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ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

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Abstract

The Organization for Security and Cooperation in Europe (OSCE), is a group of 57 states headquartered in Vienna, Austria. It is the largest regional security-oriented intergovernmental organization having United Nations observer status. The OSCE takes a holistic approach to security. The OSCE was established to serve as a multilateral forum for communication and negotiation between the East and the West. Its origins can be traced back to the early 1970s, during the détente period, and it aims to reduce the dangers of armed conflict and misinterpretation or miscalculation of military activities. The OSCE's key functions include border management, arms control, conflict prevention and resolution. We will discuss the OSCE's participation in the Russian-Ukraine crisis, as well as the Minsk Agreement and how Ukraine and Russia approach it. This article also discusses Russia's engagement in the Ukrainian war as well as recognition of the rebel organizations. The recent invasion of Ukraine and OSCE operations in the Russia-Ukraine conflict, as well as its gains, are addressed.

Introduction

Organization for Security and Cooperation in Europe or the OSCE, is a group of 57 states, with headquarters in Vienna, Austria. It is the largest regional security-oriented intergovernmental organization with observer status from the United Nations. “OSCE has a comprehensive approach to security that encompasses politico-military, economic and environmental, and human aspects. It therefore, addresses a wide range of security-related concerns; including arms control; confidence and security-building measures; human rights; national minorities; democratization; policing; strategies; counter-terrorism; economic and environmental activities. All 57 participating States enjoy equal status, irrespective of their geographical area, and decisions are taken by consensus on a politically, but not legally binding basis”¹.

Origin And Background

The beginnings of the OSCE may be traced back to the early 1970s, during the détente period², when the Conference on Security and Cooperation in Europe (CSCE) was founded to serve as a multilateral venue for communication and negotiation between East and West. “On August 1, 1975, the leaders of the original 35 member nations convened in Helsinki and signed the Final Act of the Conference on Security and Cooperation in Europe. The Final Act, often known as the Helsinki Accords, is not a treaty, but rather a politically enforceable accord consisting of *three main portions*, colloquially known as ‘baskets’, that were adopted through consensus. This comprehensive Act includes a wide variety of measures aimed at improving security and cooperation in the region stretching from Vancouver to Vladivostok.”³ This declaration featured a number of significant commitments on political,

¹ “Factsheet: What Is the OSCE? | OSCE.”, 15 Oct. 2021. Available at-
“www.osce.org/whatistheosce/factsheet#:~:text=With%2057%20participating%20States%20in,that%20makes%20a%20lasting%20difference”.

² Détente period is derived from a French word which means, ‘release from tension.’ The period when the relations between Soviet Union and United States improved in 1971, due to the mutual efforts of then President Richard M. Nixon and Leonid I., Secretary General of the Soviet Community.

³ “The Helsinki Process and the OSCE.” CSCE, 1 Feb. 2016, www.csce.gov/about-csce/helsinki-process-and-osce.

military, economic, environmental, and human rights issues that proved critical to the so-called 'Helsinki process' Since 1975, the number of countries signing the Helsinki Accord was raised to 57 countries, which reflected changes such as the break-up of Soviet Union.

Until 1990, the CSCE was largely a series of meetings and conferences that built on and enlarged the member nations' commitments while periodically reviewing their performance. With the end of the Cold War, the Paris Summit in November 1990 defined a new course for the CSCE. The Charter of Paris for a New Europe requested that the CSCE play a role in managing Europe's historic change and responding to the new difficulties of the post-Cold War period, which resulted in the formation of permanent structures and operational capacity. As part of the institutionalisation process, the name was changed from the CSCE to the OSCE in December 1994.

Functions Of OSCE

Arms control: The Helsinki Final Act of 1975 (which is the founding document) states that there is a "need to contribute to reducing the dangers of armed conflict and of misunderstanding or miscalculation of military activities that could give rise to apprehension, particularly in a situation where participating States lack clear and timely information about the nature of such activities." They seek to decrease conflict, foster trust among OSCE member states, and promote more openness and transparency in military planning and operations. They can also be utilised as early warning indications of impending violence. The Forum for Security Cooperation, the OSCE's decision-making body for the politico-military aspects of security, supports these efforts by issuing papers on CSBMs⁴. "The Forum helps to execute the OSCE Code of Conduct on Political-Military Aspects of Security. The OSCE member states are obligated to share information on the democratic management of their military and security forces under this landmark declaration in security sector governance. Furthermore, the Forum develops guidelines and provides practical assistance to stop the proliferation of illegal small arms and light weapons"⁵.

⁴ Comprehensive set of confidence and security-building measures (CSBMs)

⁵ "Arms Control | OSCE.", 17 Aug. 2022, "www.osce.org/arms-control".

