



Germany's Responsibility in International Politics (I) – The German OSCE Chairmanship

Working Group of Young Foreign Policy Experts

Key Points

- As the Ukraine crisis continues, the importance of the OSCE is increasing both as a dialogue forum and as an actor in the security arena. When Berlin takes over the Chairmanship of the organisation in January 2016, it should use the opportunity to strengthen the OSCE's institutions, raise its profile and think beyond the current conflicts.
- Germany should work towards a strengthening of the OSCE's authority. To this end, greater consideration should be given to the options of applying the consensus-minus-one principle and of suspending individual members as a disciplinary measure. This will require the development of fixed rules of procedure and application criteria.
- In the event of a member repeatedly violating OSCE commitments, Germany should urge the OSCE to sanction the offending party. To bring this about, Germany could, as a last resort, threaten to resign from the Chairmanship in protest.
- Germany should use the Chairmanship to draft an agenda for OSCE's future. There is a particularly high need for action in the areas of the fight against transnational threats, the expansion of arms controls, the strengthening of freedom of the media, and turning the attention back on so-called frozen conflicts.

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The perception of the OSCE has changed through the ongoing Ukraine conflict. For the first time in two decades, the organisation is not overshadowed by doubts about its *raison d'être*

Preface: Germany's responsibility in international politics

Germany must take on greater responsibility in the area of foreign policy. This was what President Joachim Gauck called for at the Munich Security Conference in early 2014, flanked by the Ministers for Foreign Affairs and Defence. Germany's new strength forms the starting point of the debate. Unlike other countries, it has survived the economic and financial crisis virtually unscathed and is on a sound economic footing. Germany also enjoys outstanding political stability. Out of this strength arises the responsibility to make greater efforts for maintaining the liberal world order, particularly since Germany derives great benefits from it as a trading nation. In view of the wars and conflicts in Europe and at its periphery, in the Ukraine and in the Middle East, the debate about Germany's new responsibility in international politics has particular resonance.

But what form should Germany's new responsibility take in a world that is becoming increasingly unstable? Which instruments should be strengthened? And what initiatives should the German government initiate and further?

Against the backdrop of this debate, the Working Group of Young Foreign Policy Experts of the Konrad-Adenauer-Stiftung has written three papers relating to the three areas where the acceptance of greater responsibility appears to be particularly urgent: the upcoming German OSCE Chairmanship (I) as well as the topics of Partnerships (II) and Security Policy (III). The authors provide concrete recommendations on how and where "responsibility" can be imbued with political life.

The German OSCE Chairmanship

"Today Europe is navigating extremely turbulent waters. We must weather storms that come from both the inside and the outside." This is how Foreign Minister Steinmeier began his speech to the Permanent Council of the Organization for Security and Co-operation in Europe (OSCE) in Vienna on 2 July 2015. The stormy times in Europe coincide with an intensive debate on Germany's new responsibility. In January 2016, Berlin will take over the OSCE Chairmanship. This is one instance of Germany taking on responsibility; it should use its OSCE Chairmanship to work towards the establishment of a peaceful order throughout Europe.

With the end of the Cold War and the expansions of the EU and NATO this facilitated, many political actors began to question the relevance of the OSCE, then still referred to as the Conference on Security and Co-operation in Europe (CSCE). Despite the historically extensive role of the organisation during the process of *détente* in the 1970s and 1980s, the structure of the European security order is determined predominantly in Brussels these days rather than Vienna. However, the OSCE's central role in the continuing Ukraine conflict has changed the public and political perception of the organisation. The OSCE is once more attracting greater attention and support as a dialogue forum and as an actor in the security arena. This offers a significant opportunity for the German OSCE Chairmanship to make a difference. For the first time in two decades, the institutional capabilities of the OSCE are not overshadowed by doubts about its *raison d'être*. The German Chairmanship should make use of this window of opportunity to consolidate the organisation's institutions and to raise its profile. Areas where the OSCE has a unique capability should be strengthened. At the same time, structures duplicating those existing in other organisations should be dismantled, and the organisation should stop its involvement in matters where the EU, the Council of Europe, NATO or the

United Nations have more sustainable mandates and better structures. Germany should also generally expand its thinking beyond the current crisis. The following recommendations are intended to help to strengthen the OSCE and make it fitter for the future.

