candidate countries interpreted this declaration as an expression of the EU's "enlargement fatigue" and reacted with disappointment. At the same time, the pace of reforms slowed and existing external and internal problems worsened, with resurging bilateral disputes, persistent interethnic tensions, domestic political crises, delays and setbacks in the consolidation of the rule of law, unabated corruption and organized crime, and increasing autocratic tendencies – all worrying developments and conflicts with considerable potential for escalation. In addition, new challenges arose in 2015 with the Western Balkans becoming a major transit route for refugees and migrants on their way to other European countries.

These not entirely expected developments not only represent a step backwards for South-Eastern Europe itself, but could also have destabilizing effects

9 Cf. Richter, cited above (Note 8), pp. 93 and 100.

10 Cf. European Commission, European Neighbourhood Policy and Enlargement Negotiations, Current Status, at: https://ec.europa.eu/neighbourhood-enlargement/countries/check-current-status_en. Since the Feira European Council (June 2000), all the countries of the Western Balkans at that time have been considered potential candidates; cf. Santa Maria da Feira European Council, 19 and 20 June 2000, Conclusions of the Presidency, at: http://www.europarl.europa.eu/summits/fei1_en.htm. Kosovo was granted status as a potential candidate for accession in 2008; cf. European Union, EU Enlargement – State of play, Kosovo, at: https://europa.eu/newsroom/highlights/special-coverage/enlargement_en.

11 European Commission, Jean-Claude Juncker, Candidate for President of the European Commission, A new start for Europe, Opening statement in the European Parliament plenary session, Strasbourg, 15 July 2014, at: http://europa.eu/rapid/press-release_SPEECH-14-567_en.htm.

on other regions of Europe. In view of this, Commission President Juncker, in his speech on the state of the Union in 2017, commented once again on the question of accession and stated: "*If we want more stability in our neighborhood, then we must also maintain a credible enlargement perspective for the Western Balkans*."[12] He reaffirmed that there would be no further EU enlargement during his term of office, but he promised an increase in the number of members for the "following years" – a promise that, on closer inspection, does not represent a decisive change in position compared to 2014, nor is it necessarily likely to dispel doubts and raise hopes in the Western Balkan countries.[13]

What are the realistic chances for the Western Balkan states to join the EU? What obstacles need to be overcome? What measures could speed up the process? Given the many unresolved problems, is rapid accession desirable, at all? These and many other questions are answered by the authors of this year's thematic focus.

To start with, for Albania, with whom accession negotiations could begin in 2019, "EU accession means a higher standard of living, credible prospects for a better future, functioning democratic institutions, a reliable rule of law, and guaranteed economic and personal freedoms". This in turn exerts strong pressure for reform on Albanian politicians, as Julia Wanninger and Knut Fleckenstein note in their contribution, at the end of which the question arises as to whether the new generation of Albanian political class will manage to "convince both its own population and its European partners, especially the EU member state governments, that the reforms it has begun and announced will genuinely transform Albania into a modern European state". In his multifaceted contribution on Serbia, which, due to its size and status, is critical for the successful transformation of the whole region into a place of stability, Axel Jaenicke analyses Serbia's relationships with neighbouring EU member states as well as with Albania and the former Yugoslav republics, among others those with Croatia and Bosnia and Herzegovina, which still are highly strained. The author also discusses domestic developments and the problem of increasing autocratic tendencies within the country as well as possible solutions to the Kosovo question, which, for Belgrade, Brussels, and Washington, remains a key problem of the Western Balkans. He concludes that, in view of the problems the countries in the Western Balkans are facing, one can indeed ask the question "whether the EU actually has to offer Serbia and the other states in the Western Balkans full membership immediately", or whether it would be

12 European Commission, President Jean-Claude Juncker's State of the Union Address 2017, Brussels, 13 September 2017, at: http://europa.eu/rapid/press-release_SPEECH-17-3165_en.htm (emphasis in the original).