Border Management: By coordinating border-related policies and practices in line with the OSCE Border Security and Management Concept and pertinent Ministerial Council Decisions, the OSCE supports the efforts of its Member States and Partners for Collaboration to develop border-related agency capacities and foster cooperation between them.

The OSCE Border Security and Management National Focal Point Network and the OSCE Policing OnLine Information System (POLIS) are information and experience-sharing platforms for border-related issues.

The Border Management Staff College acts as a centre of excellence and a delivery platform for knowledge and best practices in border management and security. “Several OSCE field operations aid in successful border control. Their work includes keeping a presence in border areas; helping border police and their counterparts in other countries to cooperate and share information quickly; Training, workshops, and awareness-raising for naval and border security officers, customs workers, and aviation and airport security professionals on Patrolling methods, surveillance tactics, marine security protocols, airport safety management, anti-drug trafficking, travel document security, international profiling techniques, combatting transnational organized crime, illicit drug and chemical precursor trafficking; Meetings with border authorities, local officials, and locals to provide early notice; and providing technical advice and help in the prevention and response to border incidents”⁶.

Conflict prevention and resolution: The major tools used by the Organization to counteract this cycle are its field operations network and the Conflict Prevention Centre (CPC). For example, the CPC serves as the OSCE's early warning focal point, fosters communication, and supports mediation and other conflict prevention and resolution activities.

The activities of OSCE field operations in the sphere of conflict prevention and resolution include improving the skills of local actors to reduce potential sources and causes of conflict; facilitating communication between political and civic actors so that conflict risks may be

⁶ “Border Management | OSCE.”, 9 Sept. 2022, “www.osce.org/border-management”.

resolved as quickly as possible; facilitating dialogue, mediation, and confidence-building measures between conflict-affected cultures and communities; observing the security situation in OSCE member countries; fostering the development of trust; and aiding in the development of national crisis response plans.

Russia- Ukraine Crisis And OSCE

In April 2014, Russia-backed insurgents seized government facilities in the Donetsk and Luhansk regions — collectively known as Donbas — declared the establishment of "people's republics" and fought with Ukrainian soldiers. The separatist areas staged a popular vote the next month to proclaim independence and seek to join Russia. According to Ukraine, over 15,000 individuals have been killed in violence since then.⁷

Following a crushing defeat of Ukrainian military in August 2014, envoys from Kiev, the rebels in the Donbas area, and the Organization for Security and Cooperation in Europe (OSCE) signed an agreement in the Belarusian city of Minsk on September 14, 2014.

Minsk Agreement

It is a trilateral agreement between Ukraine, Russia and OSEC, with mediations by the leaders from France and Germany to resolve the ongoing war situation in Donbas region. There were two agreements called as Minsk I and Minsk II. Minsk I was signed on 5th September 2014 by the then self-proclaimed leaders of Donetsk People's Republic and Luhansk People's Republic, which is Russian-backed separatist of eastern Russia. The main objective of this agreement was to stop the war and implement ceasefire. After its violation from both the sides, it failed and was followed by Minsk II agreement which was signed on 12th February 2015. This agreement was a 13-point package of measures meant to facilitate the implementation of the initial Minsk Agreement. Some of which were:

⁷ What are Ukraine's separatist regions, and why is Russia sending 'peacekeepers' there provocative?, ABC News Network, Feb 22nd 2022.

Military de-escalation: De-escalation of the military: The second accord called for a "immediate and comprehensive" ceasefire in the Donetsk and Lugansk areas. Furthermore, the two nations had to remove their heavy weapons in a way that left a security zone at least 50 kilometres wide. The OSCE was tasked with overseeing the entire process using all the appropriate technological tools, including satellites, drones, radar equipment, etc.

Local Elections in Donetsk and Lugansk: In line with Ukrainian law, the Ukrainian government was urged to start a conversation on the specifics of local elections in the two areas. This was in regards to both the future rule in the rebel territories as well as the interim local self-government. Additionally, the Ukrainian Parliament was expected to pass a resolution outlining the regions benefiting from the special regime status within thirty days of the agreement's signature. It aims to establish a long-term law governing the two areas' unique status.

The border: The agreement stipulated that the Ukrainian government must retake complete control of the state border throughout the combat zone. This was to start after the local elections were over and the two areas had reached a political agreement.⁸

The Minsk Conundrum:

As Chatham House⁹ pointed out, The Minsk-II Agreement supports mutually divergent interpretations of sovereignty, namely, Ukraine's concept of sovereignty and Russia's opposing version. The 'Minsk Conundrum' is made up of two opposing notions.

⁸ Saptaparno Ghosh, Explained|What is Minsk Agreement? The Hindu, Mar 04, 2022.

