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Introduction

The OSCE, like the Council of Europe, is a very under-rated organisation. Its strength lies in the fact that it is the only pan-European organisation where both Russia and the US are members, along with all of the members of the EU, and other European states. It is worth recalling the debates leading up to the establishment of the OSCE (then CSCE) in 1975. The Soviet Union placed great emphasis on inviolability of borders and territorial integrity, while the West put its faith in the human dimension. Dissidents all over Europe, especially those behind the Iron Curtain, drew strength from the Helsinki Principles setting out the importance of democracy and human rights. When the Soviet Union collapsed the OSCE enjoyed a new lease of life, sending missions to help resolve ethnic and minority issues in several European states. But Putin's Russia never warmed to the human dimension of the OSCE and since the early part of this decade, Moscow has sought to ignore or even undermine the organisation.

One could also argue that the EU has been negligent in giving its full support to the OSCE. In the 2003 European Security Strategy there was much talk of 'effective multilateralism' but this has not translated into a clear EU position on the OSCE. The OSCE is, however, important to the EU for several reasons: it codifies many of the fundamental principles on which the EU is based (democracy, rule of law, human rights); it provides a unique platform for pan-European discussion on European security; and it can offer expertise on areas of major interest to the EU, whether in the Balkans, Caucasus or Central Asia.

One might have thought that almost two decades after the start of the common foreign and security policy (CFSP) the EU would be well down the road towards a single seat in the OSCE. After all it provides a majority of OSCE members and over 70% of the budget. But the goal of a single EU seat still seems as distant a prospect as ever.

The OSCE does seem to have regained the initiative as the venue for discussion of President Medvedev's proposal for a new European security treaty. This will be one of the main themes on the agenda for the Athens ministerial meeting in December. In light of this meeting, the EU Russia Centre decided to invite a number of experts to write on how Russia approaches the OSCE.

Dov Lynch offers an excellent overview of the recent history and future prospects of the OSCE. He points to a record of solid achievements in different areas, building up unique experience and capabilities. The author sets the challenges facing the OSCE in the wider context of the changing nature of international relations. As consensus in the OSCE has become more difficult to achieve, Lynch argues that more states have shifted emphasis to 'self-selecting, tightly-knit communities of shared values and interests, in ways that have often facilitated joint action, but may have deepened the isolation of those outside such mechanisms.' Lynch also outlines and explains the principles behind the Corfu Process, the mechanism that is the principal forum for discussion of the Medvedev proposals on European security.

Mark Entin and **Andrei Zagorski** then assess Russia's role in the OSCE. They point to Moscow's critique of the 'imbalances' in the OSCE activities with an alleged too great a focus on 'East of Vienna.' Russia now openly doubts what advantages it gains from the OSCE as it feels that it has 'lost ownership' in the organisation. The authors point to the key issues for Moscow – can the OSCE be reformed to help solve Russia's twin dilemmas: preventing further change in the political status quo in Europe, and promoting Russian integration in the wider European security order.

Vladimir D. Shkolnikov analyses Russia's objections to the human dimension of the OSCE. He draws the analogy of the (Russian) heavyweight boxer in the ring, annoying his lightweight opponent (OSCE) but unwilling to go for the knockout blow (withdrawing from the OSCE). The author recalls the OSCE missions to Chechnya and suggests that 'it must be admitted that the exclusive emphasis on holding of elections, monitoring, and reporting did not serve the OSCE well in the years when the organisation was still held in some esteem in Russia.' He also notes that the Russian public found it odd that the OSCE gave the green light to the 1996 and 2000 presidential elections in Russia but refused to endorse later elections when it was clear that there were similar manipulations. Shkolnikov concludes that international organisations are only strong as the member states want them to be, and that the difficulties of the OSCE reflect a crisis of the West's overall relations with Russia and some other post-Soviet states.

Pál Dunay provides an assessment of Russia's approach towards the political-military dimensions of the OSCE. He notes that Russian dissatisfaction dates back to the NATO use of force against former Yugoslavia and the end of formal arms control negotiations. Russia's withdrawal from the CFE treaty marked a hardening of Russia's overall position. Given the current stalemate over CFE and the on-going disputes in the South Caucasus, the author is pessimistic that there will be any swift return to the arms control negotiating table.

Andrei Fedarau, Vlad Lupan, Olena Prystayko and **Olexandr Sushko** consider Russia and OSCE operations in Eastern Europe (Belarus, Moldova and Ukraine). The OSCE mission in Belarus is judged a failure as the organisation has no effective levers to influence authoritarian regimes. Russia has equally been unwilling to give the OSCE a free hand in Moldova. In Ukraine, however, the OSCE has had a positive influence both in assisting the electoral process and in supporting the reform agenda.

I hope you find this Review a useful and interesting contribution to the current debate on European security.

Fraser Cameron, Director, EU-Russia Centre

The State of the OSCE

by

Dov Lynch[1]

Senior Adviser to the OSCE Secretary General

INTRODUCTION

Ambiguity inhabits Russian policy towards the OSCE. On the one hand, Russia is a historical champion of the idea of pan-European security cooperation based on inclusive and equal participation by all states. The first glimmer of what would later become the Conference on Security and Cooperation in Europe (CSCE) was evoked in the Soviet call in 1954 for an all-European conference. In a different shape, the idea was mooted again by the Warsaw Pact in 1969. This proposal led eventually to the negotiations on the 1975 Helsinki Final Act where Soviet diplomacy played a leading role. Fifteen years later, 'new thinking' in Soviet foreign policy helped create the context for agreement on the 1990 Charter of Paris for a New Europe. Signed by all CSCE participating States, the Charter set a framework of shared values and common purpose across a wider Europe that lasted well into the 1990s. After the end of the Cold War, the Organisation for Security and Cooperation in Europe (OSCE) remained a core theme of Russian Federation foreign policy. In contrast to other more restrictive clubs in Europe, Moscow saw real benefits in the OSCE as a venue for inclusive pan-European security cooperation.

Russian appreciation of the merits of the OSCE has also sometimes had a sharp edge. During the Cold War, Soviet diplomacy contested the use of the CSCE process as a mechanism to interfere in the internal affairs of sovereign states. From the early 1990s, Russia sought to reform the OSCE in order to strengthen it as a hub for the other security organisations in the Euro-Atlantic area. In 1999, Russia criticised the perceived failure of the OSCE in Kosovo, and the role this played in setting the ground for the NATO air campaign. In the wake of the 'colour revolutions' in the former Soviet Union, Russia led the charge to redress perceived imbalances in OSCE work and to strengthen the Organisation's legal basis. Russian criticism came to a head in February 2007, when President Vladimir Putin declared to the 43rd Conference on Security Policy in Munich, "What do we see happening today [with the OSCE]? We see this balance [between the political-military, the economic and the human dimensions] is clearly destroyed. People are trying to transform the OSCE into a vulgar instrument designed to promote the foreign policy interests of one or a group of countries."[2]

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[1] The author writes in a personal capacity.

[2] Vladimir Putin's speech is available on the website of the Munich Security Conference: http://www.securityconference.de/Conference-2007.268.0.html?&L=1

The call by Russian President Dmitry Medvedev in Berlin on June 5, 2008 for a pan-European summit to work on a legally-binding European security treaty was not made in the context of Russian policy towards the OSCE. The fact that the OSCE has been the main venue for a renewed European security dialogue, as initiated by the Finnish and Greek Chairmanships, has posed a dilemma for Russian policy. Russian diplomacy has actively supported the OSCE-based dialogue. At the same time, Moscow has continued to call for separate discussions on a new European security treaty that would occur outside the OSCE. For Russia, the OSCE cannot be the sole track for discussions on the future of European security.

The Russian proposal has attracted renewed attention from all sides to the OSCE. In the process, the qualities of the Organisation have been rediscovered by many participating States – its pan-European membership, a comprehensive approach to security, an ambitious body of commitments, and its experience as a platform for negotiation and action. These attributes are seen rightly as unique strengths for European security at a time when divisions have re-emerged. Other chapters in this volume will address Russian policy towards the OSCE policy. The aim of this chapter is to set the wider stage. What are the accomplishments of the OSCE and its strengths? What is the context in which the OSCE works today? What tensions lie at the heart of the Organisation? Having addressed these questions, the chapter will finish with some points on the dialogue on European security that is underway in the OSCE.

A RECORD OF ACHIEVEMENT

Over the past thirty five years, the OSCE participating States have developed a comprehensive body of shared standards and agreed commitments, which provide the basis for co-operation covering the political-military, the human and the economic and environmental dimensions.

The Helsinki Final Act of 1975 represented a *magna carta* for détente, laying down guidelines for relations between participating States, as well as within them. Despite a loose structure, the Conference for Security and Co-operation in Europe (CSCE) brought two antagonistic alliance systems into an enduring framework of peaceful co-operation and dialogue, where neutral and non-aligned countries also played a key mediating role. The CSCE pioneered confidence and security building measures, embodying the principle of 'cooperative security,' where the security of one state is inherently linked to that of all other states. The Decalogue of principles agreed in the Helsinki Final Act also internationalised human rights as a legitimate question for multilateral discussion. This Decalogue was an inspiration for civil society throughout the OSCE area, especially Eastern Europe.

The end of the Cold War allowed co-operation to replace confrontation in East-West relations. Initiated with the 1990 Charter for a New Europe, the participating States set the CSCE on a new course that would transform it from a venue for political dialogue into an organisation, equipped with permanent institutions, field operations and other operational capabilities to match new requirements for security in the post-Cold War world. In addition to continuing work on confidence-building measures and arms control, the OSCE assumed new responsibilities in supporting the political transitions of the Central and Eastern European and Eurasian states.

The eruption of intra-state armed conflicts threatened stability inside the OSCE space, with fault lines between states quickly overshadowed by tensions within them. The primary task of the CSCE in the 1990s was no longer to act as a forum for dialogue between two opposing military alliances, but to provide early warning, conflict prevention, crisis management and post-conflict rehabilitation.

In the process, the OSCE evolved organically rather than strategically, with needs and challenges leading the way. The result is a rather unique regional organisation. The OSCE is no longer a travelling conference. It is neither a military alliance nor an economic union, but rather a voluntary association of states, accompanied by Partner States for Co-operation in the Mediterranean and Asia, united around the aim of building security based on shared values and common principles.

The strength of the OSCE today lies in a combination of features. First, the OSCE remains the most inclusive forum spanning the Euro-Atlantic and Eurasian areas. All states across wider Europe are represented in the OSCE, based on the principle of sovereignty and equality enshrined by the rule of consensus in decision-making. This decision-making system represents a guarantee for the participating States and has also become, despite its difficulty, an encouragement to peer co-operation. The decisions of participating States are also politically rather than legally binding, providing considerable flexibility to the Organisation. This feature has enhanced the willingness of states to expand the topics on their common agenda, to broaden the scope of their commitments and to enhance OSCE capacities for implementation and monitoring. While no legal obligations are placed on states through their OSCE commitments, a process of peer review among equals has fostered an impressive record of implementation.

In addition, the OSCE has developed a solid set of institutions that play an active day-to-day role in managing tensions and creating trust among participating States. Whether through the OSCE Secretariat in Vienna, the quiet diplomacy of the High Commissioner on National Minorities (HCNM), or the multiple activities of the Office for Democratic Institutions and Human Rights (ODIHR) and of the Representative on the Freedom of the Media (FRoM), the OSCE has built targeted and expert institutions to assist participating States and their societies in implementing their commitment to a comprehensive concept of security.

The OSCE has developed strong operational experience to this end. Since 1992, the OSCE has deployed some thirty one field operations, with eighteen active still in 2009, from South-East Europe, Eastern Europe to the South Caucasus and Central Asia. OSCE field activities have absorbed the lion's share of the Organisation's budget. The field operations have acted as important vehicles to assist states in capacity-building for the rule of law as well as in conflict prevention and post-conflict rehabilitation. In so doing, the OSCE has built unique experience in supporting the consolidation of societies undergoing political and economic transition.

The OSCE has also become active in addressing new challenges and threats to European security. At the Maastricht Ministerial Council in 2003, OSCE Foreign Ministers agreed to a Strategy to Address Threats to Security and Stability in the Twenty-First Century. The Strategy highlighted the new threats facing participating States, their increasingly cross-dimensional nature, and how the

OSCE should re-tool in response. The Organisation has moved quickly since 2003. It has assembled expertise in anti-terrorism, democratic policing, the fight against human trafficking, the illicit trade of small arms and light weapons, and border security and management. The OSCE has also developed unique expertise in the disposal of surplus ammunition and has been expanding activities in the economic and environmental dimension. In each of these areas, small dedicated OSCE teams have acted as catalysts to assist participating States.

WIDER TRENDS

Where does the OSCE stand today?

Before addressing this question, it would be useful to set the broader context within which the OSCE operates. It is beyond the scope of this chapter to examine the emerging shape of international relations. However, it may be useful to outline some of the wider trends that affect the work of the OSCE. These trends push and pull the Organisation in directions that are neither clear nor straight. Three trends may be identified.

The first one is obvious but worth repeating. International relations are undergoing a period of uncertainty and change. The processes associated with globalisation are offering new horizons for deepening the exchange of ideas and goods between societies and peoples. The blend of opportunity and fear that makes up globalisation can be volatile. Not the least, because globalisation is challenging the governance of states, raising questions about their sovereign ability to manage their internal affairs independently of external forces. States remain the central actors of international relations, but the strict vision of state sovereignty enshrined in the Treaty of Westphalia of 1648 has evolved dramatically. States are penetrated from all sides – by the forces of economic and financial globalisation, by a growing body of international norms, by the rising powers of international civil society. These processes are also challenging the system of international and regional organisations that was created in the 20th century to underpin states and manage relations between them. As a result, international law is changing, with customary practice running sometimes ahead of agreed writ.

Second, ideas have returned to the forefront of international relations. The struggle of ideas never went away, of course, but there was an illusory moment after the end of the Cold War when some scholars believed that history had ended and that the struggle of ideas had reached a final synthesis, embodied in a liberal democratic consensus. This view was never explicitly adhered to, but it did inform the policies of many states in the 1990s. The so-called 'Washington Consensus,' coined by the economist John Williamson to describe a package of neo-liberal policies to transform sluggish economies and authoritarian polities, was a common thread to measures supported by the International Monetary Fund (IMF) and the World Bank.[3] The comfort of such considerations was shattered with the terrorist attacks of September 11th and the global economic crisis of 2009.

[3] For a brief analysis, see Jeremy Clift, 'Beyond the Washington Consensus,' *Finance and Development* (September 2003), p. 9.

With all this, the struggle of ideas has returned with vehemence to shape the course of international relations. Culture, belief systems, and values – such intangibles now matter intensely for relations between states and peoples, as well as within states.