13 In his speech from 15 July 2014, Juncker had already added: "However, the negotiations will be continued and other European nations and European countries need a *credible and honest European perspective*. This applies especially to the Western Balkans." European Commission, Jean-Claude Juncker, A new start for Europe, cited above (Note 11) (emphasis by the author).

advisable to first offer a kind of common privileged partnership. In her contribution "A Diplomatic Fairytale or Geopolitics as Usual", Biljana Vankovska conducts a courageous critical analysis, *inter alia* from the perspective of international law, of the highly controversial Prespa Agreement of June 2018, in which Athens and Skopje agreed on the future state name "Republic of Northern Macedonia" for the former constituent republic of Yugoslavia. Since its declaration of independence in 2008, Kosovo has been recognized as a sovereign state by a majority of UN member states – five EU members are not among them: Spain, Greece, Cyprus, Romania, and Slovakia. In her contribution, Engjellushe Morina not only examines the consequences of the contested statehood of Kosovo, but also places the dialogue between Belgrade and Pristina at the centre of her considerations. Croatia has been a member of the EU since 2013 and thus, like Slovenia, no longer belongs to the "Western Balkan states". However, it shares a long history with the other successor states of the former Yugoslavia. Goran Bandov and Domagoj Hajduković describe the reintegration of the de facto Republic of Serbian Krajina after the war in Croatia and in particular deal with the role of the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Syrmium, UNTAES.

The complex of topics on the integration of the Western Balkan states into the EU is rounded off by Natasha Wunsch's highly noteworthy contribution on the EU's engagement in the Western Balkans, in which she concludes that 2018 represents a missed opportunity to critically reflect on the failure of the EU's approach to the Western Balkans to date and to develop a more comprehensive and locally anchored enlargement strategy for the region.

Beyond the thematic focus of this volume, renowned international authors from academia and practice deal with current issues, background information, and innovative ideas for resolving conflicts and problems, or present selected areas of the OSCE, its main fields of work, and current projects.

The Yearbook 2018 starts with four contributions on current developments in European security in the shadow of the crisis in and around Ukraine. First, Christian Nünlist discusses the "radically divergent historical narratives regarding the evolution of European security" that have emerged since the end of the Cold War and could in part explain the extremely strained relations between Russia and the West today. P. Terrence Hopmann's contribution, simply titled "Trump, Putin, and the OSCE", reflects the author's personal analysis of how the relationship between the powerful leaders of Russia and the US impact the OSCE and multilateral institutions in general. Wolfgang Zellner presents his ideas for a potential long-term and fundamental OSCE reform, suggesting, among other things, a revival of the OSCE's politico-military dimension of security and pointing to the current "Structured Dialogue", which covers topics such as threat perceptions, military doctrines, challenges to a norms-based European security order, and the existing military power relations. Finally,

Florian Raunig, head of the task force of the 2017 Austrian OSCE Chairmanship, and Julie Peer, senior adviser in the task force, take a look back at the challenges, priorities, experiences, and lessons learned from the 2017 Austrian OSCE Chairmanship.

In the section on conflict prevention and dispute settlement, Lukasz Mackiewicz describes the work of the Human Dimension Unit of the Special Monitoring Mission (SMM) to Ukraine. Serious violations of human rights and international humanitarian law still affect the people in the areas concerned. While emphasizing important achievements, the author also frankly discusses the problems and obstacles that have so far prevented the Unit form reaching its full potential. Former Head of the OSCE Mission to Moldova, William H. Hill, looks at efforts to advance the Transdniestria conflict settlement process and especially welcomes the fact that, despite the ongoing conflict in Ukraine, the US, the EU, Russia, Ukraine, and the OSCE have been able to co-operate harmoniously and effectively in the 5+2 negotiation format.