⁹ Also known as the Royal Institute of International Affairs, is an independent policy institute headquartered in London. Its mission is to provide authoritative commentary on world events and offer solutions to global challenges. It was founded in 1920.

Ukraine's Version of Minsk II Agreement

The agreement is viewed by Ukraine as a precursor to a series of events that will allow it to restore sovereignty. These include a cease-fire followed by Russian withdrawal from Ukraine, restoring border control, holding free and fair elections in the Donbas area, and delegating limited authority to Russia's surrogate governments. As a consequence, the country would be free to pursue its own internal and foreign policies.

Russia's Version Of Minsk II Agreement

Russia sees the agreement as a means of undermining Ukrainian sovereignty. The essential events of the Ukrainian interpretation are reversed. Before Ukraine secures its borders, elections in the two rebel areas would be held, followed by the grant of autonomy to the rebel areas, weakening the central government in Kyiv. As a result, Ukraine would be unable to govern itself efficiently or to orient itself toward the west. For example, point No. 10 of the 13-point Minsk II Agreement specifies that all foreign armed formations and military equipment must be withdrawn from the two disputed areas of Donetsk and Luhansk: Ukraine claims this refers to Russian soldiers, while Moscow denies having any forces there.

How Is Russia Involved In The Conflict In Ukraine?

Moscow has maintained tight relations with pro-Russian rebels in eastern Ukraine's Donbas area but denies any involvement in their almost eight-year conflict with Ukrainian government forces. Since April 2019, Moscow has granted 8,00,000 Russian passports to Donbas people. "In 2016, a former senior official from the self-proclaimed Donetsk People's Republic informed Reuters that Russia directly funds pensions and public sector wages in the two separatist territories of eastern Ukraine. Both separatist regions have abandoned the Ukrainian hryvnia in favor of the Russian rouble as their official currency. Instead of the Ukrainian curriculum, local schools now follow the Russian national curriculum. On June 12,

2021, the Donetsk People's Republic observed Russia Day, a national holiday in Russia commemorating Russia's declaration of independence from the Soviet Union. Despite a Kyiv prohibition, local officials in Donetsk said in January 2021 that Russia had begun distributing its Sputnik V vaccination against COVID-19 to separatist-controlled Donetsk¹⁰.

Russian Recognition Of The Separatists Group And Invasion Of Ukraine:

Russian state television showed Mr. Putin signing decrees recognising the so-called Donetsk and Luhansk People's Republics and authorising the Russian Defence Ministry to deploy soldiers in both territories to carry out "peacekeeping responsibilities." The decision was criticised by numerous states at an emergency meeting of the United Nations Security Council as a breach of international law and Ukraine's sovereignty. After recognising the independence of two Moscow-backed areas, Russian President Vladimir Putin declared that the Minsk deal for settling the Ukraine issue "no longer exists." On February 24, 2022, Russia launched a full-fledged invasion of Ukraine.

OSCE Operations In Russia-Ukraine Conflict:

Following Ukraine's appeal to the OSCE, it sent a monitoring operation known as the Special Monitoring Mission (SMM) on March 21, 2014. SMM is an unarmed, civilian mission that operates across Ukraine. It is one of the largest field operations in the country's history, serving as eyes and ears on the ground and assisting in the reduction of bloodshed along the line of demarcation between government-controlled Ukraine and rebel organizations in Donetsk and Luhansk. When Russia's invasion began on February 24, that mission still had almost 500 international monitors on the ground and continued to report as evacuations began. The mission has now largely come to a standstill, however some Ukrainian personnel are still on site to do a few restricted office tasks in select locations.

¹⁰ "Explained: How Separatist-Held Regions of Eastern Ukraine Have Grown Closer to Russia", The Indian Express, 21 Feb. 2022, [indianexpress.com/article/explained/explained-separatist-regions-eastern-ukraine-growing-closer-to-russia-7784453](https://www.indianexpress.com/article/explained/explained-separatist-regions-eastern-ukraine-growing-closer-to-russia-7784453).

OSCE's SMM mandate on Ukraine expired on 31st March 2022, the participating states have not yet reached a consensus on its future operation. OSCE on 13th February 2022, began to pull out their representatives from the rebel held Donbas region. According to one diplomatic source, 160 OSCE personnel, including Dutch, Canadian, Slovakian, and Albanian citizens, were evacuated from Ukraine.¹¹

OSCE-Role In Resolving The Conflict

Since the onset of the crisis, Poland, which preside over the organization in 2022, has postponed all normal work, conducting only sessions of two political groupings - the Permanent Council and the Forum for Security Cooperation - that have been entirely dedicated to Ukraine. These meetings contained both loud condemnations of Russia and planned walkouts. Similarly, in his monthly presentation to the UN Security Council as OSCE Chair-in-Office on 14 March, Polish Foreign Minister Zbigniew Rau linked Russia's activities in Ukraine to "state terrorism."