Third, Europe's security landscape is undergoing change. The North Atlantic Treaty Organization (NATO) is becoming a global actor, embodied in its mission in Afghanistan. Since 1999, the European Union (EU) has developed an autonomous capacity to act in foreign policy. The first ESDP mission was deployed in the Western Balkans in 2003, followed by 23 others in theatres as far from Europe as Africa and Asia. In parallel, other regional organisations, such as GUAM (bringing together Georgia, Ukraine, Azerbaijan and Moldova in specific fields of co-operation), the Collective Security Treaty Organization (CSTO) and the Shanghai Co-operation Organization (SCO) have emerged. Europe's security architecture is becoming a complex patchwork.

The context around the OSCE is characterised by change and uncertainty, where the role of states, international organisations, and international law are evolving. In this situation, the OSCE brings together 56 very different countries. Some have just emerged as actors on the international scene. Many of them are still undergoing difficult processes of political and economic transition. Others are part of the old "West," confronting the problems of industrialised countries in the era of globalisation, and addressing questions of how best to pool sovereignty. With all this, it would be natural to expect the OSCE participating States to see security from different angles. They do.

TENSIONS AND CHALLENGES

Apart from these wider trends, the work of the OSCE has been affected by two points of tension written into the genetic code of the Organisation since 1975.

First, the Conference for Security and Co-operation in Europe was born in 1975 from tensions that existed within the Euro-Atlantic and Eurasian community of states. In this respect, the OSCE is very different to the EU, which is founded on a priori foundation of shared identity and common values. Differences of culture and history, diverging understandings of security and antagonistic political systems were starting points of the Helsinki process. In essence, the OSCE is a foul-weather organisation. Tensions between participating States are built into the Organisation and to be expected. The project was launched precisely as a forum where these differences could be shared and not exacerbated, and where dialogue could be enhanced despite divergence.

Second, the ten principles to guide inter-state relations at the heart of the Helsinki Final Act featured tensions. Most striking was the relationship between principles emphasising the sovereignty of states (territorial integrity, non-intervention, inviolability of frontiers) and those promoting the fundamental rights of peoples (to equal rights and self-determination, and human rights and fundamental freedoms). To resolve potential tensions, the 1975 Final Act declared that

"All the principles [. . .] are of primary significance and, accordingly, they will be equally and unreservedly applied, each of them being interpreted, taking into account the others." However, the signatories of the Final Act knew well what they were signing, and they did so precisely with the aim of making the most of the tensions between principles as a means to build security through co-operation.

The interaction of these two points of tension has left the OSCE always walking something of a high-wire, struggling from one Ministerial Council meeting to the next. At the same time, the dynamics induced by the interaction of these tensions have provided the Organisation with impetus and momentum over the course of its history, allowing it to adapt to new times and needs.

The OSCE owes a lot to those who wanted to establish a common home across the Euro-Atlantic and Eurasian spaces. At the end of the Cold War, there were real hopes this would be achieved. It is worth recalling the spirit of the 1990 Paris Charter, which declared, "Ours is the time for fulfilling the hopes and the expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all countries." Hopes were high.

The Soviet Union had played a leading role in the events behind the drafting of the Charter. At the summit in Paris, Mikhail Gorbachev was eloquent: "Great European minds have often dreamed of a united, democratic and prosperous Europe, a community and a commonwealth not only of nations and States but of millions of European citizens. It is up to our generation to tackle the task of making that plan an irreversible reality in the coming century." The summit laid out a vision for a 'Europe whole and free' that would arise from the "full implementation of all CSCE commitments" and the development of strengthened political dialogue and new institutions in the CSCE. The Cold War was ending, Germany was reunifying, and a new era of peace and co-operation seemed to be emerging in Europe, where the OSCE would play a central role. Those were heady times, and the Paris Charter reflected their spirit.

Nineteen years later, times have changed. With hindsight, the participating States did not reach the goals they set for the OSCE in the Paris Charter. Nor has the Organisation developed into the pre-eminent pan-European security organisation, residing at the hub of regional security developments and framing the activities of other actors and European states. The enlargements of the EU and NATO have transformed the security landscape of Europe. The OSCE, conceived to bridge a bipolar divide at the end of the Cold War and to fill a security vacuum in its aftermath, operates in a very different international environment, where other multilateral actors are engaged in areas inconceivable just a few years ago. As consensus in the OSCE has become more difficult to achieve, more states have shifted emphasis to self-selecting, tightly-knit communities of shared values and interests, in ways that have often facilitated joint action, but may have deepened the isolation of those outside such mechanisms. The dramatic rise of the EU on the ground in Georgia after August 2008 coincided with the withdrawal of the OSCE Mission to Georgia on December 31, 2008 to provide an emblematic example of the strategic changes underway.

The Paris Charter had also called for the balanced and comprehensive development of the CSCE, where co-operation between participating States would range across the human, the political-military and the environmental and economic dimensions. In practice, the three OSCE dimensions elicited different degrees of attention from the participating States. OSCE efforts in the human dimension gained high visibility – for good reasons – whereas the political-military dimension tended to decline relative to the Cold War and economic and environmental activities stabilised. In some respects, these changes reflected changed times and new needs – the end of the Cold War military stand-off lessened the focus on political-military activities, and other international agencies existed to lead in the economic area.

By the start of the 21st century, these trends had come to challenge the premise of cooperative security at the heart of the OSCE. The comity between the participating States that characterised much of the 1990s and which permitted the OSCE to prosper as a standard-setter and as a change agent in the field, has started to erode. In the politico-military dimension, uncertainty looms over the future of the CFE Treaty, and volatility remains real in the protracted conflicts. The war in Georgia in August 2008 provided dramatic illustration of enduring tensions in the OSCE area. In the economic and environmental dimension, diverging views have depended between states over the appropriate use of energy and water resources that may sow the seeds of future conflicts. In the human dimension, some participating States increasingly challenge long-established commitments in such areas as electoral standards and freedom of expression.

What are the results? There is increasing frustration from some participating States, growing disappointment from many quarters and recurrent crises that challenge the Organisation. The Russian Federation has become critical of the OSCE as it stands today. Moscow has argued that it has lost its focus on political-military cooperation, concentrating too much on issues of democratisation and human rights. Certainly, Russia took a dim view of the role of the OSCE in the run-up to the 'colour revolutions' in Georgia, Ukraine, and Kyrgyzstan. For Moscow, the OSCE has lost also its geographic balance, focusing almost entirely on the countries east of Vienna. In the process, the OSCE is seen to have become an instrument for Western states, used often at the expense of Russian interests.

A NEW EUROPEAN SECURITY DIALOGUE

The Russian proposal for a legally-binding European Security Treaty has been presented in this highly contrasted context. Despite the tensions that followed the war in Georgia, Russian officials have not tired of reiterating this proposal – with partners at the bilateral level, and in the OSCE, NATO and EU formats.

The starting point of the Russian proposal is a bleak assessment of the state of European security. In the words of Deputy Foreign Minister A. Grushko, "twenty years after the end of the Cold War, there still is no reliable, comprehensive and integrated security architecture throughout the area extending from Vancouver to Vladivostok." Instead, Europe's security space has become 'split' into blocs that have different levels of security and that co-exist with friction. In essence, common and indivisible security has not been built in Europe twenty years after the end of the Cold War. Russian

officials point especially to what they perceive as worrying trends in the politico-military sphere: the lack of ratification by NATO Allies of the CFE Treaty, the continuing 'mechanical' process of NATO enlargement, US missile defence deployment plans, the use of force in ways unsanctioned by the UN (Kosovo 1999 and Iraq 2003), support for the dismemberment of some OSCE participating States (Kosovo 2008) in tandem with insistence on the territorial integrity of others (Georgia, Moldova), and the militarisation of countries on Russia's borders (Georgia). In the Russian view, these trends require all members of the Euro-Atlantic area to take a pause in order to halt perceived 'destructive tendencies' in European security and to reaffirm their commitment to the principle of indivisible security through a legally binding treaty.

Since December 2008, thanks to the leadership of the Finnish and Greek OSCE Chairmanships, a wide-ranging discussion on the current state of European security in all three dimensions has been initiated within the OSCE framework. Not a direct answer to the Medvedev proposal, but the Russian initiative has still been the inspiration for the OSCE process. Russia has continued to keep options open with regard to a separate track that would address their proposed legally-binding European Security Treaty. However, for the overwhelming majority of OSCE participating States, the so-called "Corfu Process" has become the central forum for a dialogue on European security rooted within existing OSCE commitments and its comprehensive concept of security. Russian diplomacy has engaged actively in the Corfu Process, but without ever dispelling the doubt that Moscow seeks another track for pan-European security cooperation.

Named after the island where the former Greek Foreign Minister, Dora Bakoyannis, hosted an informal OSCE ministerial meeting on 27 June, the Corfu Process has evolved into three phases. There has been an exploratory phase leading up to Corfu meeting, lasting from December 2008 till June 2009. After initial reluctance from many participating States about the need for a new dialogue, all came to recognise the need for structured and wide-ranging discussions to tackle problems affecting security in Europe and to restore trust within the OSCE community. The meeting in Corfu on 27 June marked the culmination of this first stage, providing political impetus to follow-up discussions. A second phase was launched, lasting until the Athens Ministerial Council in December 2009. The Greek OSCE Chairmanship organised ten informal discussion sessions at Ambassadorial level, focusing on security challenges from across the three dimensions. The aim of these discussions has been to clear the ground and identify targeted themes for a decision on follow-up by the Foreign Ministers in Athens.

The Corfu Process has proceeded on the basis of a four-legged understanding. First, the dialogue should be open-ended and not prejudge an outcome. Second, the discussions should occur on all aspects of security and not only politico-military questions. Third, the renewed dialogue should be tied to concrete progress on security problems on the ground, in the protracted conflicts and the pan-European arms control regime. Finally, the OSCE is seen as a natural home for the new security dialogue but not-exclusive to other formats.

The Athens Ministerial Council meeting will mark the start of a third phase. The next step will be difficult, because the Foreign Ministers will have to clarify – without upsetting the four-legged

understanding – the themes that should be taken forward, the modalities for the dialogue, its medium and longer term objectives, its relationship to other processes underway in Europe (NATO Strategic Concept, the EU's post-Lisbon adaptation) and the role that other organisations may play in it. None of these questions will be easy to answer. Underlying all of these issues remains still the question of whether the Corfu Process is sufficient for Russia, as the country that initiated the new dialogue on the basis of its concerns. Throughout 2009, the Russian Federation has played an active role in the Corfu Process, but this doubt lingers.

Despite enduring ambiguity, the OSCE still matters for Russian foreign policy. The OSCE continues to offer for Moscow a unique forum covering three continents where all partners, treated on an equal footing, can make use of a recognised set of institutional tools, including the right to veto. In the Euro-Atlantic area, the OSCE is the only security organisation where Russia is represented with all others on an equal basis and full basis. The Organisation can also act for Russia as a platform for balancing among the multiple European security organisations, each addressing different issues of common interests. In addition, the OSCE's comprehensive concept of security and its broad approach to problems have proven to be well suited for the challenges of the 21st century. These strengths can be further developed.

These are early days. But the Corfu Process has shown already the role the OSCE can play as a reference point and platform for pan-European dialogue – in ways that are useful both for Russia and pan-European security. As the CSCE before, the OSCE cannot be all things to all masters, but it still represents an innovative and flexible meeting point for all states and security organisation to tackle common challenges to the security of Europe as well as in Europe. As in the past, Russian vision will be vital for taking the OSCE forward and for making the most of the newly-launched dialogue on European security.

Can the European Security Dialogue Return Russia the Sense of Ownership of the OSCE?

by

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Ever since the Helsinki Final Act of the Conference on Security and Co-operation in Europe (CSCE) was signed by the heads of state and government of the nations of Europe and North America, Russia (still the Soviet Union at that time) had been considered to be the champion of the CSCE. This subsequently, became the OSCE, – the Organisation for Security and Co-operation in Europe, in 1995.

Moscow only championed the CSCE/OSCE as long as it retained the strong belief that it had ownership of the Conference and the Organisation alike. That is to say, while Moscow believed that it got the value it paid for from the Organisation, or believed it could achieve that value. This was true throughout the mid-1990s or, even, through to the end of 1990s, when the last summit meeting of the heads of state and government of the participating states of the OSCE was held in Istanbul in 1999 in order to endorse the Charter for European Security.

The moment that the feeling of value evaporated, the Russian Federation started to progressively lose ownership of the OSCE. This change resulted in mounting criticism of the Organisation by Moscow and its allies – the member states of the Collective Security Treaty Organisation (CSTO). The criticism focused on the 'imbalances' in the deployment of field missions and other activities of the OSCE, which were concentrated 'East of Vienna' (South Eastern Europe and the former Soviet Union) and in the human dimension – at the expense of security (hard and soft), as well as economic and ecological issues which, allegedly, were increasingly neglected by the OSCE.

It is not the purpose of this contribution to explore the extent to which this criticism was or was not justified. It is fair to note, however, that this criticism did not motivate the OSCE to do more 'West of Vienna', particularly in the human dimension. It did not necessarily serve to motivate the OSCE to do more on security or economic and environmental issues in order to restore the balance. Rather, it pushed the OSCE to curb its human dimension activities 'East of Vienna'.

The reason for this is simple. Once Moscow lost the feeling that it was getting the value that it was paying for by supporting the OSCE, why would it continue to pay the price of allowing the Organisation to pursue its own agenda, particularly in the successor states of the Former Soviet Union, not to speak of the Russian Federation itself?

The 2008 initiative by the Russian President Dmitry Medvedev called for a meeting of the European heads of state and government, essentially the states participating in the OSCE, – to launch a process which was supposed to lead to a Treaty of European Security covering the whole OSCE area from Vancouver to Vladivostok. This initiative has resulted in an intensified European Security Dialogue, with the OSCE acting an important platform.

The initiative also raised expectations that, whatever the outcome of the current security dialogue, Russia might regain the ownership of a single pan-European organisation with a mandate to address a wide range of issues from security to human rights and the rule of law.

This outcome should not be taken for granted, however.

LOST OWNERSHIP

When Leonid Brezhnev, the leader of the Soviet Union, signed the Helsinki Final Act, the main expectation in Moscow was that this document would seal the political status quo in Europe. It. would help the Soviet Union to preserve and consolidate its domination of East Central Europe, while abandoning the unrealistic goal of promoting the establishment of communist regimes it Western Europe as prescribed by the doctrine of 'proletarian internationalism.

The inviolability of frontiers and non-interference in the internal affairs of participating states became, according to the Soviet leadership, the core principles of the CSCE. Although the Final Act was not a treaty, Moscow often compared it to the post World War II settlement with Germany, thus drawing a final line under the border claims and changes in Europe. The non-interference clause was supposed to protect the eroding communist regimes and the Eastern Bloc from any harmful exposure to the West, while at the same time allowing Moscow to render assistance (military intervention not excluded) to the communist regimes in East Central Europe whenever they appeared endangered by domestic developments. This was the case in 1956 in Hungary and Poland or in Czechoslovakia in 1968.