Further contributions in this section deal with innovative ways to prevent and peacefully resolve or mitigate violent conflicts by mediation and negotiation: While international or track-I mediation requires outsider-neutral mediators who have an emotional distance to a given conflict, in many conflict contexts, local people would rather confide in local actors who, to some extent, are part of the conflict, whose lives are directly affected by the conflict, and who therefore have a stake in it. In their contribution, Mir Mubashir, Engjellushe Morina, and Luxshi Vimalarajah discuss reasons and opportunities for the OSCE to engage in "insider mediation" and also present OSCE projects encompassing elements of this kind of mediation efforts, such as the "Peace Messengers" project in Kyrgyzstan. Similarly, in his contribution, Kaan Sahin discusses the status-neutral approach as a new impetus to addressing protracted or frozen conflicts in which one side is an internationally recognized state that does not recognize the secessionist de facto regime on the other side, such as in the conflicts in Eastern Ukraine and Transdniestria. In such cases, for example, CSBMs could be negotiated and implemented before the status question is solved or even discussed.

Under the heading "Comprehensive Security: The Three Dimensions and Cross-Dimensional Challenges", Claudio Formisano and Valiant Richey describe the work of the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings against the backdrop of human trafficking that often overlaps with migration. According to the authors, nearly half of all documented trafficked persons are foreign migrants, predominantly ending up in situations of prostitution and forced labour, with women, children, and young adults being particularly vulnerable. Also in the context of migration, Stefano Volpicelli explores a successful model for the integration of refugees in Italy: In the Italian town of Trieste, a local NGO developed and has been implementing a model for hosting and, in particular, integrating refugees, which is based on decentralized accommodation instead of overcrowded

refugee camps and has significantly influenced the Italian system for the protection of asylum seekers and refugees. Subsequently, Arne C. Seifert, who has been a renowned Central Asia expert virtually for decades, examines the context-specific approaches required in the civil prevention of religious radicalization and violent extremism in the region. A further contribution by Thorsten Stodiek looks at community policing as a key element in combating crime, with a special focus on introducing the community policing approach to the fight against organized crime, as well as – most recently – to countering violent extremism and radicalization that lead to terrorism.

Finally, in the section on the organizational aspects relating to the OSCE, Juraj Nosal discusses ways in which the OSCE can build the capacities of state or non-state actors to counter transnational threats and challenges, exemplified by means of an extra-budgetary project on "Capacity building for criminal justice practitioners combating cybercrime and cyber-enabled crime in South-Eastern Europe".

We are especially grateful to the OSCE Chairperson-in-Office in 2018, Italian Minister of Foreign Affairs, Enzo Moavero Milanesi, for contributing this year's foreword.

Finally, we would like to thank all our authors for their enthusiasm, their commitment, and their enlightening contributions.

I.
States of Affairs – Affairs of State

The OSCE and European Security

Christian Nünlist

Diversity as a Strength: Historical Narratives and Principles of the OSCE

Introduction

The Russian annexation of Crimea and the outbreak of war in eastern Ukraine in the spring of 2014 were a strategic shock for the international community. Immediately before the fatal shots on Maidan Square in Kyiv, a Track II report completed in January 2014 on threat perceptions in the OSCE space had concluded that neither the United States nor Western European states, nor Ukraine had expected military conflict with Russia. In early 2014, barely five and a half years after the Russian-Georgian war (2008), Russia only posed a direct threat to Poland and Georgia.[1]

However, the Ukraine crisis, unlike the five-day war in Georgia, did not just lead to a temporary resentment between Russia and the West, but rather to a sustained conflict with no prospect of a return to "business as usual" or a further "reset" of relations between them. In retaliation for the Russian annexation of Crimea – the first military land grab in Europe since 1945, which marked a break with the European security order maintained since the end of the Second World War – the United States responded by temporarily suspending the NATO-Russia Council, expelling Russia from the G8 (which then reverted to being the G7) and offering politico-military reinsurance to the European NATO allies on the eastern flank. Barack Obama's government, however, left the diplomatic management of the crisis to the EU and Germany in particular.[2] Under the leadership of Chancellor Angela Merkel and in the aftermath of the MH17 tragedy, the EU imposed economic sanctions on Russia. The transatlantic co-ordination during the Ukraine crisis must have surprised Putin as much as NATO's rapid return to the old image of Russia as enemy and the territorial defence in accordance with Article 5 of the North Atlantic Treaty. In the aftermath of the Russian-Georgian war, NATO had reacted to the prophets of doom in Warsaw and adapted its contingency plans accordingly.[3]