1. Strengthening authority – two initiatives

The OSCE has a credibility problem and an authority problem. Unresolved territorial conflicts, deficits in the areas of democracy and the rule of law in the Eastern member states as well as the war in Ukraine have meant that many observers believe that it is failing to live up to its claim to maintain a peaceful order throughout Europe. The internal workings of the OSCE, first and foremost the fact that decisions are taken by consensus, make it unwieldy, and differences of opinion frequently cause paralysis. To ensure that the OSCE can also be more effective in times of crisis, the German Chairmanship should work towards strengthening the OSCE's authority through two initiatives:

1.1 Consensus-minus-one principle and suspension of peace-breakers

The "Prague Document on Further Development of CSCE Institutions and Structures" of 1992 states that appropriate action may be taken, if necessary in the absence of the consent of the state concerned, "in cases of clear, gross and uncorrected violations of relevant CSCE commitments". However, adopting this so-called consensus-minus-one principle does not mean that the OSCE should indirectly abandon the inclusive character of the cooperation and aim to assert its decisions on a majority basis against the wishes of one member. Instead, it would mean that all existing legal options could be exhausted to equip the OSCE with effective instruments to respond to internal and external security risks in the event of a breach of the peace within the organisation. The mere availability and the threat of the consensus-minus-one principle being applied could exert a disciplinary effect. And, for occasions where this may prove to be insufficient, rules and processes should be established for suspending individual members. One notable precedent in this context is the exclusion of Yugoslavia from the internal CSCE planning in May 1992.

During its Chairmanship, Germany should work towards the development of criteria and general rules of procedure for the application of both these measures. That said, the application of the consensus-minus-one principle and suspension should represent absolute exceptions, which can only be resorted to if there is a substantial violation of the peaceful order in Europe.

1.2 Upgrading the peace missions

The OSCE peace missions must be upgraded in terms of personnel and equipment. During its Chairmanship, Germany should propose that particularly civilian missions taking place in areas of armed conflict are equipped with military components. In the past, civilian observers in disputed territories have repeatedly found themselves in situations where their lives were endangered. To make missions more resilient, personnel should, for instance, be equipped with light weapons for self-defence and with drones for local reconnaissance. OSCE missions can only be conducted effectively in areas where military operations are taking place if they have the appropriate technical support. At the same time, observer contracts should extend beyond the date when the relevant mandate expires in order to guarantee

OSCE missions should be upgraded in terms of personnel and equipment and bolstered with military components

the missions' effectiveness. To ensure that the OSCE can perform the role of a neutral actor, which is essential for successful peacekeeping missions, Germany should use its Chairmanship to press hard for states that are directly or indirectly involved in a particular conflict to be excluded from involvement in the relevant OSCE missions – in terms of both equipment and personnel. In controversial cases, this necessary measure can only be guaranteed through the consensus-minus-one principle, and it illustrates how essential the principle is for maintaining the OSCE's capability of acting as a neutral party. These adaptations have the potential to help to sustainably strengthen the credibility and effectiveness of the OSCE missions.

2. Consistent treatment of peace-breakers

To maintain the international credibility of Germany's foreign and security policy, it will be essential to ensure the consistent treatment of peace-breakers who undermine the European system of values and security and thereby also the legitimacy of the OSCE. Following the annexation of Crimea in contravention of international law, Russia did not only have economic sanctions imposed against it, but was also excluded from the G8. Although the OSCE is one of the few remaining forums for dialogue with Russia, the organisation should not be reduced to a forum for a policy of appeasement towards Russia given its important role in the conflict region of eastern Ukraine. Instead, in the event of clear and sustained gross violations of relevant OSCE commitments, further steps against peace-breakers should ultimately be considered, such as the above-mentioned consensus-minus-one principle and Russia's suspension. Should the OSCE states not come to an agreement on seeking the suspension of peace-breakers, Germany could consider resigning its OSCE Chairmanship as a last resort.