The détente in Europe, and particularly the Helsinki Final Act, transformed the Soviet Union into a status quo power in Europe. Since then, Moscow has remained a status quo power, although it has increasingly become unable to maintain the eroding status quo. This was the reason why Russia developed a vested interest in the CSCE/OSCE as the single most important instrument of its status quo policy. This was the single most important value that it expected the OSCE to deliver.

The West's reading of the Helsinki Final differed from the way that it was viewed in Moscow from the very beginning. While welcoming the transformation of the Soviet Union into a status quo power and seeking to commit Moscow to this principle, the West believed the political status quo in

Europe, as it existed in the 1970s, was worth transcending. While agreeing that force should not be allowed to be used to make changes in Europe, it welcomed peaceful change within the Eastern Bloc and in inter-state relations based on the anticipated political and socio-economic convergence between the East and the West.

The West rather saw the Helsinki Final Act as blessing, a *modus vivendi* for Europe, it recognised the political and economic realities that had been established after the World War II but, at the same time, sought to transcend them in a peaceful way through increasing cooperation between East and West.

This *modus vivendi* policy was manifested in the 'dynamic' provisions of the Helsinki Final Act. The latter allowed for the peaceful change of inter-state borders (keeping the door open for German reunification) and emphasised the principle of human rights (seeking to legitimise demands for the democratic transformation of the communist regimes of the Eastern Bloc). The follow-up meetings to the 1975 Helsinki conference were supposed to help enforce the 'dynamic' provisions of the Final Act, while making the communist regimes accountable for the implementation of those provisions or, the lack thereof.

The CSCE was based on a balance of opposing expectations. One was Moscow's expectation that it would help the consolidation of the status quo, i.e. the division of Europe, by guaranteeing inter-state borders and preventing the erosion of its area of influence. The other was the West's expectation (and increasingly so in the East) that growing cooperation, particularly in 'humanitarian and other areas' would help the countries of East Central Europe to gradually emancipate themselves from Soviet domination and embark on a road of transformation. This would result in the greater convergence of East central European political regimes and economic systems with those of the West.

In signing the Helsinki Final Act, the Soviet leadership accepted this ambiguous deal. However, it also accepted the price of that deal – enshrining the human rights principle – in the expectation that it would be able to limit any damage by the 'dynamic' agenda established by the CSCE and to keep the value it believed that it had gained with the Final Act – the territorial and political status quo in Europe.

The moment the status quo started to change in the late 1980s, this illusion disappeared. The communist regimes of East Central Europe collapsed in 1989 and 1990. The Warsaw Pact and the COMECON – the multilateral pillars of the Eastern Bloc were dissolved in 1991; Germany was unified in 1990 while remaining member of the NATO and the Soviet Union was pushed by new governments to withdraw its troops from East Central Europe, collapsing at the end of 1991.

Whatever changes in the status quo have taken place since the late 1980s, they were perceived in Moscow as happening at the expense first of the Soviet Union and then of the new Russia.

However, Moscow continued to champion the CSCE/OSCE, seeing this pan-European organisation as the nucleus of a new European order. This would allow Russia to fully participate in the management of the dynamic political and economic changes in the continent and to refresh its sense of ownership of the organisation.

From Moscow's perspective, the Charter of Paris for a new Europe, decided in 1990, was intended to institutionalise the CSCE; strengthening the CSCE institutions in 1992 in Helsinki and beyond. 'Managing Change' was the slogan of the time. In order to make the OSCE an important institution to govern the new European order, Moscow suggested transforming it into a fully-fledged regional organisation – a sort of European UN with its own Security Council (or an Executive Council, in the language of the 1994 Russian proposal) which all major European nations, Russia included, and the US would belong to.

Moscow believed that the transformation of the OSCE would allow it to integrate into the new European political and security order, and would ensure that its interests were respected and fully taken into account whenever any major decisions were taken in Europe. The ambitious plan for such transformation was dropped, in the mid-1990s, as being unrealistic and lacking wide support within the OSCE.

At the same time, the continuous eastward enlargement of NATO, alongside that of the European Union put an end to the illusion that the new European order could be built on the basis of the OSCE, which was increasingly perceived in Moscow as an institution which had been captured by the West and become instrumental in pursuing the 'western' agenda of those participating states which were not yet members of either NATO or of the EU.

This conclusion may have inspired the Russian Foreign Minister, Sergey Lavrov, to note in June 2009 at the opening of the OSCE Annual Security Review Conference that, "we differ on the methods of obtaining European unity. It would have sufficed to consequently institutionalise the OSCE and to turn it into a full-fledged regional organisation under Chapter VIII of the UN Charter. This means that the OSCE would address the whole spectrum of problems in the Euro-Atlantic area. First and foremost, based on legal obligations, it would provide for an open collective security system in the region. Unfortunately, our western partners embarked on a different way that foresaw not only the preservation but, also, the enlargement of NATO"[4].

Russia seems to have lost ownership of the OSCE twice.

At the end of the Cold War in Europe, Moscow saw that the former CSCE had not helped to prevent either the political, or the territorial status quo from changing.

[4] For the full Russian text of the statement by Sergey Lavrov on June 23, 2009, at the opening of the ASRC in Vienna see: http://www.mid.ru/brp_4.nsf/0/ADED9C34EE795D2BC32575DE003DECD1. Translated from the Russian by the authors.

Furthermore, in the 1990s, the OSCE did not help Moscow to preserve its interests, while the status quo continued to change. It was helpless to stop the eastward expansion of the 'western' institutions pushing Moscow to withdraw further East. Furthermore, while promoting the democracy agenda in the Soviet s uccessor states, it was often seen to be acting as an agent of change, which was anything but appreciated in Moscow.

As a result, the new European order did not grow out of the OSCE and its pan-European ambitions. Rather, over the past decade, it has grown continuously with the enlargement of NATO and the European Union. Revealing no will to integrate with these institutions and no power to reverse this trend, Moscow has found itself increasingly isolated in the emerging European order.

Observing an increasing marginalisation of the OSCE against the dual enlargement of 'western' institutions in Europe, Moscow will be asking why it should pay the price implicit in the comprehensive OSCE agenda which links human rights, pluralistic democracy and the rule of law to security. At the same time, the OSCE has been unable to deliver on its promise to either preserve the status quo in Europe, or preserve Russia's interest when the status quo began to ebb.

CAN AN OSCE REFORM RETURN MOSCOW THE SENSE OF OWNERSHIP?

The golden rule of politics of course would caution against never saying never. Therefore, there is no reason to rule out, from the outset, the possibility of a revival of the OSCE as an outcome of the current European Security discussion, kicked off by the proposal for a European Security Treaty initiated by President Dmitry Medvedev. This against the background of some optimistic assessments in Moscow that this discussion has already made the OSCE – particularly the Vienna based OSCE Forum for Security Cooperation – home to the intensified discussion of security concerns and of new military-relevant confidence-building measures proposed by Moscow.

A number of fundamental developments, however, suggest that even a (rather unlikely) significant improvement of OSCE performance can hardly be expected to appropriately address Moscow's concerns.

The challenge with which the Russian Federation finds itself confronted is twofold. Firstly, Moscow remains a status quo power seeking to resist further political and geopolitical changes in its immediate neighbourhood. It remains concerned first and foremost with the open doors policy pursued by NATO with regard to the Soviet successor states, Ukraine and Georgia in particular, despite the fact that the eastward enlargement of the Alliance has been put on hold with the advent of the Obama administration in Washington.

Preserving the status quo is likely to remain an ever bigger issue on Russia's agenda against the background of continuous erosion and fragmentation of the 'post Soviet space', as many Newly Independent States are increasingly tempted not merely by NATO membership but, rather, by the offer of the European Union's Eastern Partnership. At the same time Russia appears increasingly unable to attract its neighbours with its own integration proposals.

Secondly, Moscow is seeking ways to integrate with the new European order without becoming member of either the North Atlantic Alliance or the European Union. An ambiguous idea of institutionalising a triangular cooperation of the Russian Federation, the US and the European Union as a means of providing European security governance and making common crisis management outside Europe possible is often considered an option to help the integration of Russia with the new European security order.

It is not clear, however, how such a triangular cooperation could be institutionalised and operate. It essentially failed within the contact group over the disputed independence of Kosovo, and was not available to discuss the Georgia crisis in 2008. Although both cases exemplify the sort of controversial issues which, from Moscow's perspective, would require the consensus of all parties in the triangular concert.

Exploring this concept, however, is not the purpose of this article. The point here is, whether or not one can think of a realistic reform to the OSCE which would help Moscow to solve both dilemmas – preventing further change of the political status quo in its immediate neighbourhood, and the integration of Russia with the wider European security order.

Unless these dilemmas of Russian policy are reformulated and the zero-sum thinking is transcended, or unless the 'method of obtaining the European unity' through NATO and EU enlargement and outreach is reconsidered, it can hardly be expected that the OSCE – even if more responsive to the Russian concerns and demands – will be able to deliver either solution. In fact, it is no longer seen in Moscow as capable of delivering either the maintenance of the status quo, or the integration of Russia into European security order issues. This, to a great extent, explains the reluctance of Moscow to limit the current European Security Governance debate to the OSCE, and the intention to engage other, 'more relevant' organisations, such as NATO and the European Union while, at the same time, seeking to elevate the political status of institutions, such as the Russia-led Collective Security Treaty Organisation (CSTO).

This does not imply, however, that the Russian OSCE reform agenda is exhausted. We may well witness a revival of the discussion of the Russian proposals which, over the past few years, have been centred around three ideas: developing a Charter-Treaty of the OSCE in order to transform the latter into a legal entity; overhauling the OSCE/ODIHR elections observation mechanism in order to deprive the latter of its autonomy, and introducing a system of registration of NGOs attending the OSCE activities in order to exclude those NGOs which are considered by individual states as pursuing an extremist agenda.

The pursuit of the reform agenda for the OSCE serves a different purpose, however. Being part of the wider European Security agenda, it addresses secondary issues rather than seeks to solve the key dilemmas of Russian policy.

Since few people in Moscow believe that the OSCE still has a potential to develop into a collective security system granting Russia a veto power over major decisions and droit de regard over the key developments on the continent, the introduction of the relevant reforms would serve the purpose of reducing the price which Moscow is expected to pay for what the OSCE is no longer considered to be able to deliver – the maintenance of the status quo in Europe.

As the OSCE does less to promote the democracy agenda 'East of Vienna', this may well be part, but not a major one, of the Russian European Security agenda which is predominantly focused on fixing the status quo; unless Moscow is once again ready to agree to a more ambiguous *modus vivendi* arrangement, as it found itself in 1975 while signing the Helsinki Final Act.

Russia and the OSCE Human Dimension: a Critical Assessment

by

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Russia's relationship with the OSCE was a relatively obscure topic until the proliferation of critical statements from high-level Russian officials, including the then President Putin (Munich speech, national security doctrine), in the last few years.[5] Russia's attitude was further brought into focus by the refusal of the Russian officials to admit a regular observation mission of the OSCE Office for Democratic Institutions and Human (ODIHR), the OSCE's specialised human dimension institution and a particular target of the Russian criticism, to the 2008 Russian elections. Putin even famously said that the observers should stay at home to teach their wives to cook borscht.[6] The Russian Central Electoral Commission insisted that the mission was both of short duration and had a limited number of observers, restricting the ability of the ODIHR to assess the election process in its entirety.[7] This brought about the ODIHR's decision to not observe these elections.

While the popular narrative in Brussels and Washington is that of a hostile Russia trying to destroy the OSCE, a revered organisation that made a key contribution to the end of the Cold War and the division of Europe, and that ODIHR should be protected and defended by the Western states; the objective of this article is to paint a more nuanced picture. It is certainly clear that Russia is seeking to shift the centrality of the human dimension of the OSCE to the political-military sphere.[8] However, what may not be known is the extent to which it has already succeeded.

On the surface, the 'theology' of the OSCE is untouched: the commitments in all three baskets are intact, as is the OSCE principle that the "commitments undertaken in the field of the human

[5] http://www.rferl.org/content/article/1074621.html

[6]Alex Rodriguez in Chicago Tribune Russia risk, 15 February 2008 accesses on http://www.eiu.com/index.asp?layout=RKArticleVW3&article_id=1353048120&country_id=1750000175&channel_id=&category_id=&refm=rkCtry&page_title=Latest+alerts&rf=0

[7] See Robert W. Orttung, "Russia" in Nations in Transit 2009, pp.449 available on http://www.freedomhouse.eu/images/nit2009/russia.pdf

[8] It is worth noting that the Russian Foreign Minister Sergey Lavrov was the only minister who attended the June 2009 OSCE Annual Security Review Conference (ASRC) dedicated to matters of political and military security. All other major participating States were represented on a much lower level. For Lavrov's speech at the ASRC see http://www.osce.org/documents/cio/2009/06/38332_en.pdf

dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned"[9]

In reality, however, many bureaucrats in the organisation have essentially given in to the Russian agenda, and the organisation is becoming more administratively overburdened, mired in projects of questionable quality and to a large extent, rudderless and even lost in a web of other international organisations that appear to have greater relevance today. Mistakes made by the OSCE are usually not mentioned in Western narrative; these mistakes are overblown by Russia and are therefore ignored by the West out of hand. However, off-the-record, some Western diplomats in their national delegations to the OSCE have agreed that, in some instances, the OSCE made mistakes, and some parts of the OSCE, notably the ODIHR, unnecessarily irritated Russia, thereby reducing their own effectiveness.

A full account of the evolution of Russia's relationship with the OSCE in the human dimension is beyond the scope of this paper. Therefore, it highlights the key points in the evolution of Russia's relations with the OSCE in the 'third basket', as matters of human rights and democracy are known in the organisation's parlance; the organisation's involvement in Chechnya and the observation of elections in Russia by the ODIHR. It should be stressed that the human dimension cannot be taken out of the overall context of the OSCE process and international relations. For example, concessions made by President Boris Yeltsin at the last OSCE summit, held in Istanbul in 1999, in the military sphere, had a profound effect on Moscow's attitudes to the whole organisation, including the human dimension. And, the overall decline in the US-Russian relations made the OSCE a natural platform for clashes between the two countries.

The metaphor which perhaps best describes the relationship between Russia and the OSCE is that of Russia as a heavyweight fighter who talks loudly about knocking out his opponent with one big punch (for many in the West, a knockout punch would be Russian withdrawal from the OSCE). The OSCE is a lighter opponent that gets into the ring fearing the big punch. But in the ring, Russia, the heavyweight fighter is content to constantly jab and keep the opponent off-balance (stalling OSCE budgets a year after year, calling for new administrative procedures, holding up agreements on the agendas of various meetings), while the opponent, fearing the big punch, makes mistakes, takes awkward steps and thus allows the opponent to comfortably get ahead on points in this metaphorical match. The misery of the lighter boxer – the OSCE – continues due to lack of a game plan to regain the initiative and conflicting advice of its corner people (the Western member states) on the course of action.

