OSCE

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

OSCE Yearbook 2014

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

Nomos

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Preface

The OSCE grew significantly in prominence during 2014, achieving a level of international recognition it had not known for years – though the circumstances under which this occurred were dramatic, to say the least. Maidan, the Crimea, Donetsk and Luhansk – these are the names that stand for Europe's greatest crisis since the end of the Cold War. "What started as a national political crisis in Ukraine has developed into a crisis that threatens European security. […] The risks of further escalation and of misjudgements represent the greatest danger for European security for more than 20 years."[1]

The OSCE, which, during the course of the conflict, became the "most important multilateral actor",[2] owes this status upgrade primarily to its rapid reaction – under the Chairmanship of Switzerland – to events in Ukraine. However, it already possessed the necessary prerequisites: its character as a forum for dialogue, and particularly for security dialogue; its inclusive set of participants; its comprehensive concept of security; not to mention the fact that the OSCE – in contrast to other actors – was not seen as directly or indirectly involved in the conflict. Moreover, particularly since 2011, the OSCE has expanded its instruments for systematic early warning and rapid crisis reaction, dialogue facilitation, mediation, and mediation support.[3]

The OSCE commenced intensive monitoring and mediation efforts as early as February.[4] On 24 February, the Chairperson-in-Office (CiO), Didier Burkhalter, appointed the Swiss diplomat Tim Guldimann as his Personal Envoy. Ambassador Guldimann was charged with leading and co-ordinating the Organization's activities in Ukraine and visited Kyiv for the first time in February and Crimea in early March. Also in March, the OSCE High Commissioner on National Minorities (HCNM), Astrid Thors, and the OSCE Representative on Freedom of the Media (RFOM), Dunja Mijatović, made their first visits to Kyiv and Crimea to see the situation in person. At the end of

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1   Wolfgang Ischinger, Die Ukraine-Krise und die Sicherheit Europas [The Ukraine Crisis and the Security of Europe], in: *FAZ.NET*, 31 August 2014, at: http://www.faz.net/aktuell/politik/die-gegenwart/ukraine-die-ukraine-krise-und-die-sicherheit-europas-13128147.html (author's translation).

2   Zentrum für internationale Friedenseinsätze, *Die OSZE und der Waffenstillstand in der Ukraine: Vermitteln, Beobachten, Überwachen* [The OSCE and the Ceasefire in Ukraine: Mediation, Observation, Monitoring], at: http://www.zif-berlin.org/fileadmin/uploads/analyse/dokumente/veroeffentlichungen/ZIF_kompakt_OSZE_Ukraine_Waffenstillstand.pdf.

3   Cf. Claus Neukirch, Early Warning and Early Action – Current Developments in OSCE Conflict Prevention Activities, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2013*, Baden-Baden 2014, pp. 123-133.

4   Regularly updated reports, fact sheets, and a timeline of the OSCE's response to the crisis can be found at: http://www.osce.org.

March, the OSCE dispatched 15 international experts for four weeks to Odessa, Kharkiv/Luhansk, Dnepropetrovsk, Donetsk, and Lviv as part of a special "National Dialogue Project" organized by the OSCE Project Co-ordinator in Ukraine. They were tasked with holding discussions with representatives of state institutions, local authorities, and NGOs to determine where further measures should be undertaken for mediation and confidence-building between the various population groups, and to gather information on political, humanitarian, and minority-related questions, in particular.

Several OSCE States sent unarmed military observers to Ukraine as early as 5 March 2014. They worked in small teams to monitor and report on military activities in the south and east of the country. They were, however, refused entry to Crimea. While the activities of these military observers were formally governed by bilateral arrangements – they acted in the name of their country of origin and on invitation of Ukraine – Ukraine requested OSCE participating States, OSCE Partners for Co-operation, and the OSCE Conflict Prevention Centre (CPC) with reference to Chapter III of the Vienna Document. Chapter III is entitled "Risk Reduction" and authorizes "voluntary hosting of visits to dispel concerns about military activities" (Article 18) on invitation of the affected state. By 20 March, a total of 30 participating States had dispatched 56 unarmed military and civilian observers to Ukraine. Since then, smaller inspection teams consisting of unarmed military experts have also been present in the country to continue verification measures under the Vienna Document in both Ukraine and Russia.

The heart of the OSCE's observation activity in Ukraine is the OSCE Special Monitoring Mission to Ukraine (SMM), whose deployment was agreed by all 57 participating States in the Permanent Council on 21 March 2014[5] – a decision that CiO Burkhalter called a "milestone".[6] The first advance groups arrived in Ukraine on 22 March. The SMM, which initially consisted of 100 civilian monitors, currently numbers around 380 observers from over 40 OSCE States, and has the option of expansion to 500 monitors. In collaboration with the OSCE executive structures, including the HCNM, the Office for Democratic Institutions and Human Rights (ODIHR), and the RFOM, as well as the United Nations, the Council of Europe, and other relevant actors of the international community, the mission's aims are to gather information and report on the security situation in the area of operation, report on specific incidents or reports of incidents and determine the facts, monitor respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, establish contacts with

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5   Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1117, Deployment of an OSCE Special Monitoring Mission to Ukraine*, PC.DEC/1117, 21 March 2014.

