

Why the OSCE's Forum Function Matters

Jelena Cupać*

Abstract

This contribution examines how participating States can better use the OSCE's forum function. Drawing on lessons from other international organizations and the historical evolution of the CSCE/OSCE, the paper offers recommendations on how participating States can use this function to de-escalate tensions and to prepare for the future. The focus is on how to dissuade Russia from thinking that its goals can be achieved through violence while still incentivizing it to stay engaged in the OSCE.

Keywords

International forum, OSCE, Ukraine, Russia, war

To cite this publication: Jelena Cupać, "Why the OSCE's Forum Function Matters," in *OSCE Insights*, eds. Cornelius Friesendorf and Argyro Kartsonaki (Baden-Baden: Nomos, 2023), <https://doi.org/10.5771/9783748933625-07>

Introduction

The all-out Russian invasion of Ukraine in February 2022 has caused an existential crisis for the OSCE. The problem is not only that the Organization lacks the capacity to sanction Russia for violating core OSCE principles but also that the war has exacerbated existing difficulties, such as agreeing on the OSCE's budget. Commentators and practitioners therefore wonder whether the Organization can overcome such enormous pressure and, if so, in what form. One fre-

quently mentioned option is reducing the OSCE to its forum function, which, some observers hope, would facilitate state co-operation and dialogue.¹ It is still unclear whether the OSCE will develop in this direction or whether it will be able to maintain its other organizational functions. Nevertheless, one thing seems likely: if the Organization survives, its forum function will become ever more important as participating States seek to cope with the situation in Ukraine.

This paper discusses the forum function of international organizations (IOs) and offers recommendations on how OSCE participating States can use it constructively. It first discusses the forum function as encountered in other IOs. It then takes a closer look at its evolution

* Jelena Cupać
WZB Berlin Social Science Center
jelena.cupac@wzb.eu

in the case of the CSCE/OSCE, observing how it has changed along with geostrategic shifts in Europe. The final section makes recommendations on how participating States can use the OSCE to dissuade Russia from thinking it can achieve its goals through violence while simultaneously incentivizing it to remain engaged in the Organization. It also recommends using the OSCE's forum function for deeper engagement with the Western Balkans, the South Caucasus, and Central Asian countries in planning the future of European security.

International organizations as forums

The forum function is the most basic function of IOs. IO forums serve as meeting places for states to discuss their interests and decide on matters of mutual concern.² A defining characteristic of international forums is their openness and inclusiveness; each state is allowed to express its interests and preferences on a given topic. Although decision-making rules in forums vary across issue areas, security IOs are more likely to decide by consensus and unanimity.³ The result of such decision-making is that decisions often reflect the lowest common denominator. As much as they are places for state co-operation, forums can also be places of fierce confrontation. Nevertheless, this does not diminish their role as a multilateral environment for de-escalation, socialization, and trust-building.

The forum function is a part of both formal and informal IOs. Informal IOs, such as the G20 and BRICS, are effec-

tively just forums. They do not have headquarters or permanent bureaucracies and are built on the non-committal engagement of states. As for formal international organizations, most of their state-based bodies can be described as international forums. However, since some of these bodies have restrictive membership and decision-making procedures, plenary meetings (such as the UN General Assembly) are usually seen as the primary site of the organizational forum function.

States use forums to achieve specific purposes. These purposes vary across IOs and depend mainly on the problem area in which the IO and its forum are active. An economic forum will have a different purpose than a public health forum. For security organizations such as the OSCE, the central purpose pursued by participating States is peace. How states communicate their preferences and interests within an IO and the value they attribute to that IO change over time. To understand how participating States could use the OSCE forum constructively amid the war against Ukraine, it is thus helpful to look to history.

The changing purpose of the OSCE's forum function

The OSCE's predecessor, the Conference on Security and Co-operation in Europe (CSCE), was a state forum *par excellence*. It emerged against the background of the Cold War; following the 1962 Cuban Missile Crisis, the United States and the USSR agreed to open lines of communication to ensure peace and stability. In the following

decade, this shift opened the way to US-Soviet détente: a general willingness to pursue peace by relaxing tensions, including through strategic arms limitations. At the same time, through its *Ostpolitik*, West Germany sought to normalize relations with Eastern Europe, particularly with East Germany. The CSCE's Helsinki Final Act resulted from the confluence of these trends.⁴

The Act was not only the result of the superpowers' willingness to negotiate. More important was their acceptance that, at that historical moment, peace in Europe could only be pursued through a recognition of the status quo rather than a stubborn desire to change it. The Helsinki Final Act was thus an expression of the pursuit of so-called "plural peace": peace among states who recognize each other's normative differences and the geostrategic reality such differences have created.⁵ The Act was considered a significant victory for the Soviet Union as it allowed it to fulfill its long-standing goal: the West's recognition of its postwar hegemony in Eastern Europe. On the other hand, the West could use it to criticize the Eastern bloc for its human rights violations. In this way, the participating States reached a *modus vivendi*, which would keep the door open for future changes.

Following the end of the Cold War, the CSCE transformed into an international organization, albeit one without legal status. It was rapidly institutionalized, with its forum function transferred to state-based bodies: the Permanent Council, the Parliamentary Assembly, the Ministerial Council, and the Summits. However, the purpose of these forums

changed substantially compared to the Cold War years. Participating States no longer used them to pursue plural peace. Instead, they focused on building "liberal peace": peace based on the co-operation of states dedicated to liberal democratic values. In a succession of documents adopted in the early 1990s, they thus established that human rights could flourish only in pluralistic democracies,⁶ that only orders composed of democratic states can be truly peaceful,⁷ that human rights violations should be a matter of legitimate concern to all participating States,⁸ and that such violations represent root causes of conflict.⁹ On this basis, the OSCE established specialized bodies and dispatched field operations to facilitate and supervise democratization processes across the former Eastern bloc.