CHECHNYA

It is almost forgotten that the OSCE was once present in Russia. In mid-1995, in response to the concerns of many OSCE participating states over the fighting in Chechnya, which later became known as the First Chechen War, the Russian Federation agreed to the deployment of an

[9] Document of the 1991 Moscow Meeting of the Conference on The Human Dimension of the CSCE, http://www.osce.org/documents/odihr/1991/10/13995_en.pdf

international presence in Chechnya under the OSCE umbrella. This presence was welcomed and highlighted in articles and speeches by the then Foreign Minister, Andrei Kozyrev.[10] As was the case with the OSCE field presences deployed in the 1990s (the Balkans, Moldova, Georgia), the mission's overarching mandate focused on the conflict on the ground, and negotiations between the parties to the conflict. The human dimension was one of the components of this mandate. The OSCE Assistance Group (AG) to Chechnya played an important part in bringing representatives of the Russian federal forces and the Chechen rebels together, as well as keeping the international community abreast of the situation by producing regular reports. A committed Swiss diplomat, Ambassador Tim Guldimann, who became the head of the AG in 1996, took grave personal risks by driving across the frontline to convey messages from one side to the other and to push the sides towards peace, eventually signed in the Dagestani town of Khasavyurt between the then head of the Russian Security Council, General Alexander Lebed' and the chief of staff of the Chechen forces, Aslan Maskhadov. In its work on the Chechen conflict, the OSCE had access to the top echelons of Moscow leadership, and Moscow, notwithstanding the differences between various agencies, seemed to appreciate the OSCE's efforts to bring an end to the hostilities.

After the signing of the Khasavyurt accords, the idea of holding elections in Chechnya, one of the focuses of these accords came to the forefront of the OSCE's work, almost to the exclusion of all other points (such the return of displaced persons and the disarmament of the armed Chechen groups). This priority was very much in line with spirit of the times which saw elections as paramount to post-conflict rehabilitation (such as the post-Dayton agreement elections in Bosnia and Herzegovina in the fall of 1996 which the OSCE both supervised and observed). Difficult conceptual and moral questions, such as the presidential candidacy of Shamil Basaev, who led a hostage-taking raid on a hospital in the Russian town of Budennovsk in 1995, were ignored, as was the question of what would happen after the elections. Since the ODIHR was the main election monitoring body in the OSCE, it was asked to provide support to the AG in mounting an international election observation effort, which took place despite a highly dangerous security situation (six internationals working for Red Cross in Chechnya were beheaded in unclear circumstances just weeks prior to the elections). The OSCE purchased ballot boxes and ink for marking fingers in order to avoid multiple voting, as well as other materials for the Chechen election officials. The OSCE observers to the January 1997 Presidential elections, won by Aslan Maskhadov over Basayev, were accompanied by armed guards provided by the Chechen authorities, a highly problematic practice. No formal report on the election observation was written. And, the 1997 Danish Chairmanship of the OSCE put out a lukewarm press release welcoming the elections, feeling that it simply had to deal with the legacy of the 1996 Swiss Chairmanship and the actions of the Swiss head of AG Guldimann. However, increasingly, sceptical voices sounded at the OSCE Headquarters in Vienna on whether holding snap elections without a clear understanding of the next steps vis-à-vis Chechnya may have been a mistake. The Russian Ministry of Foreign Affairs, an erstwhile backer of the OSCE's role inside the Russian governmental bureaucracy, was

[10] Andrei Kozyrev, 'Russia and Human Rights'. *Slavic Review*, Vol.51, No.2 (Summer 1992), OMRI Daily Digest 11 January 1995.

retreating on its favourable position, given the growing voices in Russia that elections in Chechnya legitimised separatism.[11]

After these elections, the OSCE member states became increasingly disinterested in Chechnya. Guldimann tried to raise funds for infrastructure restoration and other post-conflict rehabilitation projects, but found an absence of the member states' interest. He was replaced as the head of the AG in 1997 by a Danish diplomat. The OSCE simply did not deliver beyond holding elections and election observation. The only OSCE official who showed interest in Chechnya was the then ODIHR Director, Gerard Stoudmann, who was the deputy head of the Swiss delegation to the OSCE in 1996 when his country held the organisation's chairmanship. The ODIHR provided technical assistance to the Presidential Representative on human rights in Chechnya, Vladimir Kalamanov, in the aftermath of the second Chechen war, and Stoudmann personally visited Chechnya on numerous occasions. Meanwhile, the Assistance Group's role was becoming increasingly limited to monitoring and reporting. It withdrew from Grozny at the end of 1998 as the security situation became untenable, and was closed altogether in early 2003 as a result of Russia's refusal to extend its mandate as a tit-for-tat move for a hasty closure – despite Russia's objections – of the OSCE's Missions to Estonia and Latvia. The somewhat ill-conceived and poorly presented efforts of the 2003 Dutch OSCE Chairmanship to re-open a presence to Chechnya received a cold shoulder from Moscow.

In 2003 the OSCE was once again in Chechnya, albeit temporarily, to observe the Constitutional referendum alongside PACE in March which it assessed as "the first step in the search for a political resolution for the conflict in Chechnya." However, in October that year, , the ODIHR declined an invitation from the Russian federal and regional authorities, citing security concerns and a lack of meaningful competition to the then head of the Chechen administration, Akhmad Kadyrov.

While the current views heard from Russia that the OSCE encouraged separatism in Chechnya are surely overblown, it must be admitted that the exclusive emphasis on holding of elections, monitoring, and reporting did not serve the OSCE well in the years when the organisation was still held in some esteem in Russia. The member states were concentrating on the situation in the Balkans, and simply did not want to get entangled in another complicated situation. It was taken for granted that the organisation's presence in Chechnya would not be challenged by the Russian authorities. And, some useful activities in the security field to supplement the activities in the human dimension, such as decommissioning arms or the rehabilitation of an infrastructure which could have helped moderate President Maskhadov, were not even attempted by the OSCE. The allegation of ill intent in supporting in 1997 Chechen elections by the OSCE is an invention of Moscow propagandists. Yet the failure of the West to recognise, and acknowledge in any way that even pro-Western elements in Moscow had a reason to feel disappointed by the organisation,

[11] Not only were the "hawks" in Russia against holding of the elections in Chechnya. A well-known Russian human rights defender Sergey Kovalev travelled to Chechnya in a vain attempt to convince Guldimann that overall human rights conditions in Chechnya had to improve in order for the elections to lead to stabilisation of the situation.

which missed out on an opportunity to contribute to the normalisation of the situation in Chechnya after the first Chechen war, did nothing to assuage growing Russian suspicions of the OSCE.

The OSCE's involvement in 2003 elections in Chechnya was far more problematic. There were inconsistencies in the ODIHR's line on refusing to observe the presidential elections that year, having observed the referendum. The argument over the security situation simply does not hold water, as the situation in 1997 when the OSCE chose to observe the presidential elections in Chechnya, was at least as perilous as in 2003. Russian diplomats could have made a calm case about the OSCE's inconsistent approach and asked for open discussion of different policies of the organisation in the aftermath of the First and Second Chechen wars. However, Russia was increasingly in 'attack mode' and was attacking the organisation's allegedly 'politicised' approach, 'double standards' and exclusive focus on the 'East of Vienna'. Since OSCE is a non-career organisation, and diplomats serving in the OSCE rotate often, there was little understanding in the OSCE of what Russia may have had in mind and the language it used seemed bullying. As a result, Western states felt they needed to come to the organisation's defence. What the refusal to observe the 2003 elections by the ODIHR did was to open the door for Moscow's refusal to invite a meaningful ODIHR observation mission in 2008. While Russia failed to make an articulate case for its refusal of the latter, it could have gone something along the following lines: if an office that exists in order to observe elections in the member states refuses an invitation from a member state, why should the member state feel obliged to invite it to observe its elections in the future?

ELECTIONS

The ODIHR's involvement in Chechnya was closely connected to another contested issue between Russia and the OSCE: that of election observation. Again, as with other contested issues, recent Russian rhetoric is exaggerated and times even paranoid, when it comes to accusing the OSCE, and especially the ODIHR of contributing and even staging 'colour revolutions' in Georgia and Ukraine. However, the OSCE's work is not free of inconsistencies which will be examined below, as are Russia's actions related to the OSCE election observation.

Chechnya provides a good example of some of the inconsistencies in the OSCE approach to election observations. Having observed presidential elections in 1997 that pitted Aslan Maskhadov against Shamil Basaev, the OSCE assessed Chechnya constitutional referendum in 2003, but then refused to send observers to the Presidential elections in October of the same year, citing security concerns and lack of credible alternatives to the Moscow-backed candidate Akhmad Kadyrov. Moscow was upset that the OSCE made a 'politicised' decision and claimed that the security situation was better in 2003 than in 1997 when the OSCE did observe proceedings, while the political situation had not changed since the March 2003 referendum.

Chechnya was not the only place where Moscow claimed electoral double standards. The ODIHR's statements of the Russian Presidential elections particularly raised Moscow's ire. In 1996, after Boris Yeltsin defeated Communist Gennady Zyuganov in the second round of the elections, the OSCE's statement, after listing a number of problems, concluded : "The OSCE ODIHR Observer Mission believes that the declared result of the election accurately reflects the wishes of the

Russian electoral (sic – author's note) on the day, and congratulates the voters of the Russian Federation for participating in a further consolidation of the democratic process in the Russian Federation."[12] In 2000, during the elections where Yeltsin's hand-picked successor, Vladimir Putin, won the Presidency, the international observers from the OSCE and the Council of Europe remarked that "The 26 March 2000 election of the President marks further progress in the consolidation of democratic elections in the Russian Federation. The election takes place in a politically stable environment, in spite of a new line-up in the State Duma and the resignation of a long-standing President."[13] This assessment ignored a number of problems and has been savaged by a prominent Western scholar in a book about the democratic decline in Russia for ignoring serious problems.[14] In 2004, however the tone of a joint statement by the ODIHR and PACE changed and the election statement concluded that "the election process overall did not adequately reflect principles necessary for a healthy democratic election process: essential elements of the OSCE commitments and Council of Europe standards for democratic elections, such as a vibrant political discourse and meaningful pluralism, were lacking."[15] In 2008, Moscow made the observation of meaningful election impossible, and the ODIHR did not deploy a monitoring mission.

With its election statements, the OSCE also faces a problem that the man in the street's opinion of the Russian elections significantly differs from the organisation's assessments, and current Russian authorities have explored these differences. The 1996 elections are perceived by average Russians as having been manipulated, where the incumbent President Yeltsin's campaign was heavily financed by oligarchs in exchange for promises of shares of state companies after the elections. Yeltsin's state of health was concealed from the voters, and the media was heavily biased.[16] The ODIHR made only a perfunctory inquiry into the complaints of the losing candidate, Gennady Zyuganov. Therefore, for many Russians the OSCE's effusive congratulations on the 1996 elections seem politically motivated, as they believed that the West was more interested in the outcome of those elections than in the process, and the OSCE's statements reflected those sentiments rather than the realities of the election process. Indeed, the question has to be asked, would the OSCE in its statement gloss over the violations and congratulate the Russian people had Zyuganov scored a victory? And, why was the OSCE statement in 2000 positive, despite many problems during those presidential elections as well?

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[12] Accessed on http://www.osce.org/documents/odihr/1996/07/1452_en.pdf
[13] http://www.osce.org/documents/odihr/2000/03/1450_en.pdf
[14] M. Steven Fish, *Democracy Derailed in Russia: the Failure of Open Politics* (Cambridge University Press 2005), pp. 47-50
[15] http://www.osce.org/documents/odihr/2004/03/2283_en.pdf
[16] One of the most famous examples of problematic aspects of the Russian elections is the so-called "half-a-million of dollars in Xerox box" incident where two Yeltsin campaign staffers were nabbed red-handed carrying a large amount of money of unknown provenance into Yeltsin's campaign office. Yeltsin and his campaign's chief of acted to suppress the incident. See Peter Reddaway, Dmitry Glinski, The Tragedy of Russia's Reforms: Market Bolshevism Against Democracy US Institute of Peace Press: Washington, 2001, p. 522.

Clearly, the Russian leaders had no intention of conducting fair elections in 2004 and in 2008. And from the point of view of those who would like the OSCE to issue accurate assessments of elections, the OSCE statement on 2004 Russian Presidential elections is welcome, as is the decision to not observe the 2008 elections under the conditions that were not conducive to producing a well-informed statement. Yet lingering questions remain about the 1996 and 2000 election statements. Why did the OSCE not stand firm then? And what changed in 2004?

For Russian leaders and much of the public, the perspective is different. They are aware of the manipulations that took place in 1996 and 2000, and yet the OSCE reacted positively. They too, can ask: what changed in 2004? Given the current situation, both domestically and internationally, they could come to the conclusion that Russia's foreign policy orientation of the moment, rather than the substance of the elections, guided OSCE's assessments of elections.

RUSSIA'S REACTION

The most constructive approach for Russia would have been to put the above questions on the table. OSCE's assessments deserve to be examined and the organisation's work needs to be evaluated.

However, Russia's reaction, as already mentioned, has been all but measured. The attacks on the ODIHR as an "office out of control", calls for the election observation statements to be subjected to preliminary scrutiny and consensus by the 56-member state Permanent Council are unworkable, and the language on the 'politicised' nature of election observation controlled by the US ranges from hysterical to simply paranoid. It did not help that some OSCE officials made moves that could only feed the paranoia, such as a trip by the then ODIHR Director, Christian Strohal to the US in 2008, only days before announcing the refusal to observe Russian Presidential elections. Russian officials did not believe that Strohal was going to the US to address a meeting of American election officials, and Russian President Putin alluded to Strohal's trip as evidence that OSCE's approach to elections observations was dictated by Washington. However, given the situation perhaps the trip, which was seen even by Western diplomats as provocative, could have been avoided. Russia also tried to undermine ODIHR election observation missions by asking the office to accept a large Russian contingent and then – in gross violation of the observer's code of conduct – having the latter issue a separate statement from the OSCE, as was the case in one of the elections in Azerbaijan. The election observation missions launched by Russia under the aegis of the Commonwealth of Independent States (CIS) were another charade whose only objective seemed to be to pre-empt OSCE statements by praising flawed elections in other CIS states prior to the polls even closing.

Russia had more success in claiming that the OSCE only pays attention to the countries in the former countries of the Eastern bloc, or, in the OSCE parlance 'East of Vienna'. Russia was successful in playing up the debacle of the 2000 US Presidential elections, especially the Florida recount and arguing for OSCE election observation in Western countries, notwithstanding the already credible domestic efforts in these countries. Western governments, seeking to placate

Russia, seemed to agree that elections in their countries can be the subject of international observations, in accordance with OSCE documents.