6   Schweizerische Eidgenossenschaft/OSCE Switzerland 2014, *A Roadmap for concrete steps forward: The OSCE as an inclusive platform and impartial actor for stability in Ukraine, Bern, 12 May 2014 – Brussels, 12 May 2014, Speech by the President of the Swiss Confederation, Mr Didier Burkhalter, at the Foreign Affairs Council of the European Union*, CIO.GAL/78/14, 12 May 2014, p. 1.

local, regional, and national authorities, civil society, ethnic and religious groups, local communities, and the local population, and facilitate dialogue on the ground.[7] The mission's original six-month mandate, which covered the territory of Ukraine as a whole, was extended in July 2014 beyond September to March 2015. Since September 2014, the mission's tasks have also included monitoring the ceasefire.

On 30 July 2014, a mission consisting of 16 unarmed observers began its work at the Russian checkpoints at Donetsk (not to be confused with the Ukrainian city of the same name) and Gukovo. Their deployment was agreed by the Permanent Council on 24 July 2014 on the basis of a joint declaration ("Berlin Declaration") by the foreign ministers of Ukraine, Russia, France, and Germany of 2 July[8] and on invitation of the Russian foreign minister. The mission is tasked, while upholding the principles of impartiality and transparency, with round-the-clock monitoring and reporting on the situation at the checkpoints and movements across the border.[9] The mandate of the mission was most recently extended in December 2014 until 23 March 2015.

On 7 May, the OSCE Chairperson-in-Office appointed the Swiss diplomat Heidi Tagliavini as his Special Representative in the Trilateral Contact Group – one of the most important mediation instruments, which was established in May and is composed of high-level representatives of Ukraine, Russia, and the OSCE. As of June, representatives of the pro-Russian separatists also participated in the talks. The Trilateral Contact Group is to meet regularly to enable dialogue between the Ukrainian and Russian governments and seek diplomatic means for resolving the conflict. A second important mediation instrument, a series of high-level Round Tables in the run-up to the presidential elections in May, was part of a roadmap drafted by the Swiss Chairmanship, which aimed at implementing the "Geneva Declaration"[10] published by the representatives of the EU, the USA, Ukraine, and Russia at the Geneva crisis meeting on 17 April. The roadmap stipulated the immediate commencement of high-level dialogue, to include representatives of the Ukrainian government and the Ukrainian parliament as well as representatives of the regions. The Round Tables were moderated by former Ukrainian

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7   Cf. *Decision No. 1117, Deployment of an OSCE Special Monitoring Mission to Ukraine*, cited above (Note 5).

8   Cf. Auswärtiges Amt, *Joint Declaration by the Foreign Ministers of Ukraine, Russia, France and Germany*, 2 July 2014, press release, at: http://www.auswaertiges-amt.de/DE/ Infoservice/Presse/Meldungen/2014/140702_Statement.html.

9   Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1130, Deployment of OSCE Observers to two Russian Checkpoints on the Russian-Ukrainian Border*, PC.DEC/1130, 24 July 2014.

10   The Geneva Statement contains the first concrete steps for the de-escalation of tension and the restoration of the security of the population in eastern Ukraine. These include the renunciation of violence by all sides, the disarmament of all illegal armed groups, and the immediate commencement of a broad national dialogue that should reach all regions and political constituencies of Ukraine, cf: European Union External Action, Joint Statement, *Geneva Statement on Ukraine*, Genf, 17 April 2014, at: http://www.eeas.europa.eu/ statements/docs/2014/140417_01_en.pdf.

presidents Leonid Kuchma and Leonid Kravchuk. Wolfgang Ischinger was named co-moderator as the representative of the OSCE.[11] Topics covered in the talks should include the status of the Russian language and the federalization of Ukraine. Three Round Tables were held in Kyiv, Kharkiv, and Mykolaiv in May.

At a meeting in Minsk on 5 September, the Trilateral Contact Group agreed on a twelve-point protocol, which was also signed by the representatives of the separatists, and which called for, among other things, an immediate ceasefire by both sides, decentralization of power in the form of temporary local self-government in certain districts of Donetsk and Luhansk, and the removal of illegal military formations, military equipment, and militants and mercenaries from the territory of Ukraine. In addition, the OSCE was given the task of monitoring the ceasefire.[12] On September 19, the protocol was given more specific detail by the Trilateral Contact Group's "Minsk Memorandum", whose key provision was the establishment of a 15-kilometre no-fire and security zone on either side of the – as yet unclearly defined – "line of contact" between the conflict parties; this is also to be monitored by the OSCE. [13]

Further measures taken by the OSCE to deal with the Ukraine crisis include a Human Rights Assessment Mission, which was carried out by ODIHR and the HCNM in eastern Ukraine and Crimea in March and April 2014.[14]

In addition, both ODIHR and the OSCE Parliamentary Assembly (PA) sent election observation missions to monitor the presidential elections on 25 May (with 100 long-term observers deployed in March who were joined by 900 short-term observers a week before polling day, this was ODIHR's largest election observation mission in its history) and the parliamentary elections on 26 October 2014.[15] In each case, the observers from ODIHR and the PA worked together with observers from the parliamentary assemblies of the

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11 Cf. *A Roadmap for concrete steps forward: The OSCE as an inclusive platform and impartial actor for stability in Ukraine,* cited above (Note 6), pp. 2-3.

