

European interview

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Interview with Maxime Lefebvre, Ambassador of France with the OSCE

1. A week after the referendum organised in Crimea on the peninsula's annexation to Russia the OSCE decided to dispatch a delegation of observers to Ukraine on 21st March. What is their mission?

As their name indicates these observers are there to observe, to provide objective information about the situation in Ukraine. Their job is to deploy across the country, also to Crimea in principle, which is part of Ukraine's international territory. They are supposed to pay attention to the state of security but also to the issue of human rights and those of the minorities.

In reality the competence of this “special monitoring mission” extends well beyond this role of observation. The “observers” are also there to help stabilise the situation in Ukraine, by restoring confidence, reducing tensions and promoting dialogue. The Geneva Agreement concluded between the US, Russia, Ukraine and the European Union on 17th April gave them an extremely operational, concrete role in the pacification of the country via the disarmament of militia, the evacuation of public buildings and the rejection of violence. The mission could play a role in “national dialogue” as planned in this agreement.

2. What have they learned since they have been

there and what information have they reported back?

The mission started straight after the agreement on 21st March in Vienna using staffs that were already in Ukraine as part of the OSCE Coordination Bureau in Kiev (one of the many OSCE “field missions”). After two weeks the aim of about one hundred observers, organised into ten teams across the country was achieved. It was then a question of raising the number of observers to 300 (the mission's mandate planned reach up to 500).

The mission produces field reports, including public reports. For the time being it is focused on aspects of public order, particularly in sensitive regions in the east and the south of Ukraine which are mainly Russian speaking. It was able to observe the “pro-Russian” demonstrations and the occupation of the public buildings. It crossed check points and gave account of clashes between “pro-Russians” and “pro-Maidan”.

The mission is also there to observe the country's political situation from a more general point of view notably regarding human rights and inter-ethnic relations, and also play a role of pacification.

3. Have the observers witnessed threats made against the Russian-speaking community?

«There was no 'referendum' in Crimea, it was just a parody»

Xenophobic or anti-Semitic activity? Extremist threats?

Observers did not note that the rebellion by the regions was a direct response to deliberate persecution by Kiev. In the beginning after the overthrow of Viktor Yanukovych there was a bid to repeal the law that made Russian the country's second official language, but this was never enacted. On the contrary everything indicates that the "uprising" in Crimea and then in the Russian-speaking regions in the east in April was the work of a well organised activist minority supported by external forces.

As for xenophobic, anti-Semitic or extremist action on the part of the new authorities in Kiev – these are arguments used by Moscow's propaganda - observers noted anti-Semitic action in the east of Ukraine (threatening flyers distributed against the Jewish communities in Donetsk).

This aspect of the situation is closely monitored, including in the west of Ukraine – not only by the OSCE mission but also by the executive structures of the organisation like the representative for the freedom of the media (Ms Dunja Mijatovic – Bosniak) and the High Commissioner for National Minorities (Ms Astrid Thors - Finnish). These latter have been to Crimea – at least at the beginning of the crisis and said they were extremely concerned about restrictions being made to the freedom of the press and regarding the Tatar community. Rabbi Andrew Baker, the OSCE representative for the fight to counter anti-Semitism has just made a report relativising the accusations of anti-Semitism in Ukraine.

4. Who were the observers kidnapped in the east of Ukraine?

They are military observers who are in Ukraine in a different capacity from the special monitoring mission of which I have just spoken. They were invited by the Ukrainian government in view of the "Vienna Document" on measures of confidence and security, to monitor the military situation. It is a team of military observers (7 German soldiers and one Dane and their Ukrainian aides) who have been captured and retained

as hostages in Slavyansk by pro-Russian separatists. They were released on 3rd May. .

5. How would you qualify the situation in Ukraine right now?

Unstable. The 'taking' of Crimea by Russia, then the organised uprising in the Russian-speaking regions is undermining the country's political stability, which is facing many other challenges (economic difficulties, structural obstacles, corruption, the poor state of public finances, the gas dispute with Russia). The West's goal, that of the US, the EU, the international financial institutions is to stabilise the situation, to help Ukraine to make the political transition a success, likewise the presidential election, to launch national dialogue to enable constitutional reform that is accepted by all, to enable this country to modernise, to open up and reform, for its inhabitants to live in peace and to improve their material situation – which is their basic desire – whatever their origins.

6. Just as there is an escalation between Moscow and Kiev and a solution to the crisis does not yet seem to have been found what role can the OSCE play? Is it a more credible mediator than the UN in this conflict?

The UN is obviously involved in this conflict which is setting major challenges to the world's security and to the commitments on which it is based (not using force, respect of independence, sovereignty, territorial integrity of the States, respect of human rights and fundamental freedoms). A draft settlement was submitted to the UN Security Council – it was approved by all except Russia, China abstained. A settlement was supported in the UN's General Assembly by one hundred countries. Only eleven voted against it (Russia found itself in the company of countries like Cuba, North Korea, Belarus, Zimbabwe, Syria, Sudan ...), with the other countries abstaining (all of the BRICS) or they did not take part in the vote.