OSCE'S RETREAT

Russian insistence on the observation of elections in established democracies 'West of Vienna' gained more traction with the Western states, which believed this would convince Russia to open its own elections to the OSCE observation. At the 2006 Brussels Ministerial Meeting of the OSCE the member states agreed, "To ensure as wide as possible geographical coverage in ODIHR's election activities".[17] In the middle of 2009 the ODIHR website showed that the organisation was in the process of observing elections in four Western states (Greece, Norway, Germany, and Portugal) and not in any 'East of Vienna' countries. While this can be attributed to vagaries of election scheduling, the OSCE election observation had drifted towards the 'old democracies'. The international observers are present at elections in Western democracies, despite the credibility of domestic observers from the political parties as well as from civil society. The value of these missions is minimal, the justification for spending taxpayers' money on them is uncertain. Also, there is no evidence whatsoever that the example of Western democracies opening up their mostly transparent and fair electoral processes to the scrutiny of international election observers has positive impact on electoral process in countries that Freedom House calls either "consolidated authoritarian regimes" or "semi-consolidated authoritarian regimes". Most of them, except for Russia, still allow the OSCE to observe their elections. However, these elections are usually flawed and receive negative assessments from international observers (as the Armenian elections of March 2008 that degenerated into violence showed, even that is no longer guaranteed, as the ODIHR initially gave a positive statement on those elections), but then the authorities have managed to 'spin' these assessments in the domestic press and ensure that they are forgotten by most of the population.

Coupling the election observation drift with the increasing tendency for the OSCE's human dimension discussions to focus on anti-Semitism and the treatment of Muslims exclusively in Western Europe, it appears that Russia, despite the crudeness of its methods, has achieved some of its objectives. As further bureaucratisation forced staff turnover,[18] the Russian veto on the extension of the OSCE Mission to Georgia and the successful change of mandate of the OSCE Office in Tashkent which could monitor and report on internal developments, meant that it changed to become merely a project office, focusing on assistance to government structures. Therefore, it is clear that the OSCE is in decline, not only in the human dimension, but overall.

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[17] See the Brussels Ministerial Council Decision 19/06, paragraph 13
http://www.osce.org/documents/mcs/2006/12/22612_en.pdf

[18] Shkolnikov, Vladimir D., "Is this any way to run an organization? Reflection on OSCE's employment policies," in *Security and Human Rights*, Volume 20, Number 2, May 2009 , pp. 147-153

Given that international organisations are only as strong as the member states want them to be, and that the OSCE is a consensus organisation, the difficulties of the OSCE reflect a crisis of the West's overall relations with Russia and some other post-Soviet states. Bringing back the boxing analogy, the OSCE had to counteract the threat of Russia leaving the OSCE, which it viewed as a potential knockout punch by agreeing to the moves that have led to the weakening of the organisation, equivalent to a slow loss by points. The challenge of bringing the OSCE to where it was in the mid-1990s is formidable. Time will tell if it is insurmountable, or if the Western democracies will regain the focus on the human dimension. Some aspects of Russia's gripes with the OSCE may have grounds. However, Russia's way of voicing them and then addressing them do not give cause for optimism for the future of the OSCE's 'third basket'.

Russia and Its Commitments in the Politico-Military Dimension of the OSCE

by

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INTRODUCTION

According to the only scholarly source that offers a definition of 'politico-military dimension', it has traditionally included disarmament, arms control, confidence and security-building measures, and security dialogue. Since the early 1990s, conflict prevention, crisis management, and post-conflict rehabilitation have been added to this list, although these were not limited to the politico-military dimension. More recently, the term has also been applied to efforts to address transnational threats such as terrorism, organised crime, and arms trafficking."[19] It is certainly a diverse area that has gradually broadened as circumstances changed following the end of the Cold War. However, it should be taken into account that post-Cold War additions to the concept of a politico-military dimension have only had either limited effect on the scope of activities in this field or generated an impression for some that the means and mechanisms available do not provide for conflict resolution.

In fighting terrorism and organised crime, the OSCE has not gone much beyond a narrow niche of approving documents and calling attention to the importance of the matter. With regard to arms trafficking, despite being faced with fairly weak mechanisms, it has demonstrated its potential, particularly as far as small arms and light weapons are concerned, as well as man-portable air-defence systems (MANPADS). Addressing conflicts in different phases of the conflict cycle is central to the activities of the OSCE. This area has sometimes provided the OSCE with a 'raison d'être'. In the 1990s, the High Commissioner on National Minorities (HCNM) effectively contributed to the prevention of escalation of some political conflicts in East-Central Europe.[20] The OSCE record is certainly mixed, bearing in mind the most severe so-called frozen (or protracted) conflicts, which affect the territorial integrity of four post-Soviet states. Although the OSCE has addressed each and every one of them (Abkhazia, South Ossetia, Nagorno-Karabakh, Transnistria) it has not brought

[19] Wolfgang Zellner, Managing Change in Europe: Evaluating the OSCE and its Future Role: Competencies, Capabilities, and Missions. *CORE Working Paper 13* (Hamburg: Centre for OSCE Research, 2005), p. 7.

[20] The activity of the HCNM due to its foundations was always regarded part of the human and not of the politico-military dimension.

any of these conflicts to resolution, which, given the time frame may be seen to be disappointing.[21] Consequently, the Russian Federation may believe that OSCE conflict prevention and crisis management mechanisms are largely ineffective in those cases which concern it the most. It is for these reasons that Moscow has never questioned the centrality of arms control in the politico-military dimension.

Therefore, this paper focuses on the Russian attitude to arms control in the European context and investigates why it has made it one of the focal points of its policy towards the OSCE. It analyses the reasons for the lasting stalemate in this area and raises the question whether there is chance to overcome it.

THE FOUNDATIONS OF MOSCOW'S GRIEVANCES

Russia's complaints are based on the belief that, contrary to what has been declared in several OSCE documents, security is not indivisible in Europe. Arguments as to whether or not it is can be put forward. Shared security concerns, like terrorism, the proliferation of weapons of mass destruction and organised crime, mean that European security appears indivisible. If, however, attention is focused on the protracted conflicts in the post-Soviet space, one may easily get the impression that the participating states have different levels of European security. However, Russia does not complain about this. Moscow declares that that indivisibility is undermined by the integration of various European states into regional organisations. According to Russia, this has been due to that the fact that the only all-European organisation, the OSCE, has not become the central mechanism of European security, and that the West has given way to a NATO-centric European architecture.[22] It can be argued that every state, including each European country has a "right to choose" its "own security arrangements."[23] This was confirmed in a document that the Russian Federation adopted and signed as a political commitment. Consequently, Russian reservations can be questioned while the CSCE/OSCE *acquis* that might have been acceptable at the beginning of the 1990s would not be acceptable to all of the participating states today.

It would be easy to ignore the concerns of Russia as unfounded. There are two problems with this. 1. It would be wrong to assume that there is no element of truth in them, even if on a somewhat different basis. 2. It is politically impractical, as it would only further increase Russia's alienation from the OSCE. If one looks back over the last ten years, it is clear that Russia has not been able to make its views acceptable to the OSCE. Furthermore, the preferences of a large and dominant western group of states have prevailed, with an emphasis on democratisation and human rights.

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[21] This paper does not address the matter to what extent the lack of success of settling the conflicts in the post-Soviet space has been due to Russia.

[22] See the Statement by Mr. Sergey Lavrov, Minister for Foreign Affairs of the Russian Federation, at the Opening Session of the OSCE Annual Security Review Conference: The challenges of "hard security" in the Euro-Atlantic region. The role of the OSCE in establishing a stable and effective security system. PC.DEL/480/09, 23 June 2009. pp. 1-2.

[23] CSCE Helsinki Document 1992: The Challenges of Change, V. CSCE Forum for Security Cooperation, para. (6). Available at www.osce.org/documents/mcs/1992/07/4048_en.pdf

This has not been in the interests of Russia, nor of many other OSCE participating states within the post-Soviet space. Whether this priority is based on a change in European security priorities or the politically based preferences of some participating states is not particularly important. From Russia's viewpoint, there has been a perception that the OSCE has had a relationship of "mentors and pupils."[24] The spirit of cooperative security has vanished from the OSCE. Rather than helping the less capable and less developed participating states, which have often faced demands to catch up and to follow a model which they have not necessarily shared. There was insufficient differentiation between those that could not and those that were simply reluctant to meet OSCE standards. It is clear without regaining this cooperative spirit; the OSCE will underperform and will not recover the role it once enjoyed. If one takes a close look at the democratic transformation of some of those OSCE participating states where domestic political momentum developed in parallel with external support, it is doubtful whether OSCE western member-states should be more tolerant and let organic development prevail.

Russia would like to 'rebalance' the attention that the OSCE pays to the politico-military and the human dimensions. But it cannot expect that the West will relinquish its interest in human rights and democracy. The attention western democracies pay to these matters stems from their importance as the foundation of their modern statehood and society. It is a separate matter whether any domestic political predicament might result in the hasty fostering of democratic transformation, or whether there should be support for those processes which have stronger, organic, domestic roots. Consequently, any balance can only come about by attributing more importance to the politico-military dimension on the OSCE agenda rather than downgrading the human dimension.

It is the in politico-military dimension where Russian dissatisfaction with the OSCE has been most pronounced for approximately a decade. In 1999, two important changes occurred in European politics. 1. NATO fought a 78 day-long air war against Yugoslavia. 2. Formal negotiations on European arms control, (whether they addressed either confidence and security building measures or arms limitations), like the ones enshrined in the Conventional Armed Forces in Europe (CFE) Treaty, came to an end during the same year. The former demonstrated the relevance of military security on the European agenda, the latter the reluctance of the West to regard arms control as an integral element in addressing military security in Europe. Over the last decade the Russian dissatisfaction with the OSCE generally, and in the military-political dimension specifically, has been mounting and become more systematic. Its response has become more determined and most recently also more conceptual.

The Kosovo war of 1999 was a watershed for the Russian Federation where it lost its moral inhibitions and concluded that the West no longer represented moral high ground. The view that the actions of Russia in Georgia (South Ossetia) in August 2008 were the same as those of NATO in Kosovo in spring 1999 is now well-established in Russian political discourse. Wars fought in Europe

[24] This terminology was used by Russian Foreign Minister Sergey Lavrov, Reform will enhance the OSCE's relevance. *Financial Times,* 29 November 2004, p. 13.

over the last decade have provided evidence of the relevance of military security in Europe. Arms control has been part and parcel of European security with little interruption since the early 1970s and Russia has always favoured its continuation.

THE ARMS CONTROL RUSSIA WANTS

If one wants to understand why Russia wants arms control back on the European security agenda and what kind of arms control it would prefer, it is necessary to look at the OSCE agenda. It is important to note that, in spite of complaints, arms control has been on the agenda across the last decade. It is sufficient to mention documents adopted on small arms and light weapons (2000), the export control of MANPADS (2004), the control of brokering in small arms and light weapons (2004) and on the standard elements of end-user certificates and verification procedures for small arms and light weapons (SALW) exports (2004). Furthermore, several projects are underway relating to arms control related projects, such as disposing of liquid rocket fuel, assisting countries in eliminating anti-personnel landmines, etc. Hence, it is clear Russia has not found satisfaction in the adoption of documents which are not high profile and are not the result of fully-fledged diplomatic talks. It is dissatisfied with arms elimination advances, which are project-based and result in West-East transfer of knowledge and resources.

If we assume that Russia wants arm control in Europe, and recognise that the evidence of that is overwhelming, and then there is no point in providing additional proof, the most important remaining question is, what type of arms control does Russia want? In official Russian statements, it is clear that Russia, first and foremost wants to continue the arms control processes which prevailed during the 1990s. It wants to negotiate arms control to include conventional arms limitations/reductions and confidence (and security) building. Any talks should include the symbolism that characterised their predecessors. Here large delegations would sit around the negotiating table and states would compromise on a number of issues. The result could be either another treaty or a politically binding document that was relevant across Europe and would be applied in the same way. As for the likely topics for inclusion in any agreement, we know less about Russia's requests. In the field of structural arms control (arms limitations), its main objective is to agree upon a regime that expands to Europe as a whole and is no longer confined to the member-states of alliances and their successors. It would also like to specify the meaning of some terms of earlier accords, like substantial combat forces. Russia would also like to gain more strategic flexibility by eliminating some constraints. Accordingly, Moscow would like to abolish the 'flank' rule[25] from the Conventional Forces in Europe process. It would also like to address multinational formations and rapid reaction forces, most probably as part of confidence-building. Last, but not least, Russia would like to address the prodigal son of European arms control: Naval forces.

Other states do not take a united stance on these often vaguely formulated initiatives. It is clear that some of them are divisive and would have varying effects on members of NATO. This

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[25] There is a special regime on the southern and the northern flanks of the area of application of the CFE Treaty where more stringent limitations apply for the deployment of treaty-limited armaments

consideration should be set against the interest of creating a situation that does not contribute to the exclusion of Russia. Consequently, in the long run, there may be sufficient will to make some concessions and move the situation away from that of the last decade. Here one has to mention the prominent role of the United States, both as far as the arms control process is concerned and its potential outcome. U.S. resentment of European arms control over the last decade has been partly due to American pragmatism. If the number of battle tanks or bombers subject to arms limitation, and the inspections and evaluation visits under the confidence-building regime have no bearing upon the European security situation overall, then there is no reason to spend time and effort in addressing them.[26] The fact that some countries, first and foremost Russia, wanted arms control as part of the negotiation process did not change this. Furthermore, the United States certainly did not want to establish an international forum where the Russian Federation could rally the support of its former perimeter (and hence look larger and more influential) and enjoy any some internal divisions in the West. Consequently, the U.S. was neither interested in the outcome, nor in the process.

The U.S. rather than starting formal negotiations has preferred to make use of the NATO-Russia Council. For Russia this presents a number of problems. First and foremost, these negotiations cannot lead to a binding arrangement. It is also important that they would not provide the exposure that Russia seeks in order to reposition itself as a pillar of a multi-polar international system. A NATO forum, a body of an organisation whose existence and role Russia regularly contests, should not have more weight; to the contrary. Last but not least, Russia is disappointed about the way that the NATO-Russia Council's activities are heavily controlled by the United States.[27]

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[26] It is fashionable nowadays to attribute many unfortunate international developments to the George W. Bush administration. These allegations are often not groundless. There is circumstantial evidence, however that European arms control would not have evolved much differently had the change of guard taken place earlier. It is suffice to mention that a study published around the re-election of George W. Bush and eventually more closely associated with the plans of the Democratic Party also put the emphasis on two areas of arms control: Non-proliferation of weapons of mass destruction and their delivery vehicles and the limitation of small arms and light weapons to reduce violence in conflict areas were given priority whereas the classical issues of European arms control escaped the author's attention. See Michael A. Levi and Michael O'Hanlon, *The Future of Arms Control* (Washingtron D. C.: Brookings Institution Press, 2005).