12 The Russian-language original of the protocol is available at: http://www.osce.org/home/ 123257; a detailed description of the contents in English can be found at: http://www.bbc. com/news/world-europe-29162903.

13 The original Russian text of the Memorandum can be found at: http://www.osce.org/ home/123806; details in English are available at: http://www.bbc.com/news/world-europe-29290246.

14 The final report of this mission was published on 12 May. OSCE HCNM/OSCE ODIHR, *Human Rights Assessment Mission in Ukraine, Human Rights and Minority Rights Situation, ODIHR HRAM: 6 March – 1 April 2014, HCNM HRAM: 8 March – 17 April*, The Hague/Warsaw, 12 May 2014, at: http://www.osce.org/odihr/118454.

15 Cf. OSCE Office for Democratic Institutions and Human Rights, *Ukraine, Early Presidential Election, 25 May 2014, OSCE/ODIHR Election Observation Mission, Final Report*, Warsaw, 30 June 2014, at: www.osce.org/odihr/elections/ukraine/120549, and OSCE Office for Democratic Institutions and Human Rights, *Ukraine, Early Parliamentary Elections, 26 October 2014, OSCE/ODIHR Election Observation Mission, Final Report*, Warsaw, 19 December 2014, at: www.osce.org/odihr/elections/ukraine/132556.

Council of Europe and NATO and the representatives of the European Parliament on election day.

Finally, special attention should be paid to the constant tireless and intensive personal engagement of the Chairperson-in-Office and the OSCE Secretary General, Ambassador Lamberto Zannier, who traveled extensively and participated in many discussions in parallel to the measures detailed above.

<p style="text-align:center">***</p>

The Helsinki +40 Process, which was launched with high expectations, was originally supposed to be the only special focus section of this year's OSCE Yearbook. The aim of the process was, in view of the 40th anniversary in 2015 of the signing of the Helsinki Final Act "to take stock, define priorities, and generate momentum for future work towards a vision of a security community. In broader terms, the Helsinki +40 Process can be considered as an opportunity to demonstrate the relevance of the Organization's basic values and principles in the 21st century."[16] There can currently be no thought of forging a visionary security community; against the background of the war in Ukraine, the Helsinki Process has come to a virtual standstill. In its place, the conflict itself has come to occupy the centre not only of international attention, but also of political debate within the OSCE. However, it is precisely with regard to the Ukraine conflict that the OSCE has proved its relevance. We have therefore chosen to retain the original special focus on Helsinki +40 and to discuss it in view of the Ukraine crisis. In addition, we have created a second special focus section to deal with the Ukraine conflict itself. The conflict is also reflected in nearly every contribution in the Yearbook.

Prior to this, Reinhard Mutz and Götz Neuneck remember Jonathan Dean, a long-serving member of the OSCE Yearbook's international editorial board. Ambassador Dean, who died in January 2014, was respected by all who knew him as not only a competent expert, witness to historical events, and active shaper of international relations, but a warm and reliable friend.

The special focus section on "The OSCE and European Security: Focus on Helsinki +40 against the Background of the Ukraine Conflict" opens with a contribution that describes vividly both the enormous challenges of 2014 from the point of view of the Swiss Chairmanship and the OSCE's reaction to them. We are deeply grateful to Ambassador Heidi Grau for this. While the 40th anniversary of the Helsinki Final Act provides a natural milestone for a historical retrospective, Marianne von Grünigen and Hans-Jörg Renk, who together have witnessed all the key events in the Helsinki Process down the years, ask whether forty years of the Helsinki Final Act is something we should be celebrating. As if by way of an answer, former Russian Foreign

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16   Marcel Peško, The Helsinki +40 Process: A Chance to Assess the Relevance of the OSCE's Comprehensive Security Model in the 21st Century, in: *OSCE Yearbook 2013*, cited above (Note 3), pp. 23-36, here: p. 24.

Minister Igor Ivanov argues that the OSCE remains as vital for Europe now as it was 40 years ago, while next year's Chairperson-in-Office, Ivica Dačić, lays out the Serbian Chairmanship's intentions for 2015. Fred Tanner brings together the Yearbook's two key topics for this year, considering the repercussions of the Ukraine crisis for the Helsinki +40 Process in detail. Jafar Usmanov undertakes a case study of Helsinki +40's approach to fieldwork with respect to the OSCE Presence in Tajikistan and the structural transformation of the OSCE field operations in recent years and concludes with a call to continue investigating the form of a potential "fourth generation" of OSCE field operations. In the final contribution to the special focus section, Lamberto Zannier, the OSCE's Secretary General, then discusses the OSCE's role as a regional arrangement under Chapter VIII of the UN Charter. Also in the chapter on the OSCE and European Security, Steven Pifer reviews recent developments in US-Russia relations, continuing the discussion that began in the OSCE Yearbook 2013.[17] In his cautiously optimistic contribution, Pifer sounds out areas where the two countries' interests may converge so that communication and co-operation remain possible in the future.