Resignation of the Chairmanship would send a strong signal. It would be an unprecedented step in OSCE's history and could result in the organisation's operations being temporarily hampered. But it would have a strong symbolic effect internationally. For one, Germany would thereby clearly signal that the actions of the peace-breaker can no longer be tolerated and that the continuation of talks within the OSCE framework is in serious question. In addition, this step could help to increase international pressure on the peace-breaker, which may in turn help to bring about a change in conduct. In the case of Russia, such a drastic measure could further refute criticism of Berlin's perceived leniency in its policy towards Russia and improve the reputation of Germany's foreign policy towards the states in Eastern and Central Europe. In any event, this step would have to receive political support from the German government and other OSCE states to prevent it being misinterpreted by politicians and by the media as a withdrawal from responsibility. Subsequent interpretational sovereignty in the political arena is therefore as important as the step of resigning from the Chairmanship itself. It can be achieved by ensuring that the resignation has the support of a previously organised coalition of OSCE states, which communicates it consistently to the outside world both in political circles and in the media.

Resigning the Chairmanship would set a precedent and increase international pressure on the peace-breaker.

3. Agenda setting to shape the future – four aspects

To raise the OSCE's profile and to establish the organisation as a credible and efficient actor, Germany should, in addition to the above-mentioned measures, set several further items on the Chairmanship agenda. Firstly, Berlin should strengthen the OSCE's political negotiation and consultation framework; secondly, revitalise the

agreements on arms control (political-military dimension); thirdly, expand the toolkit of non-military components (human dimension); fourthly, make use of its scope for action as well as turning the attention back on so-called frozen conflicts within the OSCE realm.

3.1 Drawing attention to transnational threats

The framework for political negotiation and consultation, which is at the heart of the OSCE, has been weakened by political polarisation in recent times. Re-establishing lost trust must represent a priority for Germany's Chairmanship. To this end, Berlin must make purposeful efforts to direct attention to transnational threats such as organised crime, which are equally significant to all member states and which require joint analyses and responses. All member states would benefit from greater cooperation in this area – for example through the exchange of information on the structures and methods of criminal networks and through joint training measures. This could simultaneously help to build new trust at the operational level. The "Panel of Eminent Persons", which is engaged in drawing up proposals on furthering cooperative security in Europe, will make a concrete contribution towards this goal.

3.2 Expanding and strengthening arms controls

Where the political-military dimension is concerned, Germany should further advocate the enhancement of the transparency agreements of the Vienna Document and a revitalisation of the initiative in collaboration with Russia. In this context, the OSCE can act as a catalyst for amendments to the treaty on conventional armed forces in Europe. The Open Skies Treaty, which allows for reconnaissance flights over the other parties' territories, must be strengthened. The quotas for on-site inspections should be increased and the scope of application of the Vienna Document should be expanded to include command support and logistics forces as well as internal security forces, militias and paramilitary organisations. This should be complemented by an extension of the inspection periods and an increase in the number of inspectors. Events on the ground in recent months have shown that the instrument still has an impact despite the continuing hostilities in Ukraine. The Russian side, for example, cited the document when it recently demanded the right to observe NATO training exercises, which can be interpreted as an indication that Russia is still interested in a continuation of the exchange. While the demanded transparency in this concrete case initially only appears to serve Russia, Russia's interest in having continued access to information gained this way may exceed its desire to refuse the same right to the other OSCE partners in return. In the long term, the OSCE should also work towards an improvement of the crisis mechanism through mutual declarations of commitment to the Vienna Document by the member states.

3.3 Strengthening freedom of the media and the protection of minorities

Where the human dimension is concerned, Germany's Chairmanship should advocate that the mandates of the Representative on Freedom of the Media and the High Commissioner on National Minorities be expanded. Against the backdrop of proliferating "information warfare" and attacks on journalists, it is now more important than ever to maintain interpretational sovereignty with respect to political developments and to promote the strengthening of objective media reporting and the protection of journalists against arbitrary harassment and violence. Only if these conditions are achieved, can the free forming of opinions and political participation in decision-making processes be facilitated. Germany should advocate better

All OSCE states would benefit from greater cooperation in the area of transnational threats, for example through the exchange of information about criminal networks.