[27] Former Russian diplomat Vladislav L. Chernov, describes his experience at a meeting of the NATO-Russia Council addressing arms control as follows: „I was ready to take questions and participate in the promised discussion. But when I looked around the table, I realised that something strange was happening. High-level experts from all NATO countries were sitting motionless, with their mouths shut as if they were full of water. Then the US representative took the floor ... She asked me to convey that message to my capital. The chairman declared the meeting adjourned." See Vladislav L. Chernov, The Collapse of the CFE Treaty and the Prospects for Conventional Arms Control in Europe. In Wolfgang Zellner/Hans-Joachim Schmidt/Götz Neuneck (eds.), *Die Zukunft konventioneller Rüstungskontrolle in Europa – The Future of Conventional Arms Control in Europe* (Baden-Baden: Nomos Verlag, 2009), pp. 186-7.

However, the idea to reintegrate arms control with other elements of European politics may not have much bearing upon arms control in the near future. The current stalemate of European arms control has deep roots and it is extremely doubtful whether it would be possible to take action in the long run without resolving the immediate problems.

OVERCOMING THE CFE STALEMATE

The CFE Treaty and the process it initiated in 1990 has frequently been identified as a 'cornerstone of European security'. Now, as the process has arrived at a stalemate and faces major complications as it starts a new life, not to mention to recover its role, it is questionable whether it will be possible to relaunch European arms control without resolving the pending CFE matter. Due to the symbolic importance of CFE, I do not believe that it would be possible without it.

It is widely known that the CFE process got into trouble soon after the signing of the Adaptation Agreement in Istanbul in November 1999. Fourteen political declarations were made in connection with the new legally binding document. While the application of the Adaptation Agreement was conditional on its entry into force and its subsequent implementation being enforced, the political commitments were applicable immediately. A few months later NATO set conditions for bringing the Adaptation Agreement into force. It stated: "We advocate its entry into force at the earliest possible time, but this can only be envisaged in the context of compliance by all States Parties with the Treaty's agreed levels of armaments and equipment, consistent with the commitments contained in the CFE Final Act. We look for early and effective implementation of Russia's commitments to reduce and withdraw its forces from Moldova and Georgia." It declared that it would monitor closely the temporary violation of CFE force levels in the North Caucasus due to the second Chechnya war: "We have noted Russia's assurances that this breach of CFE limits will be of a temporary nature and expect Russia to honour its pledge to reduce to CFE limits as soon as possible and, in the meantime, to provide maximum transparency regarding its forces and equipment in the North Caucasus."[28] On this basis NATO made the ratification of the Adaptation Agreement conditional upon the withdrawal of Russian treaty-limited armaments from Georgia and Moldova and a return to CFE based force levels in the North Caucasus. Russia has lived up to the requirements gradually, though not without fall-backs and difficulties. It turned out, that the NATO demand was not confined to treaty-limited armaments at all. It was much more about respecting Georgia and Moldova's independence and that this be reflected in the full withdrawal of Russian forces from the territory of the two countries. The approach of NATO member-states went back to an earlier U.S. statement, which stated: "any CFE agreement must take into account the interests not just of NATO's ... allies or any individual country, but of all 30 CFE states."[29] It could be derived

[28] Final Communiqué Ministerial Meeting of the North Atlantic Council held in Florence on 24 May 2000. Press Release M-NAC-1(2000)52, para. 51 Available at www.nato.int/docu/pr/2000/p00-052e.htm

[29] Speech by Secretary Madeleine Albright at the North Atlantic Council, Ministerial Meeting in Sintra, Portugal – 29 May 1997. Available at www.nato.int/docu/speech/1997/s970529f.htm

from this that no signatory of the CFE Adaptation Agreement could be left on its own in an asymmetrical situation.[30] NATO member-states would not embark upon the ratification of the Adaptation Agreement as long as Russia did not respect its political commitment.

One could regard the NATO policy adopted in 2000 as reasonable. However, there is problem. Although Russia began compliance with its commitments, NATO policy was not revised. NATO has become its own hostage. This has been partly due to the inflexibility of the Bush administration and partly to the Iraq war of 2003. Due to the tension that grew inside the Alliance, European partners gave no priority to the revision of the NATO CFE policy that was of lesser strategic importance. In the meantime, four signatories ratified the CFE Adaptation Agreement, (Belarus, Kazakhstan, Russia and Ukraine). Russia regularly expressed its dissatisfaction with the state of affairs as well as the West's reluctance to ratify the Agreement, and in 2007 decided to suspend the operation of the CFE Treaty of 1990. The suspension entered into force on 13 December 2007. During that year NATO reconsidered its original position and put forward recommendations on how to move the situation out of the coming stalemate. It tried to do this without losing face and initiated parallel actions. It sought to complete the fulfilment of Russia's political commitments taken in Istanbul and, in turn, to start the ratification of the Adaptation Agreement by NATO member-states. Russia, which believed that it had fulfilled its CFE related commitments, faced a dilemma. If it recognised that it had not fulfilled its commitments, it would deny its earlier position; if did not, then the process could not move out of stalemate. To Russia's credit, although due to the suspension, transparency measures under the CFE Treaty were no longer applied; Moscow did not escalate the situation and continued with the transparency under the CSBM accord and the Open Skies Treaty. Some of those measures provided for complementary transparency.

The situation was further complicated by the August 2008 war between Georgia and Russia, followed by Moscow's recognition of the independent statehood of South Ossetia and Abkhazia. A conservative American analyst is of the view that: "If Russia's suspension (capping the long-time violations) practically killed the CFE treaty, Russia's invasion of Georgia and occupation of its territories can be said to have buried this treaty."[31] The existence of two entities which are states for one party and secessionist territories for all the others where the now suspended CFE Treaty applied, does not simplify the situation. In this respect, it does not matter which state started the war. An additional problem is that Russia has stationed forces in the territory of the two pseudo-states and has an airbase in Abkhazia. The Gudauta airbase is one of the military facilities Russia should have vacated under its Istanbul commitment. Now the Abkhaz government may 'invite' Russia to station forces on its territory, something that Russia agrees with but the other 29 parties to the CFE Treaty do not.

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[30] It had to be avoided e.g. that Georgia would be the last signatory which did not ratify the Adaptation Agreement and faced Russian pressure in spite of the latter's non-fulfilment of its Istanbul political commitment concerning withdrawal.

[31] Vladimir Socor, CFE Treaty Dead and Buried in Georgia. *Eurasia Daily Monitor,* vol. 5, no. 202, 22 October 2008, p. 1. Available at www.jamestown.org

International law does not offer a solution to this problem. Furthermore, irrespective of the legal situation, it is clear there is a new territorial status quo in the South Caucasus. Abkhazia and South Ossetia will not return to Georgia. Russia will guarantee their security, with the presence of Russian forces and, as necessary, by deploying treaty-limited armaments and equipment on their territory. It will be a long time until other European and North American countries recognise the statehood of the two entities. This raises the question as to whether the situation presents an insurmountable problem for the CFE Treaty. In one sense it certainly does. There is no solution without one party or the other compromising, and eventually losing face. Russia cannot accept that South Ossetia and Abkhazia are as anything but independent states. However, Georgia (and other parties to the CFE Treaty) cannot accept this. However, it is not unprecedented in history, not even in CFE history, that military facilities are inspected on the territory of a state which is not a party to the Treaty. This could be the case here. One example dates back to 1991 when Estonia, Latvia and Lithuania became independent, they decided not to have their territory included in the area of application of the CFE Treaty and were nevertheless interested in having Soviet military facilities on their territory inspected. '*Mutatis mutandis'* could apply in this case, if every state party gives its consent.

The reappearance of state recognition on the European political agenda where it has not been present for nearly forty years, presents a long term problem. Arms control regimes will have loopholes in the territories of Kosovo, Abkhazia and South Ossetia for some time to come.[32] The consent of the countries, which used to have sovereignty over their territories, may provide a political solution to a problem that is not purely political.

THE EUROPEAN SECURITY TREATY INITIATIVE

Since June 2008 the Russian Federation has put forward fragments of an initiative to agree upon a European Security Treaty. It has demonstrated a new expression of Moscow's dissatisfaction with the evolution of European security, including its architectural 'design'. The key message of Russian Foreign Minister, Sergey Lavrov has emphasised that arms control, confidence-building, restraint and reasonable sufficiency in military doctrine should play a more important role on the agenda than they have hitherto.[33] Although many elements cannot count on acceptance, its quest for arms control may find some recognition among those states, which would like to relaunch the discussion and move it out of its 'technical confines'.

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[32] As the former Yugoslavia was neither a member of the Warsaw Treaty, nor of NATO, Kosovo would not be part of the area of application of the CFE Treaty. It would only represent a *terra incognita* in the CSBM regime. The territory of Abkhazia and South Ossetia, as it belonged to a successor state of the Soviet Union, Georgia, would be part of both CFE and the CSBM regime.
[33] See the Statement by Mr. Sergey Lavrov, Minister for Foreign Affairs of the Russian Federation, at the Opening Session of the OSCE Annual Security Review Conference: The challenges of "hard security" in the Euro-Atlantic region. The role of the OSCE in establishing a stable and effective security system. PC.DEL/480/09, 23 June 2009. p. 1.

CONCLUSIONS

The Russian Federation gives priority to arms control in the politico-military dimension of the OSCE. It is disappointed by the achievements of the OSCE in conflict management, particularly as far as the protracted conflicts of the former Soviet Union are concerned. Russia would like to regain the role of arms control in European affairs. Even though its initiatives do not carry the promise of a breakthrough, they are an indication of its determination.

The views of western countries can be divided into two groups. 1. Those that are of the view there is no point in returning to the negotiating table to address arms control, when it does not affect the overall European security situation. 2. Those who share the above view as far as the potential outcome of arms control negotiations, but would like to (re-)incorporate Russia into European security and in order to achieve that would like to satisfy Russia through formal talks, even if these do not carry the promise of a new outcome.

Currently, the prospect of European arms control depends heavily on the future of the stalemated CFE process. Following the reluctance of NATO member-states to ratify the CFE Adaptation Agreement, alongside the Russian suspension of the operation of the CFE Treaty of 1990 and last, but not least, due to the Russian recognition of the independent statehood of Abkhazia and South Ossetia whose territory belongs to the CFE area of application, it would require innovation, statesmanship, and readiness to achieve political compromise to achieve the necessary breakthrough. Without this, there is little hope of European arms control in the short or medium term.

Russia and OSCE operations in Eastern Europe (Belarus, Moldova and Ukraine)

by

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INTRODUCTION

In preparing this article the EU-Russia Centre addressed local experts to seek their views regarding the role of the OSCE, its operations in their countries and to compare its approach with the Russian equivalents. In particular, our experts were asked to:

- name priority areas for the OSCE in their country;
- identify the biggest successes and failures in OSCE activities over the past five years;
- identify the main challenges and problems faced by OSCE in their countries;
- compare OSCE and Russian policies and practices towards their states;
- assess OSCE achievements in recent times and share their thoughts regarding future prospects.

BELARUS

OSCE Priorities, Successes and Challenges in Belarus

In spite of the fact that the OSCE is the only pan-European political organisation of which the Republic of Belarus is a full member, Minsk's relations with all OSCE institutions leave much to be desired.

Describing relations of the Republic of Belarus with international organisations is particularly complex due to the fact that it is practically impossible to speak about the state's single position with respect to them (*relations*). The country's population is deeply divided into two parts –

authoritative structures and democratic forces, which often have diametrically opposing points of view. As a result, their approaches to ways of solving the most important problems differ radically. This is also true with respect to the OSCE.

Belarus became a full member of the Conference on Security and Cooperation in Europe on January 30, 1992. In the beginning, relations developed normally. At that time, head of state, Stanislau Shushkevich took part in the CSCE Helsinki summit and the delegation of the Supreme Council became a member of the organisation's Parliamentary Assembly (PA). In 1992, Belarus initiated the creation of the Minsk group in order to encourage a peaceful resolution to the conflict between Azerbaijan and Armenia over Nagorno-Karabakh. Two years later, President A. Lukashenka participated in the OSCE Budapest summit where he signed a code of behaviour concerning military political aspects of security.

The first contradictions appeared in May 1995, when delegations from the PA and the Office of Democratic Institutions and Human Rights (ODIHR) came to the conclusion that parliamentary elections in Belarus did not correspond to common standards. But a real watershed has arisen following a constitutional referendum held in Belarus in November 1996. Both the conditions under which it took place and the amendments offered by Lukashenka in no way corresponded to democratic standards, and the resulting reaction of the international community has brought about the deep isolation of Belarus in the area of foreign policy.

Though the OSCE itself did not come to any formal resolution, it criticised the actions of the Belarusian authorities and attempted to influence the state of affairs in the country. In particular, it promoted the idea of opening a permanent representation in Belarus.

The Belarusian leadership eventually had to agree, and on September 18, 1997 the OSCE Permanent Council took the decision to create an Advisory and Monitoring Group (AMG) in Minsk. "In co-operation with Belarusian authorities and other international organisations" it was to perform the following tasks:

- to assist the Belarusian authorities in promoting democratic institutions, in compliance with other OSCE commitments; and
- to monitor and report on this process.[34]

On February 27, 1998 the official opening of the OSCE AMG office took place in Minsk. Since then stimulating democratic transformation in Belarus has become an OSCE priority.

The authorities expected that the AMG would give them legitimacy, while the opposition had hoped that international observers would confirm the non-democratic nature of the existing regime and as a result encourage the West to exert pressure upon it in order to stimulate corresponding changes.

The Group (AMG) worked on the deeper familiarisation of the representatives of various countries' organisations with the basic principles of democratic activity within the state structures. Special

[34] OSCE Decisions 1997. Reference Manual, Prague, April 1998, p. 107.

stress was put on the superiority of law, division of power, the independence of judicial bodies and, mainly, on the observation of human rights.

As there is practically no contact between the government and its political opposition, OSCE representatives had to talk to both sides separately, offering negotiation as a main means of solving disagreements. From time to time the OSCE managed to bring the opponents together within the framework of a seminar. Regrettably, these efforts have not brought any concrete results because the government has categorically refused to concede even the smallest departure from strict preconditions.

In the end of 2002, as a result of a refusal to extend visa terms for the Group staff, the OSCE was squeezed out of Belarus. However in December, after long and complex negotiations, an agreement concerning the continuation of representational activities was reached. The Group was renamed the Office, and its mandate was changed. This included institutional development, strengthening the rule of law, the development of relations with civil society in accordance with OSCE principles and obligations, as well as offering assistance to the government in its efforts in economic and ecological activities. Therefore, while being broadened as a whole, the mandate was cardinally narrowed in its initial sphere – democratisation and human rights protection. Additionally, it had to be updated each year.