Five years on from February 2014, it is time to take stock of the consequences of the outbreak of the Ukraine crisis – a caesura for the OSCE as

1 Cf. Wolfgang Zellner (co-ordinator) et al., Threat Perceptions in the OSCE Area, Vienna 2014, pp. 22-28.

2 Cf. Deborah Welch Larson, Outsourced Diplomacy. The Obama Administration and the Ukraine Crisis, in: Vicki L. Birchfield/Alasdair R. Young (eds), *Triangular Diplomacy among the United States, the European Union, and the Russian Federation*, London 2018, pp. 55-76.

3 Cf. Mark Kramer, Russia, the Baltic Region, and the Challenge for NATO, *PONARS Eurasia Policy Memo* No. 267, July 2013.

well as for the European security order. In 2014, the OSCE reacted relatively swiftly to the Ukraine crisis and activated its entire toolbox for crisis management.[4] Swiss diplomacy was praised for its engaged and courageous OSCE Chairmanship, but one should strongly warn against an overly positive appraisal: A few weeks after the outbreak of the crisis the then Swiss Ambassador to the OSCE (and current OSCE Secretary General) Thomas Greminger summed up the situation aptly when he described it as both a "blessing and a curse" for the OSCE.[5]

The Swiss Federal Department of Foreign Affairs recognized early on that Russia's action in Ukraine marked a real turning point in international relations, similar to the jihadi terrorist attacks of 11 September 2001. In autumn 2014, the Swiss Foreign Minister Didier Burkhalter, in his capacity as OSCE Chairperson-in-Office, therefore launched a reflection group of "wise men" (the *Panel of Eminent Persons*, PEP) under the leadership of Wolfgang Ischinger, to gain preliminary insights into what the Ukraine crisis meant for the OSCE, and the European security order.

Swiss crisis management and the tireless search for a return to dialogue and trust were continued from 2015 to 2018 by Serbia, Germany, Austria, and Italy, and the consequences of "2014" will also shape Slovakia's 2019 Chairmanship. Switzerland had originally hoped that the Ukraine conflict could be resolved politically by the end of 2015, and that Ischinger's final report would be timely in presenting new ideas for a more stable European security system in the future. This proved to be illusory, and instead, according to the UN, the Ukraine conflict has led to over 10,000 deaths (including more than 2,700 civilians) and 1.6 million displaced persons in five years, and is still going on. This is the highest death toll in a war in Europe since the Yugoslav Wars in the 1990s and the largest number of displaced persons of any conflict in Europe since the Second World War.[6] Regrettably, the conflict in eastern Ukraine must therefore be considered another unresolved ("protracted") conflict in the OSCE region, whose end remains out of sight – and which, as of 2019, will have been waging longer than the First World War.

In this essay, the focus will be on two related topics. First, we will discuss whether any progress has been made five years on from the outbreak of the

4 Cf. Christian Nünlist, Testfall Ukraine-Krise. Das Konfliktmanagement der OSZE unter Schweizer Vorsitz [The Ukraine crisis as test case. OSCE crisis management under the Swiss Chairmanship], Bulletin zur schweizerischen Sicherheitspolitik, March 2014, pp. 35-61.

5 "Die Präsidentschaft ist Fluch und Segen zugleich", ["The presidency is both a blessing and a curse"], Interview with Thomas Greminger, *Tages-Anzeiger*, 14 March 2014, at: https://bazonline.ch/ausland/europa/Die-Praesidentschaft-ist-Fluch-und-Segen-zugleich/story/13204340.

6 Cf. United Nations, Security Council, As Civilians Bear Brunt of Four-year-old Conflict in Ukraine, Continued Ceasefire Violations Test Credibility of Global Community, Officials Warn Security Council, SC/13357, 29 May 2018, at: https://www.un.org/press/en/2018/sc13357.doc.htm.