Against the backdrop of proliferating "information warfare" and attacks on journalists, it is more important than ever to protect the freedom of the media.

funding for the office of the OSCE Representative on Freedom of the Media so that field operations can be expanded to cover all OSCE states and no areas on the OSCE map remain blank.¹ Where the protection of minorities is concerned, the OSCE should ensure an examination of the reality of the lives of minorities in the different countries by a neutral party in order to prevent the political instrumentalisation of minorities and guard against conflict. Both instruments are of crucial significance in view of the challenges in the region. An expansion of the geographic scope of monitoring missions as well as better funding and staffing will increase the OECD's transparency and credibility. An increased presence of the OECD in the member states will above all improve the early warning system for the protection of minorities and the monitoring and promotion of freedom of the media as well as conflict prevention in the region.

3.4 Turning the attention back on "frozen conflicts"

During its Chairmanship, Germany should use all the means at its disposal to make the OSCE's role as an actor in conflict prevention more visible and to strengthen it. As part of a strategic agenda setting, Germany should further turn the attention back on simmering conflicts, such as those in Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh, and devise new, regional initiatives to help mitigate these conflicts. In the Transnistria conflict, the number of the rounds of negotiation in the 5+2 format, involving the OSCE, Moldova, Transnistria, Russia, Ukraine as well as the EU and the USA as observers, should be increased again to show that the OSCE does not turn away from drawn-out conflicts in resignation. Even if there is no hope of fast solutions, the continuation of the negotiations will have an important symbolic effect, particularly against the backdrop of developments in eastern Ukraine. In the South Caucasus, Germany should coordinate closely with Switzerland, which provides the Special Representative of the OSCE Chairperson-in-Office for the South Caucasus until the end of 2015 and which concerned itself intensively with the conflicts in South Ossetia, Abkhazia and Nagorno-Karabakh during its Chairmanship in 2014. That will be the best way to combine continuity with innovation in crisis management and peacekeeping.

To prevent a further escalation of these frozen conflicts, regular OSCE missions should be dispatched to the trouble spots with the remit to report in particular about the situation of minorities and about observance of freedom of the media, in line with the recommendation outlined above. That is the only way to ensure an objective basis for further rounds of negotiation between the conflicting parties.

If Germany is successful during its Chairmanship in achieving the goals of raising the OECD's profile and improving its effectiveness, particularly in dealing with peace-breakers in accordance with the recommendations detailed earlier, the OSCE can once again develop into a mainstay of the peaceful order in Europe.

At the same time, Germany would do justice to its claim of accepting "new responsibility", which has been repeatedly voiced in connection with its foreign policy agenda, and it could strengthen its foreign policy influence within the European security framework.

Even though there is no hope of fast solutions to the frozen conflicts, the negotiations should be continued – in part with a view to creating a symbolic effect for the Ukraine conflict.

- 1] *The OSCE Representative on Freedom of the Media, a post currently occupied by Dunja Mijatovic, observes the media landscape in the OSCE states and performs an early warning function in the event of violations of freedom of the media and freedom of expression. In the event of such breaches, she contacts the affected member states and conflicting parties and offers assistance with conflict resolution. In addition, the OSCE is present in some OSCE states such as Kosovo, Serbia, Kazakhstan and Moldova with missions tasked to set up independent media systems and to monitor reforms (full list available at <http://www.osce.org/where>). A corresponding, more long-term OSCE presence would also make sense in other states for increasing the OSCE's credibility and transparency and for checking the commitment of the member states to ensuring freedom of the media under the rules of their OSCE membership. Particularly in countries such as Azerbaijan, Belarus, Georgia, Turkey, Mongolia and Russia, where there are frequent reports of the freedom of the media being violated, such a monitoring function would be highly advisable.*

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Further information at
<http://www.kas.de/wf/en/71.6391/>

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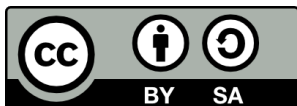
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