Consequently, the Office's influence over the country's political life was vastly decreased. The amended mandate forced its staff to behave very carefully. However, this caused displeasure among some opposition members who accused Hans-Jochen Schmidt, head of the Office, of close cooperation with the authorities and failure to actively promote democratic values.[35]

At the same time, relations with officials improved. In particular, the head of the presidential administration, Uladzimir Makey, rejected the opposition's criticism of Schmidt's activities.

Mr Schmidt has questioned the practicability of a field mission presence.[36] However the Office will probably continue its activities: under the present circumstances, when the authorities are seeking cooperation with the EU, they can hardly decide to close it.

In hindsight, the human rights situation in Belarus worsened during the time that the representation was present, (though might have deteriorated without it). Despite its imperfections, the withdrawal of the Office would hardly have a positive effect on the cherished goal of the Belarus opposition – democratisation of the country.

Similar stories can be seen in communications with other OSCE institutions. The ODIHR is badly perceived by Minsk because of its negative conclusions concerning electoral campaigns that compelled the most influential international organisations – the Council of Europe, the European Union, the OCSE itself, – and a number of states not to recognise the results of the election. In 1999, 2000, 2002 and 2003 the OSCE PA adopted critical resolutions with respect to the

[35] http://charter97.org/ru/news/2009/8/7/20832/.
[36] http://www.ng.ru/cis/2009-09-04/1_Lukashenko.html.

Belarusian regime and only recognised the National Assembly six years after its creation. In addition, the Chairman of the OSCE Representative on Freedom of the Media has criticised Belarus harshly. The only OSCE official who has not done so to date is the High Commissioner on National Minorities.

The Russian Factor in OSCE Activities in Belarus

Since Belarus and Russia are in a so called 'union state' it is interesting to look at the role the latter plays in Belarus-OSCE relations. Unfortunately it is impossible to find instances where OSCE and Russia have similar positions; there is practically no useful co-operation between Moscow and Vienna in this area. In fact the opposite is true, Russia counteracts all attempts to criticise the Belarusian regime, to say nothing of speaking hypothetically of imposing sanctions.

The first head of the AMG, Hans-Georg Wieck recalled in 2002 that all attempts by the OSCE leadership to involve Russia in finding a solution to the problem with AMG in Belarus bore no result. When asked whether the OSCE leadership addressed Russia with a concomitant request, he said: "The issue is constantly placed on the agenda of the OSCE and its leadership. More than that, this issue is also raised by the OSCE and Council of Europe parliamentarians. However, all our requests to Russia provoked no reaction from Moscow. The only exception was four and a half years ago when Kremlin insisted that the OSCE AMG group be opened in Minsk."[37]

However, unlike the majority of OSCE observers, representatives of the State Duma at the parliamentary elections in Belarus pointed to the exceptional democracy of the electoral process and its correspondence to international standards. They contested the statement of the Parliamentary 'Troika' where results were not recognised. As one of them declared, "(when) studying the OSCE and European Parliament position one comes to conclusion that only the bombing of Belarus is missing. However Minsk is not Belgrade, and Russia will not allow the similar scenario."[38]

In summary in November 1999, when the last OSCE Summit took place in Istanbul, point 22 of its Declaration said: "We emphasise that only a real political dialogue in Belarus can pave the way for free and democratic elections through which the foundations for real democracy can be developed. We would welcome early progress in this political dialogue with the OSCE participation, in close co-operation with the OSCE Parliamentary Assembly. We stress the necessity of removing all remaining obstacles to this dialogue by respecting the principles of the rule of law and the freedom of the media."

Conclusions

A decade later, these appeals still remain and are even more urgent. The situation in Belarus is a clear failure of the OSCE and it is difficult to speak of any progress. The future does not look bright.

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[37] http://charter97.org/eng/news/2002/06/03/07.

[38] http://www.rec.gov.by/elect/ppns2/ppns2obs01.html.

The main reason is that the OSCE, like the rest of international community, does not have effective levers to influence authoritarian regimes.

MOLDOVA

OSCE Priorities, Successes and Challenges in Moldova

The Conference for Security and Cooperation in Europe (CSCE), which was transformed into the Organisation for Security and Cooperation in Europe in 1994, became involved in Moldovan events during and after the 1992 armed conflict between the central authorities and the separatist leadership in the Transnistrian region of the country.

OSCE Missions usually, although not necessarily, open in conflict or post conflict areas, such as the case in the Republic of Moldova in 1993. Therefore the Mission's main priority was post conflict resolution and in particular political discussion.

- The mandate of the Mission, adopted in 1993, comprises a wide set of priorities:
- Consolidation of the independence and sovereignty of the Republic of Moldova within its current borders and the reinforcement of the territorial integrity of the State along, with an understanding about a special status for the Trans-Dniester region;
- An agreement on the withdrawal of foreign troops;
- The effective observance of international obligations and commitments regarding human and minority rights;
- Assistance in monitoring the implementation of agreements on a durable political settlement.

The issue of withdrawal of foreign troops was further expanded in the Mission's mandate in 1999, following the Istanbul Summit decision on the withdrawal of Russian troops. The Mission in Moldova managed to assure, for a while, the process of withdrawal and the destruction of equipment and arms – one of the Mission's successes. However, the process was interrupted in 2003, when the Transnistrian authorities further blocked the process after the Porto OSCE Ministerial Meeting allowed an indefinite extension of the 1999 Istanbul deadline for withdrawal. Further withdrawal is currently blocked following the failure to ratify the Agreement on Adaptation of the CFE Treaty, and resulting from discussions about possible European security architecture. Due to this lack of clarity, as well as an absence of Russian interest in conflict resolution in Moldova, one should not expect immediate progress on this topic.

In the political-military field, the Mission achieved success with its promotion of the Confidence Building Measures (CBM), such as the aforementioned withdrawal of troops from the Security Zone, under its supervision in 2003. Its further work in the field of CBM, (not only military in nature),

suited developments in the conflict resolution, and currently is in line with the EU's position on the withdrawal, as well as with the need for democratic development in the Transnistrian region.

From the political discussions' perspective, the OSCE Mission status has evolved over time from a level of participation in negotiations which were deeply influenced by Russian Federation, to the level of equal partner with Russia and Ukraine. It seems that the OSCE Mission felt a measure of unease in its mediation activity at the beginning of its work in the region, possibly due to the varying interests of the Russian Federation and Transnistrian side, as well as those of the Moldovan authorities and business circles. Nevertheless, over the last ten years Moldovan officials have considered that a wider role of the OSCE in Moldova could provide a further internationalisation of the conflict negotiations, and thus balance the significant role of Russia in this process. The OSCE Mission to Moldova has often had to walk a fine line of ensuring acceptance as a mediator between Moscow, less open Transnistrian authorities, and sometimes Moldovan authorities. These conditions are still valid, however they may change further should the OSCE manage to involve the two observers, US and EU, deeper in the conflict resolution process.

The evolution of the OSCE Mission to the status of an equal partner in political negotiations on Transnistrian conflict was the main success of this Mission. However, further internationalisation of the negotiations by including USA and EU in this process, also meant an increase in the importance of the EU. European integration of Moldova, as well as the fact that it has become a direct neighbour to the EU, increases the interest and the role of the European Union in the negotiations process and in Transnistrian conflict resolution. As a result, the EU Border Assistance Mission to Ukraine and Moldova has been deployed and is active.

There are indications that enlarging the OSCE mandate might be one of the Moldovan priorities. Therefore, the OSCE has already started to operate in an environment where there are more variables and actors. Also, an EU special Representative (EUSR), who has a mandate on Transnistrian conflict resolution, is now in place. The OSCE Mission coordination with the EU could strengthen its position in the negotiations process, (as well as sometimes narrow Mission's role), while working with an increased number of actors. The current distribution of roles of 'mediators and observers' gives the OSCE an edge in the negotiations process, whose success will depend on the capacity of the Head of the Mission to make full use of this role in the future and the EU's support for his activities.

Another important part of Mission's mandate is the Human Dimension. Here the Mission has had one of its most important contributions, where the impact of its activities is greater than that achieved in withdrawal or political conflict resolution talks. Thus, as one of the Mission members put it, the "Mission's mandate in the field of Human Dimension is to provide advice and expertise on the effective observance of international obligations and commitments regarding human and minority rights, and democratic transformation."[39] That would also include language issues and

[39] The OSCE Mission to Moldova and its Role in the Resolution of the Transnistrian Conflict, Gottfried Hanne, OSCE Mission member, http://www.ciari.org/english/osce_mission_to_moldova.htm

ethnic relations, post-conflict rehabilitation in the autonomous region of Gagauzia (predominantly inhabited by a Christian Turkic population) and its relations with Chisinau, promoting democratisation and confidence-building activities with NGOs, combating human trafficking, assessing local and regional elections and cooperating with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in observing national elections.[40]

The ODIHR and the Mission, through its activities in the field of elections, have proved to be of particular importance for Moldovan political life and developments. The 2009 Moldovan elections were the most disputed in its history and provided for the more active participation of ODIHR and of the Mission in electoral activities, as well as the work of the Central Electoral Commission (CEC). The ODIHR has an undisputed leading role in international electoral monitoring in the view of Moldovan citizens. This attitude could be strengthened further through active participation in the process of change to the Moldovan electoral system.

Human dimension priorities should include Mission activities in supporting the freedom of the media, its professionalisation, work on Broadcasting reform in Moldova, training journalists, and monitoring and promoting the freedom of the media in the Transnistrian region. The issue of Broadcast reform in Moldova is still problematic, as previous governments moved away from the European democratic reforms in this and other fields. Hence, with the new reform-oriented Government, the role of the OSCE FoM Representative and that of the Mission may become more important and achieve greater success.

The Russian Factor in OSCE Activities in Moldova

An OSCE backgrounder on Transnistrian conflict states that, on 23 March 1992, the Ministers of Foreign Affairs of Moldova, Russia, Romania and Ukraine met in Helsinki on the margins of the 9th CSO meeting.[41] The same paper also suggests that in 1994, efforts to establish a working Quadripartite Commission and a group of military observers was interrupted by "the escalation of violence in June 1992" and that the "Quadripartite mechanism has not been working actively and is today in a state of "quasi-hibernation"." Moreover, the OSCE has written that "there have been numerous allegations that the Russian 14th Army, stationed on the left bank of the Nistru River, directly or indirectly supported the secessionists."

At the Helsinki Summit on 10 July 1992 Moldovan authorities requested that consideration be given to "the question of applying then CSCE peacekeeping mechanism in a way (that is) adequate to our situation". However, no such consensus decision was reached. Under similar circumstances, on 21 July, the Moldovan and Russian Presidents signed the bilateral Agreement, based on the principles of a peaceful solution to the armed conflict in the Transnistrian region of Moldova – a ceasefire agreement – which was later counter-signed by the Transnistrian leader.

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[40] Idem.

[41] Transnistrian Conflict, Origins and Main Issues, Based on the Background Paper "The Transnistrian Conflict in Moldova: Origins and Main Issues", Vienna, 10 June 1994, CSCE Conflict Prevention Centre, http://www.osce.org/item/659.html

Only after these developments, was there consensus approval for the deployment of the OSCE Mission to Moldova in 1993 and the Missions started its work on 25 April. It arrived after the armed conflict when the separatist authorities had clearly expressed their affinities to Russia.

The OSCE was accepted in 1994 as an observer to the Joint Control Commission (JCC) for the security zone of the conflict, institutionalised under July 21, 1992 ceasefire Agreement. The participation of OSCE in the JCC was a matter of debate and approval by all the delegations to this body, including Transnistrian, Russian and Moldovan. While the Moldovan delegation supported such requests, the Russian delegation often referred to the need for consensus in this body. This happened when the Transnistrian authorities doubted the need for OSCE to be present at the meetings. In contrast, the OSCE Mission to Georgia had the right to inspect peacekeeping posts and units. Despite this, it is fair to mention that "in August 2003, the Mission was able to broker an agreement for the full withdrawal by the Moldovan and Transnistrian military of armoured vehicles held by their peacekeeping forces inside the Security Zone. OSCE Mission members observed and verified all stages of this withdrawal."[42]

The period that followed this, as well as latest developments in Moldova, particularly between 2001 and 2009, has shown some Russian evasive attitudes towards conflict resolution under the OSCE aegis. The Istanbul 1999 commitments on Russian troops' withdrawal met both cooperation and resistance from the Russian side. The cooperation was particularly visible ahead of OSCE Ministerial Meetings at the end of the year, while there was some ammunition and equipment withdrawal or destruction between 1999 and 2002.

In terms of political negotiations, Russia, with the support of the Moldovan and Transnistrian authorities, tried to organise several discussions directly between the conflicting sides and these eventually led to the signing of a number of agreements. Thus, the 1997 Moscow Memorandum that stipulated a number of fields for cooperation, particularly in the economic sphere, as well as joint border/customs management by the conflicting sides was an example of such attempts. However, the signature of the 1997 Moscow Memorandum happened under presumed pressure from Russia and resulted in the acceptance by the Moldovan authorities of the "common state" concept. This was later used by the Transnistrian authorities to upgrade their demands for recognition and eventually for a confederative status that has not been accepted by Moldova.

The events of 2001-2003 showed that the Moldovan authorities also had their share of such less positive conflict resolution developments. In 2001 the Moldovan Communist Party Government advocated Moldova's entry into the Russia-Belorussia Union, and had high hopes that such an approach would facilitate the resolution of the Transnistrian conflict with Russia. The Government signed a number of documents with the Transnistrian authorities directly. However, there was a lukewarm response from the Transnistrian region and Moscow, which produced first Moldovan statements on the European integration. With that, Chisinau convinced President Putin to send a special envoy to Moldova for separate talks, outside the negotiation format in February 2003. As a

[42] OSCE Mission to Moldova website: Conflict resolution and negotiation, para "Joint Control Commission", http://www.osce.org/moldova/13426.html

result, the 2003 Kozak Memorandum foresaw Transnistrian veto powers over major decision-making bodies in Moldova, reducing the chances of Moldova's Europeanisation. It suggested that Russian troops should be stationed in Moldova by 2020, which ultimately generated international concerns over Moldova's future and resulted in internal political and public indignation.

The refusal by Moldova to sign the Russian mediated Memorandum was followed by the interruption of political talks in the five-sided format in 2004. After the 2004-2005 Moscow sanctions, the Moldovan authorities and the Russian Federation returned to bilateral talks in 2006. These were outside the recognised negotiations format, and did not include the OSCE, nor did they use the recognised 5+2 format (joined by observers by US and EU). This relationship was reinforced in March 2009, when the 2+1 format (conflicting sides + Russia) met in Moscow to make a joint statement, announcing that the peacekeeping operation in Moldova, with the participation of the conflicting sides, would transfer to the OSCE only after political resolution was reached.

The relationship of Russia and CSCE/OSCE in Moldova took Moscow's primary interests in the area into account first. Russia's return to political negotiations, with OSCE participation and sometimes under its aegis, had only happened in the past when Russia hadn't managed to secure separate negotiations under its own control, or when the lack of such talks was not convenient, given Russia's influence on the Transnistrian leadership.