Ukraine crisis in explaining *why* it happened. At the end of 2015, the PEP report "Back to Diplomacy" identified the radically divergent historical narratives regarding the evolution of European security after 1990 as a central problem of the current relations between Russia and the West.[7] Do we now know more about when and how the optimistic spirit of the CSCE Charter of Paris of November 1990 led to the "cold peace" between the West and Russia and the "hot war" in eastern Ukraine? Track II projects in the framework of the OSCE and new historical studies have indeed shed some light on these issues and the findings allow us to take a new, more nuanced view of the concrete steps leading from the co-operation between Moscow and Washington to their current collision course.[8]

It is not only the historical narratives that divide Russia and the West. From 1994, the convergence in the interpretation of the fundamental principles of international relations, as codified in the CSCE Helsinki Final Act in 1975, that had occurred in the early 1990s, began to fall apart again. In particular, Principle VI of the Helsinki Final Act – the non-intervention principle – was interpreted with increasing inconsistency in the aftermath (as a result of the 1999 Kosovo War). The diverging interpretations continue to lead to misunderstandings and accusations on both sides.[9]

What does this mean for the present and the future? What can be done to find a way out of the confrontation and the current zero-sum-game logic? Could the positive historical experience of the Helsinki process in the Cold War perhaps provide a model for a way to again overcome the new East-West conflict today and define new rules of play for peaceful co-existence? Is the OSCE the appropriate "bad weather" forum for dialogue for this, as was the CSCE in the Cold War? This essay will argue that a multilateral process (analogue and complementary to the dynamic "Structured Dialogue" on threat perceptions launched in the OSCE in 2016/2017) could in fact provide a way out of the negative spiral of wars of words over historical narratives and OSCE

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7 Cf. Back to Diplomacy, Final Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project, November 2015, p. 2, available at: https://www.osce.org/networks/205846; cf. also Thomas Frear/Lukasz Kulesa (eds.), Competing Western and Russian narratives on the European order: Is there common ground? European Leadership Network/RIAC – Russian International Affairs Council, Conference Report, London, April 2016, at: https://www.europeanleadershipnetwork.org/wp-content/uploads/2017/10/ELN-Competing-Narratives-Report.pdf.

8 Cf. Christian Nünlist/Juhana Aunesluoma/Benno Zogg, The Road to the Charter of Paris. Historical Narratives and Lessons for the OSCE Today, Vienna 2017; William H. Hill, No Place for Russia. European Security Institutions Since 1989, New York 2018; Samuel Charap/Timothy J. Colton, Everyone Loses. The Ukraine Crisis and the Ruinous Contest for Post-Soviet Eurasia, London 2016.

9 Cf. Christian Nünlist, Shifting Interpretations of the Non-Intervention Principle in the OSCE, conference paper presented at a workshop of the European Leadership Network (ELN), Vienna, 19-20 June 2017; Denitsa Raynova, Towards a Common Understanding of the Non-Intervention Principle, European Leadership Network, Post-Workshop Report, London, October 2017, at: https://www.europeanleadershipnetwork.org/wp-content/uploads/2017/10/170929-ELN-Workshop-Report-Non-Intervention.pdf.

principles. If it was possible to hold a dialogue on differing interests and norms during the Cold War, then it should also still be possible today.

Historical Narratives: From Co-operation to Confrontation, 1990-2014

Diverging narratives about the recent past are a key obstacle on the difficult path from conflict and confrontation to rapprochement, reconciliation, and peace.[10] The Ukraine crisis made it clear in 2014 that starkly diverging historical perspectives on the evolution of the European security architecture have developed in the West and in Russia. In hindsight, it is surprising that it has taken so long for the West to become aware of how strongly the Russian narrative diverged from that in the West – and not only since 2014.[11]

The Ukraine crisis is by no means the direct cause of the re-escalation of the confrontation between Russia and the West in 2014, but rather a symptom. If one reviews the development of European security since the end of the Cold War, one stumbles across signs of Russia's increasing estrangement from the European security system right from the beginning. This did not occur in a linear fashion, but rather relations between the West and Russia went through several cycles of antagonism and partnership between 1990 and 2014. However, a genuine strategic partnership was never achieved.[12]