The OSCE is more specifically involved because it is a regional organisation acknowledged as such in Chapter VIII of the UN Charter: its work is therefore part of

the world's collective security framework. The OSCE is primarily a forum, a body of discussion, a platform: it is the legatee of the former Conference for Security and Cooperation in Europe (1973-1975) which led to the Helsinki Act and its ten founding principles, - that confirm and develop the UN's principles in Europe. Within the OSCE, as in the UN, Russia has been placed before its responsibilities and it is confronted with the infringement of its international commitments. It has had to give account. The Western powers have not spared it.

Regarding the OSCE's role as a mediator – this is more complicated. The EU tried to play a role as mediator in the political crisis in Ukraine, when the latter was still domestic and before Russia became directly involved as it annexed Crimea and with its encouragement of the separatism of the Russian-speaking regions. Three Foreign Ministers from the "Weimar Triangle" obtained an agreement with the participation of a Russian negotiator – that planned for the early organisation of the presidential election in Ukraine (agreement made null the following day by the flight and impeachment of Viktor Yanukovich). When the crisis became a Russian-Ukrainian conflict, the OSCE's Swiss President tried to introduce consultation in the shape of "a contact group" that rallied the main actors (USA, Ukraine, the main European countries, including Italy, Poland, Turkey, Serbia – as the future presidency of the OSCE). This contact group was never made official and the Russians never took direct part in it – but it did however play a useful role of drafting the mission's mandate in Ukraine, finally agreed on 21st March. Then – it was a format involving the USA, Russia, Ukraine, EU which negotiated the Geneva Agreement on 17th April.

What we might say is that international consultation in the Ukrainian crisis has been fluctuating, moving from multilateral bodies in which there is confrontation and also dialogue (UN, OSCE) to Western consultation fora used as means of pressure (G7, EU, NATO) to ad hoc negotiations according to requirements. Consultations between capitals, including Russia, have been and continue to be permanent. Concerning the OSCE, Switzerland holds the organisation's presidency this year and has demonstrated its leadership: it has

never had an official role in the mediation but it has fulfilled its role as facilitator, in Vienna at least, and has succeeded in having a more or less confident and productive relationship with the main players in this crisis (especially Germany).

7. Might we imagine that without response on the part of the international community to this serious infringement of international law Russia's attitude might spread and lead other countries to act in the same way towards territories in which sovereignty is under challenge?

The danger is evident. Russia has justified its action by pretexting cases when international laws have been infringed by the West over the last twenty years: the war in Kosovo, the invasion of Iraq, the overthrow of Kaddafi in Libya, threats to bomb Syria etc. The truth is that the aggression by a third country to steal part of its territory, whilst Russia itself, a nuclear power, was the guarantor of Ukraine's territorial integrity by way of the Budapest Memorandum in 1994, has no precedent in recent history – except for the invasion of Kuwait by Saddam Hussein. Behaviour like this is deeply destabilising for the international order, for its principles, for the respect of established borders.

8. What analysis do you make of Russia's action in Crimea? Is it a move that was planned a long time ago? An excessive, exaggerated response? And in that case how should it be interpreted?

We do not know – but it is likely that the plan applied in Crimea had been prepared a long time ago. Its execution was accomplished swiftly, without a fight. The decision to implement it might be interpreted as a consequence to the change of power in Kiev and of Moscow's risk of losing Ukraine. But by trying to see it as the Kremlin sees it we might ask whether the taking of Crimea will not just increase the loss of Russian influence in Ukraine. Everything is going ahead as if Russia is trying to take by force what it thinks it can salvage at the risk of ripping the country apart, of radicalising opponents to Moscow's policy and of uniting the entire West against it. These are called Pyrrhic victories.

«There was no 'referendum' in Crimea, it was just a parody»

9. Russia is an OSCE member. Are sanctions being planned for its infringement of the Final Act of the Helsinki Conference which guaranteed the borders of Europe?

Sanctions have not been planned. The OSCE is an organisation that functions according to consensus, and the use of decision making mechanisms without consensus is rare and precarious. Excluding Russia, as in the case of the G8, is not an option. There is no serious legal base to exclude Russia either from the OSCE or the UN. But Russia is extremely isolated by its behaviour. It has been sanctioned by the West (US, EU, Canada, Japan).

10. What initiative might prevent the dangerous annexation of Crimea from happening again?

Firstly by not acknowledging it. Everything will be done so that the annexation of Crimea is not acknowledged

and the EU is preparing decisions regarding the legal consequences in its relations with the region. Then France and the Europeans' policy, must be based on dialogue and firmness: dialogue because there can only be de-escalation and solution via dialogue and the OSCE is precisely the place to continue to speak to Russia and give it a chance to take a cooperative approach; firmness (sanctions) because the Kremlin has to understand that its policy to use force has a cost, and that the cost will only grow heavier if it continues to move in this direction. Finally if the crisis continues to de-escalate it seems appropriate to continue to work to build security and confidence in Europe, the principles of which have been severely compromised – this is still the OSCE's work.

Maxime Lefebvre

Ambassador of France with the OSCE

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