Most of the section on conflict prevention and dispute settlement is dedicated to the Ukraine crisis as the second key focus of the 2014 OSCE Yearbook. In his contribution, Claus Neukirch, Deputy Director of the Conflict Prevention Centre for Operations Service of the OSCE Secretariat and therefore largely responsible for planning the Special Monitoring Mission to Ukraine, looks into the operational challenges the OSCE faced when deploying the mission, as well as the new horizons this operation opened up for the Organization, with a particular emphasis on the preparedness, flexibility, and high motivation of all the staff involved. Graeme P. Herd provides a detailed analysis of the strategic struggle between Russia and Ukraine. With the annexation of Crimea and the covert interference in the armed conflict in eastern Ukraine at the latest, the Russian leadership must face the accusation of having breached international norms. Though there can be no excuses for this, there are explanations for Moscow's behaviour, which can be found in several cases of unilateral action on the part of the West perceived by Russia as humiliating.[18] Tatyana Parkhalina considers explanations of this kind, laying out Russia's motivations and sensitivities. Iryna Solonenko then outlines the development of Ukrainian civil society since the Orange Revolution and its role in the crisis. And finally, Pál Dunay asks why the OSCE experienced such a rise in prominence during the Ukraine crisis and what lessons can be learned for European and Euro-Atlantic Security.

Outside the special focus section, P. Terrence Hopmann also concentrates on the OSCE's practical activities in conflict prevention and dispute

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17   See Victor Mizin, Russian-US Relations: Beyond the Reset Policy, in: *OSCE Yearbook 2013*, cited above (Note 3), pp. 37-51.

18   Cf. e.g. Reinhard Mutz, Die Krimkrise und der Wortbruch des Westens [The Crimea Crisis and the West's Broken Promises], in: *Blätter für deutsche und internationale Politik* 4/2014, pp. 5-10.

settlement, considering the recent work of the Minsk Group on the Nagorno-Karabakh conflict.

In the section on developments in specific participating States and the states' commitment to multilateralism, Hendrik Meurs analyses how the government in Turkmenistan frames its legitimacy to maintain power, and Graeme Currie considers why the referendum on Scottish independence failed. Finally, Adiyasuren Jamiyandagva outlines the desires and expectations of Mongolia, the OSCE's newest participating State.

With regard to the OSCE's human dimension, Francesco Marchesano looks at the bone of contention between the Russian Federation and ODIHR over election observation. In the politico-military dimension, consideration of the likely consequences of the Ukraine conflict led initially to resignation and fear that progress or a revival of arms control had receded into the distance; yet a different perspective soon emerged: In this regard, Rüdiger Lüdeking writes that "in the crisis, the OSCE has proven that it is able to act" and that "the use of the Organization's arms-control instruments for the co-operative creation of an objective overview of the situation and for de-escalation has played a central role", and concludes that "in view of the growing tensions in East-West relations and the elevated risk [...] that conflicts will again be resolved by military means, it is all the more urgent that arms-control policy efforts are strengthened at precisely this time."

In the section on organizational aspects of the OSCE, Shairbek Juraev discusses the contribution of the OSCE Academy in Bishkek to comprehensive security in Central Asia.

Finally, turning to the OSCE's relations with external organizations and the wider world, Sebastian Schiek asks whether the Afghanistan conflict can be considered a power resource for Central Asia, while Loïc Simonet looks at the OSCE Mediterranean Partnership four years after the "Arab Spring". Last but not least, Dimitar Paunov assesses the success of co-operation between the EU and the OSCE.

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The brief overview above of the OSCE's mediation and observation efforts since February 2014 not only demonstrates the OSCE's ability to act in a grave crisis, but also show what a rich variety of conflict-management instruments the Organization currently has in its repertoire. Whether the OSCE can, in the long run, fulfil the expectations placed in it as a result of its rapid response nonetheless remains uncertain. The Ukraine crisis underlines the Organization's relevance and strengths, but it also reveals its limits. The ceasefire agreed in September remains highly fragile. Fierce fighting continues to break out regularly in the affected regions. According to a report by the Office of the UN High Commissioner for Human Rights, between 6 September and 31 October, in the first eight weeks following the cessation of fighting, an average of 13 people were killed each day, and grave human-

rights violations continue to be committed.[19] The OSCE observers themselves also face danger, while key elements of the Minsk agreements remain unclear, including the issues of the line of contact and the precise nature of the special status of the breakaway regions.

That the OSCE is only as strong and can only achieve so much as its participating States allow is a commonplace. With a few exceptions, it can only apply even its tried-and-tested mechanisms and instruments for monitoring and political mediation when all the participating States are in agreement. The OSCE has few if any effective means of exerting pressure or providing economic incentives to tangibly influence heavily armed conflict parties unwilling to compromise. However, it is precisely the need for unanimity among the participating States that raises the OSCE's legitimacy as a multilateral and international actor. Thus, Russia's agreement to the deployment of the SMM and the stationing of a monitoring mission at two Russian checkpoints signals that Moscow's interest in common European security, in co-operation, and finally in maintaining dialogue on security issues has not been totally extinguished.

Perhaps it will take a combination of demonstrations of politico-military resolve, economic sanctions, and political dialogue to finally achieve a breakthrough. But even if a sustainable political resolution remains a distant prospect under a fragile ceasefire, "there is no alternative to the policy of resolving the Ukraine crisis by means of negotiations, even if this requires reserves of perseverance".[20]

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19   Cf. Office of the United Nations High Commissioner for Human Rights, *Report on the human rights situation in Ukraine*, 15 November 2014, executive summary, pp. 4-7, at: http://www.ohchr.org/Documents/Countries/UA/OHCHR_seventh_reportUkraine20.11.14.pdf.