UKRAINE

OSCE Priorities, Successes and Challenges in Ukraine

The role of OSCE as a collective security organisation has been important for Ukraine since the start of its independence (1991), and the Helsinki Act (1975) has been a building block of European security, establishing the principles of the territorial integrity of any member state. The numerous challenges of sovereignty and territorial integrity which have faced Ukraine put a high value on the OSCE basic principles for any new independent state.

Defining priorities for its activity in Ukraine, the OSCE took into account the issues facing the country as a new independent state and one of post-totalitarian states of the Eastern Europe. Protection of territorial integrity, securing human rights and strengthening democratic institutions were among the first to be considered.

In 1994, the OSCE set up its Mission in Ukraine with offices in Kiev and Simferopol. The main goal of the Mission lay in prevention of a crisis and the settlement of the conflict in the Crimea. At that time there was a real threat of separatism and ethnical conflict in the region.

Once the immediate threat was overcome, and as Ukraine successfully avoided any serious territorial/ethnic conflict, the level of OSCE representation in Ukraine was lowered to that of a Project Coordinator, who began his work in 1999. This lowering of the representation level reflected

the decreasing concern of the OSCE over developments in Ukraine, and the positive trends in the country's development since early 1990s.

Since then, the Coordinator has focused on the following key sectors:

- Democratisation and good governance
- Rule of law and human rights
- Cross-Dimensional Economic-Environmental/Politico-Military Programme

Promoting Free and Fair Elections Through Observation Missions

From 1994 to 2004 (the presidency of Leonid Kuchma) the most valuable and important activity by the OSCE in Ukraine was connected to the efforts by the Office for Democratic Institutions and Human Rights (ODIHR) to promote free and fair elections in post-communist countries.

OSCE/ODIHR undertook their missions in Ukraine during the 1994, 1999 and 2004 presidential elections and the 1998, 2002, 2006 and 2007 parliamentary elections. The conclusions of those missions were especially important in providing legitimacy to the elections, an indication of any shortcomings and the overall improvement of election legislation and practices.

International Observation Missions were very important during the election campaign when the second round of the presidential elections was deemed to be unfair, an opinion shared by national domestic NGOs, giving a strong impetus to the Orange Revolution.

The dispatch of the observation missions was the largely the result of joint efforts on the part of international institutions and Western governments. In terms of the number of observers and level of input, the OSCE Mission to Ukraine has been one of the biggest to date. The number of international observers set a record during the December 26, 2004 repeat ballot (after the Supreme Court found the outcome of the second round to be illegitimate) when the total number of foreign observers exceeded 13,000. The OSCE/ODIHR, together with Parliamentary Assemblies of OSCE, the Council of Europe and NATO, and the European Parliament, conducted long and short-term monitoring of the Ukrainian elections through the International Election Observation Mission (IEOM) in 2004. This mission was one of the largest election observation missions to date, (428 in the first round, 650 in the second round and 1,367 in the re-vote[43]).

According to the International Election Observation Mission report published on November 1, 2004, "The 31 October presidential election in Ukraine did not meet a considerable number of OSCE, Council of Europe and other European standards for democratic elections"[44].

The democratic shortcomings of the election and the shortage of international standards for free and fair elections increased the West's attention on Ukraine ahead of the second round of elections. When evidence suggested that candidate Yanukovych had violated democratic standards

[43] Website of the Central Election Commission of Ukraine. www.cvk.gov.ua/wp0011

[44] According to: ODIHR preliminarily observation statement, OSCE, November 1, 2004.

to win the closely-contested election, the IEOM[45] issued a statement heavily criticising Ukraine for not meeting international standards. According to the preliminary statement, the state authorities and the Central Election Commission (CEC) displayed a lack of will to conduct a genuinely democratic election.[46] This statement drew countless official statements from Washington, Brussels, Berlin, Warsaw and other European capitals, and made headlines worldwide.

The IEOM assessment of the second round of November 21, 2004, in addition to the results of the exit polls conducted by a number of Ukrainian institutions, became the main reason that the Orange Revolution did not to accept the election result and demanded free and fair voting.

According to the IEOM Preliminary Statement on the December 26 repeat ballot, the "process brought Ukraine substantially closer to meeting OSCE election commitments and Council of Europe and other European standards." Democratic progress was reported regarding balanced media coverage and egalitarian campaign conditions in general.[47]

The Ukrainian success clearly proved that international observation missions can be successful if national observers assist foreigners in a professional capacity.

After the 2004 presidential elections, the OSCE did not cease its election monitoring activity. On March 27, 2006, the OSCE commented on the parliamentary elections in Ukraine on March 26: the "election process was assessed for compliance with domestic law, OSCE Commitments, Council of Europe commitments and other international standards for democratic elections"[48].

Preparing for the presidential elections set for January 17, 2010, Ukraine's Foreign Ministry, on the instructions of the President of Ukraine on September 23, 2009, invited the OSCE/ODIHR to take part in monitoring the forthcoming elections.[49] The OSCE ODIHR paid particular attention to improvement of the election process in Ukraine, which has had difficulty in compiling a Single Register of Voters. As a result, in order to aid its compilation, the ODIHR in May, 2009, issued a

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[45] Election Observation Mission (IEOM): Jointly organised by OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly.

[46] International election observation mission: Presidential election (Second Round), Ukraine 21 November 2004, Statement of Preliminary Findings and Conclusions, Kiev, 22 November 2004.

[47] Presidential Election (Repeat Second Round), Ukraine, International Election Observation Mission, 26 December 2004.

[48] Preliminary Statement, International Election Observation Mission, Parliamentary Elections, Ukraine – 26 March 2006, p.1: http://oscepcu.org/archive/election_2006/en/docs/odir06.pdf

[49] «Ukraine invited representatives of the OSCE to observe presidential elections», Golosua.com, 23 September 2009: http://www.golosua.com/politika/2009/09/23/ukrayina-zaprosila-predstavnikiv-obsye-dlya-sposte/

report titled "Increasing accuracy of the State Register of Voters of Ukraine"[50], which was particularly important with elections in sight.

OSCE activity in Ukraine is important to the development of democratic institutions; its permanent presence could safeguard the country from sliding down to undemocratic elections. Meanwhile, it is highly important that the OSCE concentrates on the enhancement of the rule of law in the country; fighting human trafficking is an important separate sector of its activity. OSCE efforts across all these projects need a positive response from the Ukrainian authorities and the readiness of domestic NGOs to co-operate.

The Russian Factor in OSCE Activities in Ukraine

The Ukrainian government has usually welcomed OSCE activity aimed at promoting free and fair elections. However, during President Kuchma's second term (1999-2004) when the deficiencies and shortcomings of democratic developments became evident, Ukraine was inclined to support Russia's position which sought to question the legitimacy of and finally derail OSCE activity in the area of election monitoring.

In 2003, Russia, supported by Ukraine and some other CIS states, tried to adopt and implement a "CIS Election Monitoring Code" in order to challenge OSCE election standards elaborated by ODIHR. At that time, the CIS Election monitoring mission was established and went on to provide an instrument to legitimise CIS elections, even if they were neither free nor fair. In the majority of cases the conclusions of CIS monitoring mission have not coincided with OSCE/ODIHR conclusions.

Ukraine left the CIS Election monitoring mission and changed its position in 2005, after the Orange revolution. Russia and her allies continued to try to derail OSCE/ODIHR monitoring activity, accusing the OSCE mission of unfair, biased treatment and interference in domestic affairs of the countries being monitored. For example, during the OSCE ministerial summit in Ljubljana, Slovenia (December 2005) the Russian delegation disseminated a statement on behalf of all CIS countries, containing an accusation that the OCSE election monitoring mission was biased, giving a mostly negative assessment of election in CIS countries, and calling on the ODIHR not to apply "double standards" .In return, Ukraine together with Georgia and Moldova, issued a statement that they did not ally themselves with Russia's position and therefore that position could not be presented as common across the CIS.

These debates proved that some OSCE activities are challenged by non-democratic trends in some CIS states, and therefore, there is a lack of consensus; in particular between Ukraine and Russia on the issue of promoting free and fair elections.

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[50] "Increasing accuracy of the State Register of Voters of Ukraine" Report to the OSCE Project Co-ordinator in Ukraine from the ODIHR assessment visit 12-16 May 2009: http://www.osce.org/ukraine/documents.html

Other Activities of OSCE in Ukraine and Plans for the Future

Current plans for the OSCE Project Co-ordinator Office include a wide range of activities covering strengthening the capacity of democratic institutions, fighting various forms of international crime and developing international cooperation. In particular, the OSCE supports further cooperation on the protection of the rights of trafficked people and the prosecution of traffickers.

The OSCE Project Co-ordinator in Ukraine (PCU) works closely with Ukrainian authorities to implement projects that address the prevention of human trafficking, strengthening prosecution and criminalisation and the facilitation of assistance to victims. This involves close co-operation with the Ukrainian Ministries for Family, Youth and Sports, the Interior, Health, Justice, Education and Science, as well as with the Supreme Court, the National Academy of Prosecutors, the Academy of Judges, regional anti-trafficking NGOs and other local and international partners. These projects are based on key OSCE and Ukrainian anti-trafficking documents, most importantly the OSCE Action Plan to Combat Trafficking in Human Beings, adopted in 2003 and revised in 2005, and the Ukrainian State Programme to Combat Trafficking in Human Beings for the Period Until 2010[51].

The latest conference on the subject was held on October 15th, 2009 in Kiev and brought together 150 judges, policymakers, law enforcement practitioners and representatives of NGOs from the OSCE region it was a joint project of the OSCE Project Co-ordinator in Ukraine and the Academy of Judges of Ukraine. It was also part of the wider project 'Support Ukrainian institutions to better prevent and combat trafficking in human beings', which is being implemented by the OSCE Project Co-ordinator in Ukraine.

The OSCE provides consistent assistance to Ukraine in dealing with the disposal of toxic fuel substances inherited by Ukraine from the USSR. On September 16, 2009 the OSCE Secretary General, Marc Perrin de Brichambaut, and Acting Ukrainian Defence Minister Valeriy Ivashchenko signed a contract with a Russian consortium that provided safe disposal of more than 3,000 metric tonnes of a toxic rocket fuel component which had been stored in rusting containers at two storage depots in Ukraine.

Together with Ukranian Ministry for Family, Youth and Sports, the OSCE Project Co-ordinator in Ukraine has announced the introduction of training courses for representatives from the business community in order to engage them in a co-operative support programme for orphans graduating from Ukraine's vocational training schools. Training will take place in Ivano-Frankivsk, Kharkiv, Luhansk, Zaporizhya and Kiev within the framework of Phase II of the Economic Empowerment for Ukrainian Orphans and Other Young Persons Vulnerable to Trafficking in Human Beings project.

The OSCE 2004 Action Plan to Promote Gender Equality tasks all OSCE structures to "continue to assist participating States in developing programmes and activities aimed at the prevention of all forms of gender-based violence." In response to initiatives undertaken by a number of

[51] OSCE Project Co-ordinator in Ukraine http://www.osce.org/ukraine/13186.html

organisations, including the PCU, the Ukrainian Law on Prevention of Domestic Violence was adopted in 2002 and amended in October 2008.

Among human rights protection activities, the OSCE will continue to contribute to action and policies against torture. A second East European conference for participants in the Optional Protocol to the Convention against Torture (OPCAT) national preventive mechanisms took place in late October 2009, gathering local and international experts to explore current trends, challenges, and practical aspects of implementing the OPCAT in East European countries and elsewhere in the OSCE region[52].

Conclusions

- OSCE activities in Ukraine are important in several areas:
- OSCE educational programmes implemented in Ukraine have enhanced the overall literacy of Ukrainian officials in the field of democratic governance and raising the awareness of Ukrainian citizens about their rights and duties;
- Assistance in the establishment of an open and democratic procedure of elections. The presence of OSCE monitoring groups and the education of participants in the election process over a long period has enabled the country to improve skills which allow fair and free conduct in elections. Of course, that process, as well as the introduction of democracy, is not irreversible; but the readiness of the Ukrainian authorities and officials to learn and the fact that they remain open to cooperation give rise to cautious optimism for the future of democratic institutes in Ukraine;
- The OSCE presence in Ukraine and the readiness of the Ukrainian authorities to cooperate with that organisation give a positive signal to other international actors who have witnessed the country's adherence to democratic principles, even if they are not always implemented in their "pure" form;
- Through the OSCE institutional infrastructure and legal tools, Ukraine is involved in the contemporary European politico-legal and cultural space;
- Assistance to Ukraine in dealing with the disposal of toxic fuel substances;
- Activity to combat torture, human trafficking and other violations of human rights
- Activity of the OSCE institutes – Office for Democratic Institutions and Human Rights, High Commissioner on National Minorities, OSCE Representative on Freedom of the Media – each in its sector – contributes to Ukraine's progress on the road of democratisation.
- In the absence of clear prospects for Ukraine's membership of the EU the absence of any formal external commitments of the Ukrainian authorities to implement democratic values and a market economy, thanks to Ukraine's cooperation with OSCE, Ukraine has moved

[52] OSCE Project Co-ordinator in Ukraine http://www.osce.org/ukraine/item_6_40756.html

towards meeting the Copenhagen criteria, drawing its standards of life closer to those of Europe.

The OSCE presence and its activities in Ukraine play a positive role. Along with the EU Eastern Partnership policy, the OSCE contributes to the promotion of the European democratic principles and values.

CONCLUSIONS

OSCE activities in the Eastern European region are primarily focused on strengthening democratic transformation in those states. The OSCE also touches upon the most sensitive issues for many countries such as electoral processes and human trafficking in Ukraine, the resolution of the Transnistrian conflict in Moldova, and opposing authoritarian tendencies in Belarus. The results differ from country to a country. And primarily they depend on internal political and economic developments in the states themselves, rather from the OSCE's efforts.

In many situations the OSCE and Russia share different positions. Although it is an OSCE member-state, Russia does not always follow the general policy of the OSCE in the country. Thus, with regard to Belarus, the OSCE and Russia differ in their assessment of the nature of the ruling system of government. While the OSCE is putting its efforts in stimulating democratic transformation in the country, Russia has opposed any attempt to criticise the current political regime. The Transnistrian conflict is a stumbling block for OSCE and Russia differences in their attitudes towards Moldova. The future of democratic development of Ukraine became a dividing line in OSCE – Russia relations in this state.

The future of the OSCE in the countries of the region depends to a large degree on internal political and economic transformation. The OSCE has more chance for success in a country which is moving towards democratic development. Any positive democratic development in that country positively impacts its relationship with the OSCE and its effectiveness in that country. The OSCE has little chance for success in a country which is moving away from the democratic development. The potential for future democratic development is a decisive element for OSCE prospects in the region.