In the PEP final report "Back to Diplomacy" at the end of 2015, Wolfgang Ischinger suggested to the OSCE and its participating States that a project should be launched to research the various contrasting narratives with the aim of analysing how and why these diverging views of the recent past had come about.[13]

In the framework of the "OSCE Network of Think Tanks and Academic Institutions", a group of contemporary historians from East and West took up this idea and held an international conference with eyewitnesses in Paris in September 2017, aiming to critically examine the transition from the Cold War to the 1990s again. Using "critical oral history", the diplomats who had negotiated the 1990 CSCE Charter of Paris were confronted with more recent historical research findings. Subsequently, the new insights were published at the end of 2017 in the study "The Road to the Charter of Paris", and presented and discussed at the OSCE Ministerial Council in 2017 in Vienna, and in November 2018 at seminars and workshops in St Petersburg and Moscow.[14]

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10 Cf. Charles A. Kupchan, How Enemies Become Friends. The Sources of Stable Peace, Princeton 2010, pp. 50-52.

11 Cf. Gernot Erler, "Renewing Dialogue – Rebuilding Trust – Restoring Security": Germany's 2016 OSCE Chairmanship – A Personal Retrospective and a Vision for the OSCE in 2025, in: Institute for Peace Research and Security Policy at the University of Hamburg/ IFSH (ed.), *OSCE Yearbook 2017*, Baden-Baden 2018, pp. 23-34, here pp. 32-33.

12 Cf. Angela Stent, The Limits of Partnership. US-Russian Relations in the Twenty-First Century, 4th edition, Princeton 2015.

13 Cf. Back to Diplomacy, cited above (Note 7), p. 2.

14 The following sections are based on Nünlist/Aunesluoma/Zogg, cited above (Note 8).

The year 1989/1990 was a turning point, an *annus mirabilis*, which, until recently, had almost exclusively positive connotations in the West. The Berlin Wall came down, Germany was reunited and the Cold War came to a peaceful end. Francis Fukuyama even declared the "end of history". However, his optimistic slogan soon proved to be just as premature and misleading as the shared vision sketched out by the Soviet Union, the United States, and 33 European states in the Charter of Paris in November 1990 for a new, undivided, inclusive Europe based on Western values such as democracy, the rule of law, and human rights.[15]

From today's point of view, it is clear that even though the West believed it had constructed a fair and stable new security order for Europe, the Russian perspective is completely different. Interestingly, US historians are also increasingly arguing that the current confrontation between Russia and the West is at least partly a result of the ultimately unfinished settlement of the Cold War in 1990. Mistakes were made on both sides and some of the fatal longer-term consequences certainly also rested on unintended side effects of crucial decisions that made sense for one side at the time, such as the West's desire to extend liberal democracy and free market economy to the East in order to increase international stability.[16] When a dangerous power vacuum opened up in Central and Eastern Europe after 1991 following the disintegration of the Soviet Union and the Warsaw Pact, the West felt obliged to help the states in this area to navigate a delicate transitional period by offering NATO and EU membership. This approach prevailed, especially as doubts began to surface in the West in 1993 regarding whether Russia under President Boris Yeltsin could really be transformed into a democratic market economy integrated into the West during the chaotic years following the collapse of the Soviet Union at the end of 1991.

Archive material which has recently been declassified also makes clear that in 1989/1990, the United States under President George H.W. Bush was unable to resist the temptation to perpetuate Western security institutions such as NATO and the EC, rather than replacing these Cold War institutions with a new, pan-European institution on the basis of the CSCE or Mikhail Gorbachev's "Common European Home". Indeed, the Bush administration used pan-European rhetoric in 1989/90. In May 1990, US Secretary of State James Baker promised Soviet Foreign Minister Eduard Shevardnadze that German reunification would not lead to winners and losers. "Instead, it would produce a new legitimate European structure – one that would be inclusive, not exclusive." In the same month, Baker assured Soviet leader Gorbachev "that our policies are not aimed at separating Eastern Europe from the Soviet Union. We had that policy before. But today we are interested in building a stable Europe, and