20   Ambassador Hansjörg Eiff, cited in: Boris Georgievski, Eiff: "Russland will seine Position in Südosteuropa stärken" [Eiff: "Russia Wants to Strengthen Its Position in South-Eastern Europe"], *Deutsche Welle*, 23 November 2014, at: http://www.dw.de/eiff-russland-will-seine-position-in-s%C3%BCdosteuropa-st%C3%A4rken/a-18078920.

Reinhard Mutz/Götz Neuneck

Guiding Spirit and Man of the First Hour.
In Memoriam: Jonathan Dean

On 14 January 2014, five months short of his 90th birthday, Ambassador Jonathan Dean died in his home city of Mesa, Arizona. Dean, who had scaled the heights of the US diplomatic service, was one of the founding fathers of the OSCE Yearbook. Without his commitment, it would have been far harder to turn the Yearbook into the successful publication it is today. With his 1995 contribution on US policy towards the OSCE,[1] he was also represented as an author in the Yearbook's very first (German-only) issue. When English and Russian editions were launched in 1996, he became a member of the international editorial board. From then on, he provided the editors and board members with proposals of topics and authors, knowledgeable commentaries, and a wealth of expertise.

In the mid-1990s, the OSCE found itself in a complicated situation. High expectations of a post-confrontational security policy had still not been realized. In the Caucasus and the Balkans, it was the guns that were doing the talking. The role of the OSCE as a place to forge ideas for a new Europe was being viewed with increasing scepticism. Some initiatives fell at the first hurdle. A striking example is the Code of Conduct on Politico-Military Aspects of Security, on which Jonathan Dean wrote a penetrating analysis in the 1996 OSCE Yearbook. It remains a key text to this day.[2]

On the prehistory of this document he wrote: "In 1992, France, always desirous to consolidate post-cold war security arrangements and to prevent backsliding, proposed that CSCE security obligations be codified in treaty form. The United States was already nervous at that time about the post-cold war future of NATO and about potential competition to NATO from French actions to build up the WEU. It reacted sourly to the French proposal for a new treaty, believing that carrying out the French project could augment the status of OSCE and make it a more dangerous competitor to NATO. Once again caught between its two major allies, France and the USA, Germany proposed as a compromise the idea of a politically binding code of conduct for the armed forces of OSCE participating States. This proposal was ap-

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1   Jonathan Dean, Die Vereinigten Staaten und die OSZE – Im Wechsel von Förderung und "wohlwollender Vernachlässigung" [The United States and the OSCE – Alternating between Support and "Benign Neglect"], in: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg (ed.), *OSZE-Jahrbuch 1995*, Baden-Baden 1995, pp. 99-108.
2   Cf. Jonathan Dean, The OSCE "Code of Conduct on Politico-Military Aspects of Security": A Good Idea, Imperfectly Executed, Weakly Followed-up, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1995/1996*, Baden-Baden 1997, pp. 291-298.

proved by the 1992 Helsinki Review Conference and referred for implementation to the Forum for Security Cooperation established by the same Review Conference. A text was negotiated between 1992 and 1994, and only barely completed in December 1994 in the last hours of the Budapest Review Conference."[3]

There can be no doubt that, measured against the original intention, the adoption of merely a non-legally binding set of guidelines was disappointing. Dean brought a touch of sarcasm to his summary, in which he wrote that the Codex "joins other OSCE concepts and projects in waiting for the day when OSCE gains sufficient weight to put more energy and authority behind implementing its own decisions and principles".[4] This has not changed in the subsequent two decades. Only now we can more clearly see the price of this failure.

Jonathan Dean had his first contact with the world of warfare and the military as a 20-year-old, when he participated as an infantry officer in the Normandy Landings, later joining the US Army on its advance to the Elbe. Back home, he attended Harvard and Columbia universities, taking his PhD in Political Science at George Washington University. His diplomatic career began in 1950 in Bonn, where he served as liaison officer between the US High Commission and the West German government. He assisted in the creation of the new West German Federal Armed Forces (*Bundeswehr*) and the accession of the Federal Republic to NATO. From 1956 to 1960 he was the State Department Desk Officer responsible for East Germany. He later served as Political and Economic Officer at the US embassy in Prague (1961-62) and was Principal Officer at the consulate in Élisabethville, Katanga, now Lubumbashi, DRC, (1962-64) during the Tshombe secession and the UN peacekeeping operation in the Congo, and then Deputy Director of the US State Department Office of United Nations Political Affairs, where he worked on peacekeeping and economic sanctions.[5]

As a diplomat, academic, and author, Dean was unusual among his colleagues in the US foreign service. His two most prominent roles demonstrate clearly just how exceptional he was. From 1968, Dean was Political Counselor at the US embassy in Bonn, later serving as Ambassador Kenneth Rush's deputy in the negotiations on the Berlin Agreement. Together with Egon Bahr and Valentin Falin, Rush formed a kind of behind-the-scenes steering committee in the quadripartite negotiations over Berlin. Jonathan Dean took charge of the day-to-day co-ordination of this informal three-way body, whose task was to compare notes on priority negotiating goals before