The OSCE has limited options for responding to the crisis in Ukraine beyond symbolic gestures, such as condemnations, due to the polarisation among its member states and its practise of acting by consensus. On March 3, it formed a fact-finding expert panel to gather information regarding human rights and international humanitarian law violations committed during the war. This probe, however, will be constrained by the fact that the panel must submit its findings within a few weeks. It might have also preserved the OSCE's monitoring mission in Ukraine. This is a concrete and significant action that could have been made. The OSCE can also provide assistance by sending out UN or UN-OSCE peacekeeping missions. In this conflict, OSCE is unlikely to serve as the main mediator between Russia and Ukraine because Poland, who holds the chair for the year 2022, share tense relationship with Moscow.

¹¹ Anton Zverev, OSCE monitoring mission staff pull out from eastern Ukraine, Reuters, Feb. 13th 2022.

Osce- Achievements

The OSCE continues to play an essential role in conflict settlement in countries other than Ukraine. Georgia is a prominent example, with Russia recognizing two breakaway areas, Abkhazia and South Ossetia, as independent republics. “Since the conflict between Russia and Georgia, the OSCE has operated as one of three international mediators, alongside the EU and the UN. The trio is in charge of organizing the Geneva International Discussions, a diplomatic process that brings together Georgia, the separatist groups, Russia, and the US. The Geneva discussions kept communication channels open and contributed in the resolution of issues that may have escalated otherwise”¹².

The OSCE has played a particularly important role in South Ossetia. The OSCE is seen as an acceptable interlocutor by Russia and the allied de facto leadership in South Ossetia, although being significantly less visible than the EU, which runs a 200-person monitoring mission on territory controlled by the Georgian government. As a consequence, the OSCE has been able to negotiate agreements, such as those on water supply and agricultural land access, that have decreased the danger of violence and improved the lives of people on both sides of the line of separation. “The OSCE also plays a significant role in Moldova, serving as a go-between for the Moldovan government and the de facto authorities in separatist Transdniestria. Its efforts have aided in the containment of the conflict, stabilizing the situation in the country that is prone to be inflamed by tensions between Russia and the West”.¹³

India And OSCE

India on 4th March, 2022, while addressing UNSC briefing, acknowledged the role of OSCE in Ukraine crisis. UN Deputy Permanent representative R Ravindra noted, “While noting the ongoing global counter terrorism efforts and contributions of OSCE, we would like to take this opportunity to reiterate the importance of this issue. OSCE was among the first regional organizations to strongly condemn the terrorist attack on Indian Parliament in 2001.”

¹² Oleysa Vartanyan and David Lanz, Preserving the OSCE at a time of war, Relief Web, Mar 21, 2022

¹³ *Ibid*

He further stated, “OSCE has been playing an important role in facilitating the implementation of the package of measures across both sides of the contact line in eastern Ukraine. However, recent developments in Ukraine and consequent deterioration of security situation have halted the functioning of the Special Monitoring Mission.” India called for direct contacts and negotiations with a view to cease hostilities.¹⁴

Conclusion

The OSCE's very existence is jeopardized by the widening schism between Russia and the West. As previously noted, the organization requires consensus to make decisions, granting veto power to all member nations. In addition to paralysing the OSCE, the war in Ukraine poses a danger to destabilise key aspects of its operations. For example, unless participating nations achieve an agreement, the OSCE's field operations, which attempt to improve regional stability and governance reforms, will be impossible to operate since yearly mandate renewals are required. Russia bears the brunt of the responsibility. It must no longer hold the OSCE hostage while allowing basic activities to erode and Western nations must perform their part.

Their ambassadors in Vienna must find ways to engage Russia and seek actual collaboration, even if it is difficult to do so in the face of an escalating war that disregards OSCE principles.

They should not utilize the "consensus minus one" criterion, which governments used to temporarily remove the former Yugoslavia owing to egregious human rights violations in the early 1990s, to drive Russia out of the organization. Using this rule to remove Russia from the OSCE would be both ineffectual and hazardous because even if Russia is ousted, its close ally Belarus could still obstruct decisions, and it would almost certainly result in Russia's withdrawal. The organization's capacity to serve as a mediator in its neighbourhood and its involvement in conflict resolution in Bosnia, Moldova, and Georgia would surely be jeopardized if Russia is excluded. Thus, to keep communications channels open, promote dialogue and resolve the conflict between the participating states and the world at large it is important that states take action carefully.

¹⁴ Dipanjan Roy Chaudhury, India Acknowledges role of OSCE in addressing Ukraine crisis, ET Bureau, Mar 14, 2022