15 Cf. Charter of Paris for a New Europe, Paris, 21 December 1990, p. 3, available at: https://www.osce.org/mc/39516.

16 Cf. Christian Nünlist, Contested History: Rebuilding Trust in European Security, in: Center for Security Studies, *Strategic Trends 2017*, Zurich 2017, pp. 11-34, here: pp. 18-19. Cf. also Hill, cited above (Note 8), p. 10 and p. 386.

doing it together with you." President Bush also personally assured Gorbachev of a new co-operative spirit. In Washington, on 31 May 1990, Bush said: "And of course, we have no intention, even in our thoughts, to harm the Soviet Union in any fashion." In a telephone conversation on 17 July 1990, Bush also promised Gorbachev: "We conveyed the idea of an expanded, stronger CSCE with new institutions in which the USSR can share and be part of the new Europe."[17]

Historical studies have, however, recently proven that in internal debates as early as the spring of 1989, the Bush administration had already decided that US policy towards Europe after the end of the Cold War should be based on a close partnership with Germany. The United States should also rely on NATO to maintain its military presence and thereby continue US dominance in Europe.[18]

Despite all the co-operative rhetoric, the security order that was emerging in Europe thereby ultimately failed to envisage an equal role for the Soviet Union. Instead, it was based on exclusive Western clubs: NATO and the EC. Quotes from intra-Western conversations (particularly between Bush and West German Chancellor Helmut Kohl in February 1990) and internal documents of the Bush administration make it clear today that, in the final phase of the Cold War in Europe, there was no true spirit of co-operation between the United States and the Soviet Union. The US vision prevailed over alternative visions of an inclusive pan-European security architecture. Baker warned Bush bluntly in 1990 that the "real risk to NATO is CSCE."[19] Already on 18 May 1990, Baker had issued Gorbachev a final rebuff regarding a substantial strengthening of the CSCE: "It's nice to talk about pan-European security structures, the

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17 All quotes from Svetlana Savranskaya/Tom Blanton, NATO Expansion: What Gorbachev Heard, National Security Archive, Briefing Book 613, 12 December 2017, at: https://nsarchive.gwu.edu/briefing-book/russia-programs/2017-12-12/nato-expansion-what-gorbachev-heard-western-leaders-early.

18 Cf. Hal Brands, Making the Unipolar Moment: U.S. Foreign Policy and the Rise of the Post-Cold War Order, Ithaca, 2016, pp. 279-298; Joshua R. Itzkowitz Shifrinson, Deal or No Deal? The End of the Cold War and the U.S. Offer to Limit NATO Expansion, International Security 4/2016, pp. 7-44; Christian F. Ostermann, The United States and German Unification, in: Michael Gehler/Maximilian Graf (eds), Europa und die Deutsche Einheit: Beobachtungen, Entscheidungen und Folgen [Europe and German Unification: Observations, Decisions, and Consequences], Göttingen 2017, pp. 93-117; Jeffrey A. Engel, When the World Seemed New. George H.W. Bush and the End of the Cold War, New York 2017, pp. 86-99; Christian Nünlist, Krieg der Narrative. Das Jahr 1990 und die NATO-Osterweiterung [A war of narratives. The Year 1990 and NATO's Eastern Enlargement], Sirius. Zeitschrift für strategische Studien 4/2018, pp. 389-397; Liviu Horovitz, Guns for Butter. The Political Economy of US Military Primacy, unpublished dissertation, ETH Zürich, 2018. This latest research confirms the early thesis of Mary Sarotte, who stated that the Bush administration perpetuated the exclusively Western Cold War institutions rather than supporting a new pan-European new start. Cf. Mary Elise Sarotte, 1989: The Struggle to Create Post-Cold War Europe, Princeton 2009; Mary Elise Sarotte, Perpetuating U.S. Preeminence. The 1990 Deals to Bribe the Soviets Out and Move NATO in, International Security 1/2010, pp. 110-137.

19 Quoted in Shifrinson, cited above (Note 18), p. 31.