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3   Ibid., p. 292.
4   Ibid., p. 298.
5   Biographical details, key texts, and photographs are collected in the outstanding volume by Hans Günter Brauch and Teri Grimwood (eds), *Jonathan Dean – Pioneer in Détente in Europe, Global Cooperative Security, Arms Control and Disarmament*, Cham 2014.

they landed on the conference table, to recognize incompatibilities, and to remove barriers to agreement in good time.[6]

If the resulting Berlin Agreement was perhaps the seminal accord of the détente era, it also illustrates how Jonathan Dean understood his work as a diplomat on the front-line of the Cold War. Security, the most urgent political concern on both sides of the East-West divide at the time, can be acquired by various means. One can take shelter behind ever greater stockpiles of weapons. Or one can attempt to defuse conflicts with a high potential for violence by balancing competing interests and achieving a compromise. The consensus reached by the four powers on Berlin on 3 September 1971 is an exemplary case of the latter, to which Dean regularly referred.

From 1978 to 1981, with the rank of full ambassador, he led the US delegation to the Vienna talks on Mutual and Balanced Force Reductions (MBFR). The aim of these was to reverse the grotesquely excessive build-up of arms on the European continent – gradually, in a controlled manner, verifiably and mutually. Had the talks succeeded, they, like the Berlin Agreement, would have brought security benefits to both sides. Yet a number of key powers had no interest in bringing the negotiations to a speedy conclusion and producing concrete results. Dean's dedication to this cause went unrewarded. Nonetheless, the unsuccessful MBFR talks fed into the Conventional Armed Forces in Europe (CFE) process in 1989, which was broader in both scope and geographical extent.

Dean left his country's diplomatic service after Ronald Reagan's election as president. He pursued activities in a number of institutional frameworks, including the United Nations Association, the Carnegie Endowment for International Peace, the Council for a Livable World, and the Global Action to Prevent War project at Rutgers University School of Law. From 1984 until 2007 he acted as global security adviser to the Union of Concerned Scientists in Washington, DC, where he worked on analytical and conceptual aspects of the era of détente in Europe, nuclear and conventional disarmament, and the implications of co-operative security. Within a short time, he earned a reputation as one of the leading experts in the areas of conflict reduction, crisis prevention, and arms control. This was facilitated by the greater freedom he now enjoyed to publish on his own account. His key publications include the books *Watershed in Europe: Dismantling the East-West Military Confrontation* (1986), *Meeting Gorbachev's Challenge: How to Build Down the NATO-Warsaw Pact Confrontation* (1989), and *Ending Europe's Wars: The Continuing Search for Peace and Security* (1994).[7]

It is almost unnecessary to explain how easily the IFSH and Jonathan Dean fell into conversation: His questions and ours were so close as to be in-

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6   For details, see the interview with Jonathan Dean from 8 July 1997 undertaken as part of the Foreign Affairs Oral History Project of the Association for Diplomatic Studies and Training, at: http://www.adst.org/OH TOCs/Dean, Jonathan.toc.pdf.

7   The compendium edited by Hans Günter Brauch and Teri Grimwood includes a bibliography, see Note 5, pp. 25-33.

distinguishable. During the 1980s and 1990s, his finely honed interventions enriched numerous workshops at the IFSH and international conferences held at Hamburg's town hall. Our common conviction was that Europe in transition needed new directions and different instruments to create peace more securely and security more peacefully.

Jonathan Dean will be remembered as an experienced and ever-helpful colleague. Far more than an occasional guest, he was a constant companion to us in our work down the years. His advice was regularly sought, despite or precisely because of his critical approach. Only he possessed such profound insights into the patterns of perception and cognitive styles specific to various national and international security apparatuses. A foreword by Dean in an IFSH publication was considered a particular seal of quality. And IFSH staff on their first visit to the USA often benefited from his expert introduction to life within the Beltway. This is to remember him, but also to encourage future generations to continue his work.

I.
States of Affairs – Affairs of State

The OSCE and European Security: Focus on
Helsinki +40 against the Background
of the Ukraine Crisis

Heidi Grau

The 2014 Swiss OSCE Chairmanship:
Between "Routine" and "Crisis"

Switzerland and the OSCE – A Special Relationship

The Conference on Security and Co-operation in Europe (CSCE) and its successor organization, the Organization for Security and Co-operation in Europe (OSCE), have a special place in Switzerland's foreign policy. On the one hand, the OSCE is the only European regional security platform in which Switzerland is a full participating State (since it is not a member either of NATO or the EU).

On the other hand, historically, Switzerland played a prominent bridge-building role within the group of neutral and non-aligned states in the CSCE[1] and contributed to building trust between the Cold War blocs.

For these reasons, Switzerland was open to the idea of assuming the OSCE Chairmanship in 2014 for the second time in the Organization's history. Switzerland is the first participating State to have chaired the Organization twice, having already done so in 1996.

The process that led to Switzerland's nomination for the 2014 Chairmanship was the first time that the participating States of the OSCE agreed to consecutive Chairmanships, with Serbia being simultaneously nominated for 2015. Through this arrangement, Switzerland and Serbia aimed to ensure more continuity and predictability at the helm of the Organization. This continuity was institutionalized by the drafting and presentation of a joint workplan, which sets overall priorities for the two Chairmanships.

During the preparations for its Chairmanship, Switzerland defined ten specific priorities under the general leitmotif of "Creating a Security Community for the Benefit of Everyone". The processes and the objectives of these priorities established the framework for what will be referred to in this article as the "routine Chairmanship".

However, the events in and around Ukraine, which had already started to unfold at the end of 2013, also created the conditions of what will be referred to as the "crisis Chairmanship",[2] which focused from the very begin-

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Note: The opinions expressed in this article do not necessarily reflect the position of the Swiss Federal Department of Foreign Affairs. The author writes in her own capacity. Thanks to Jean-Marc Flükiger and the members of the Task Force for their support.

1   This group was composed of Austria, Cyprus, Finland, Liechtenstein, Malta, San Marino, Sweden, and Yugoslavia.

2   The distinction between "routine Chairmanship" and "crisis Chairmanship" is set out in: Janne Taalas/Kari Möttölä, The Spirit of Helsinki 2.0 – The Finnish OSCE Chairmanship 2008, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2009*, Baden-Baden, 2010, pp. 319-332.

ning on the management of this crisis and the attempt to find solutions. By 25 December 2014, the crisis had claimed the lives of 4,771 people (including 298 from flight MH17), wounded 10,360, internally displaced 610,413 people, and provoked the flight of 593,609 people to neighbouring countries.[3]

This article aims to present these two facets of the 2014 Swiss OSCE Chairmanship, the successes, and remaining challenges.

The Crisis Chairmanship: Using the "OSCE Toolbox"

In compliance with Ministerial Council Decision 3/11 on the conflict cycle, which asks the OSCE Chairmanship, the executive structures, and the participating States "to use, swiftly and to the greatest extent possible, all available tools and procedures as applicable to a particular crisis or conflict situation", the response to the crisis in Ukraine made full use of the "OSCE toolbox", involving efforts by the Chairmanship as well as by the Institutions, the Secretariat, and other instruments. The various instruments used during the crisis Chairmanship are presented in the following sections.

The Chairperson-in-Office (CiO), Didier Burkhalter, focused on direct diplomatic action, intervening frequently at presidential and ministerial level to facilitate a diplomatic solution. The fact that the CiO also held the presidency of the Swiss Confederation in 2014 can be a considered a stroke of luck for the OSCE, as it enabled him to establish relationships not only with foreign ministers but also with heads of state. The CiO also nominated several special envoys and representatives to act on behalf of the Chairmanship in various negotiations, such as the Trilateral Contact Group of senior representatives of Ukraine, the Russian Federation, and the OSCE.

Moreover, the Chairmanship made large-scale use of media statements. With 69 CiO statements; seven Trilateral Contact Group statements; one Personal Envoy of the CiO statement; one joint statement by the Personal Envoy of the CiO, the High Commissioner on National Minorities (HCNM), and the OSCE Representative on Freedom of the Media (RFOM); and one statement by the Chair of the Permanent Council, as of 31 December 2014, Switzerland maintained high visibility and a strong presence in the context of the crisis throughout the year.

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3   Figures from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Ukraine Situation report No. 22 as of 26 December 2014*, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/Sitrep 22 - Ukraine - 26 December_FINAL.pdf.

Initiatives by the Swiss Chairmanship and the Creation of the Special Monitoring Mission

First Phase of the Crisis: "Euromaidan"

In November 2013, the then Ukrainian president, Viktor Yanukovych, refused to sign an association agreement with the European Union, which triggered a wave of protests, known as the "Euromaidan", in the capital, Kyiv, and other Ukrainian cities.

Switzerland thus started its Chairmanship in a tense context: Kyiv's city hall had been occupied by protesters since 1 December 2013. The protests were marked by the first human rights violations committed by the police and security forces in this context at the time when the OSCE was holding its 20th Ministerial Council, on 5-6 December 2013, in Kyiv.

In mid-January, the Ukrainian parliament passed restrictive anti-protest laws. Following the death of two demonstrators and the discovery of the dead body of a high-profile activist, protesters began storming regional government offices in western Ukraine.

On 24 January, CiO Burkhalter met then Prime Minister Mykola Azarov on the margins of the World Economic Forum in Davos and discussed measures that the OSCE could take to help resolve the crisis. The CiO offered the expertise of the OSCE to facilitate a dialogue between the government and opposition and proposed a range of possible activities over the mid to long term, including election support. A few days later, Prime Minister Azarov resigned and the Ukrainian parliament rescinded the anti-protest laws.

On the margins of the opening ceremony of the Winter Olympics in Sochi on 7 February, the CiO discussed the situation in Ukraine with President Yanukovych and confirmed the OSCE's readiness to assist the country in settling the crisis. A few days earlier, the CiO had met acting minister of foreign affairs, Leonid Kozhara, and opposition leaders on the margins of the Munich Security Conference.

In mid-February, the situation seemed to improve: All 234 protesters who had been arrested since December were released, and Kyiv City Hall, which had been occupied since 1 December, along with other public buildings in the regions, were abandoned by the demonstrators. The Swiss Chairmanship, represented by the Swiss Ambassador to Ukraine, acted as a guarantor and impartial witness of the handover ceremony.

But the respite was short-lived: On 18 February, violent clashes erupted again, leaving 18 people dead and hundreds injured. They came to a head two days later, when 88 people were killed in violence involving snipers firing at unprotected protesters. The CiO, in a phone call with acting Minister of Foreign Affairs Kozhara, urged the Ukrainian authorities to do their utmost to defuse the dangerous situation in the country and offered a set of measures in a bid to end the violence and revive political talks. The package of potential

measures offered by the CiO included the nomination of an impartial international facilitator, possibly working in tandem with a respected Ukrainian figure, and the dispatch of an international expert team to establish facts on violent incidents and human rights violations.

On 21 February, President Yanukovych and the opposition signed a compromise deal that had been brokered by the foreign ministers of Germany, Poland, and France and a Special Envoy of the Russian Federation.

The situation radically changed the following day: President Yanukovych disappeared, while protesters took control of the presidential administration buildings. Parliament then voted to remove President Yanukovych from power and set presidential elections for 25 May. Yulia Tymoshenko, a long-time opponent of President Yanukovych, was released from prison.

Three days later, the CiO, committed to finding a solution to the crisis, addressed the United Nations Security Council and proposed the establishment of an international contact group to ensure the co-ordination and sharing of information with regard to the crisis in and around Ukraine. For the first time, the CiO also referred to the idea of setting up a monitoring mission to Ukraine.[4] In the same speech he announced the appointment of the Swiss Ambassador to Germany, Tim Guldimann, as his Personal Envoy to Ukraine, with the mandate to co-ordinate ongoing and planned OSCE activities.

Second Phase of the Crisis: Annexation of Crimea
On 28 February, unidentified gunmen appeared in combat uniform outside Crimea's main airports. Together with Ambassador Guldimann, the OSCE HCNM, Astrid Thors, visited Crimea at the beginning of March. They had extensive talks with representatives of the Crimean parliament and of the public administration and civil society, including from the community of Crimean Tatars. In a press statement, Guldimann described the situation as "calm, but very tense."

Meanwhile, the CiO pursued his direct diplomatic efforts to set up an international monitoring mission in Ukraine in a phone call with the president of the Russian Federation, Vladimir Putin. Negotiations on a monitoring mission had already started in Vienna but were stalled. In their conversation, the CiO and President Putin focused on an OSCE monitoring mission, with the CiO stressing the importance of an early consensus on its deployment in order to improve the security situation. They also exchanged views on the creation of an international contact group on Ukraine and potential modalities for its establishment. This discussion significantly contributed to unblocking the negotiations in Vienna.

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4   For an account of the establishment of the Special Monitoring Mission, see Thomas Greminger, Wie die OSZE-Beobachtermission in der Ukraine zustande kam [How the OSCE Monitoring Mission in Ukraine Came about], in: *Swiss Peace Supporter*, June 2014, pp.24-25, at: http://www.vtg.admin.ch/internet/vtg/de/tools/webarchiv/archiv_2010/ swiss.parsys.38978.downloadList.92820.DownloadFile.tmp/20142swisspeacesupporter. pdf.

On 16 March, the referendum on the status of Crimea was backed by 97 per cent of voters, according to the organizers. The CiO had condemned the referendum beforehand, saying it was in violation of the Ukrainian constitution and therefore had to be considered illegal. On 18 March, the Russian president signed a bill to integrate Crimea into the Russian Federation. The CiO declared this step "a breach of fundamental OSCE commitments and not compatible with international law" adding that such "unilateral actions contradict the Helsinki Final Act".

The annexation was almost universally condemned, and tensions in Vienna rose to an unprecedented level. However, despite this very difficult situation, on 21 March, the Permanent Council was able to adopt a consensus decision on the establishment of a "Special Monitoring Mission to Ukraine" (SMM). Its mandate was to include information gathering and reporting on the security situation, the establishment of facts in response to incidents, and the establishment of contacts and the facilitation of dialogue on the ground to reduce tensions and promote normalization of the situation. Within four days of the Permanent Council decision, 32 "first responders" from nine other OSCE field operations and the Secretariat had been deployed to Ukraine. By the end of 2014, 358 monitors had been deployed.[5] The original six-month mandate of the SMM was extended for the first time in July 2014 and currently runs until March 2015.

Third Phase of the Crisis: Destabilization of the Eastern Part of Ukraine
Two weeks after Crimea's annexation by the Russian Federation, demonstrators, in opposition to the authorities in Kyiv, started seizing government buildings in several cities in Ukraine's east, including Donetsk and Luhansk. In light of the continuing escalation, the foreign ministers of Ukraine, the Russian Federation, and the US, and the High Representative of the EU met in Geneva on 17 April and issued what became to be known as the "Geneva Statement", in which the SMM was called to play a key role in assisting the Ukrainian authorities in the implementation of the agreed measures.

The CiO's roadmap on OSCE support for the implementation of the Geneva Statement was presented on 6 May after extensive discussions with various partners, including Ukraine. The roadmap was also on the agenda of a meeting between the CiO and President Putin in Moscow on 7 May. After the exchange with the CiO, President Putin called on illegally armed groups in eastern Ukraine to postpone the "referendum on self-determination" they had announced for 11 May in order to give national dialogue a chance. He also called the Ukrainian presidential elections of 25 May "a step in the right direction".

An important element of the CiO's roadmap was the call for a Ukrainian-led and Ukrainian-owned inclusive dialogue on national unity. To

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5   As of 30 December 2014.