This liberal peace phase of the OSCE did not last long. Soon after NATO announced in 1994 that it expected and would welcome expansion,¹⁰ the forum bodies of the OSCE became arenas of confrontation, with states using the Organization's normative catalog as a resource for justifying individual interests. The West used them to continue to push for the liberal vision of peace, insisting that most violations in the OSCE area were happening in the human dimension and that participating States had the sovereign right to choose or change their security arrangements, including treaties and alliances. By contrast, Russia insisted that NATO's expansion violated the politico-military dimension, particularly the principle of indivisible security. At the same time, it began to object to the OSCE's democracy-facilitat-

ing bodies, portraying them as interfering in the internal affairs of states for the sake of Western geostrategic goals. Consequently, for nearly three decades, the OSCE largely hobbled along as a confrontational forum, with its field operations, democracy-facilitating bodies, and politico-military instruments frequently falling short of their stated purpose.

This brief historical overview shows that the CSCE/OSCE's forum function has constantly changed in response to changes in European security. While it was initially intended to establish peace between blocs of states with different regime types, its purpose then shifted to building liberal democratic peace. It now remains divided between these opposing perspectives. Against this background, this paper offers recommendations on how the OSCE might be used as a forum for keeping participating States engaged, enabling them to de-escalate tensions and to prepare for the future. These recommendations consist of communicating clear boundaries to Russia in the politico-military dimension while making limited concessions in the human dimension.

Discussion and recommendations

Normative messaging and signaling

In the short term, the OSCE forum function will likely stay on roughly the same course it has been on for nearly three decades. The participating States will continue to use the Organization and its principles and commitments to point out each other's violations and offer justifications

for their own actions. In other words, they will continue to use the OSCE as a forum for communicating the boundaries of what they view as an acceptable security architecture in Europe. In the context of the war against Ukraine, however, Western states have an opportunity to give new meaning to this long-standing blame game. Along with economic sanctions and military aid to Ukraine, they could use the OSCE to put Russia under additional pressure by engaging in the practice of "normative deterrence": that is, they could send Russia a clear and resolute message that under no circumstances will they compromise on OSCE principles. In particular, the West could communicate to Russia that it will not engage in negotiations on zones of influence or discuss European security in similarly retrograde terms, including if Russia succeeds in keeping parts of Ukraine under prolonged occupation.

In short, the OSCE could be used in these new circumstances to continuously remind Russia that the Decalogue's principles, including the inviolability of frontiers and the territorial integrity of states, are firmly established and will not be subject to renegotiation. From this perspective, the principal goal of "normative deterrence" would be to discourage Russia from believing it can achieve its aims through violence and to prevent such behavior from becoming an accepted precedent.

Keeping Russia engaged

In their pursuit of normative deterrence, Western states should be careful not

to marginalize Russia entirely. After all, Russia's sense of marginalization amid the EU's and NATO's eastward enlargement may have played a role in its decision to use violence against Ukraine. Therefore, in addition to using the OSCE to increase normative pressure on Russia in the politico-military dimension, Western states should look for ways to keep the country engaged, in the hope that such engagement will allow them to rebuild trust and de-escalate hostilities in the years to come.

One way of doing so would be to give Russia a sense that the OSCE's liberal aspirations have diminished. The Russian leadership has long seen these aspirations as a threat rather than a solution to lasting peace in Europe. It has often portrayed the work of OSCE institutions dedicated to the values of democracy and human rights as part of a Western strategy for interfering in participating States' internal affairs, sometimes aimed at regime change. Therefore, an OSCE with a strong liberal purpose is likely to attract more criticism than engagement from the Putin administration.

Knowing this, Western states could strategically tone down their rhetoric on human rights and democracy for the time being. This does not mean giving up on liberal norms. Western states can continue to reaffirm their strong commitment to human rights and democracy, thus keeping them a vital part of the OSCE's normative repertoire. But they could also recognize that such reaffirmation does not have to go hand in hand with using these norms to blame and shame Russia and other authoritarian participating

States, a practice that has often played into their fear of regime change.

The advantage of this approach is that it would not go so far as to recognize Russia's authoritarian regime as an equal and legitimate interlocutor in European security (a status that was granted to the Soviet Union via the Helsinki process). It would also not go so far as to introduce a principle of inviolability of domestic political orders, given that such a move might embolden rather than discourage Russia in the context of the war in Ukraine.¹¹ Yet it would still be an important step in preventing Russia's further alienation, as it would relieve at least some of its anxieties about the OSCE's being a Western tool for regime change. This approach might allow participating States to build a reserve of trust and to use that trust to de-escalate hostilities and seek co-operation in areas of mutual concern.

Planning the future

In addition to deterring and engaging Russia, Western states could also use the OSCE's forum function to prepare for the future. This could be done by seeking deeper engagement with participating States that are neither EU nor NATO members. While most of these states are connected to the two IOs through various arrangements (such as accession negotiations, the Eastern Partnership, the Enhanced Partnership and Cooperation Agreement, and the Partnership for Peace), the OSCE remains the only multilateral security arrangement that brings

them and the West under one roof. Most of these states belong to the Western Balkans, the South Caucasus, and Central Asia—regions that have traditionally been vulnerable to Russian influence. Due to energy and other dependencies, some of them have been reluctant to condemn Russia's invasion of Ukraine. Loosening security ties with these regions might bring them under more significant Russian influence, inflame their long-standing conflicts, or boost their authoritarian tendencies. Western states should therefore use the OSCE's forum function to deepen security relations with these regions and, aware of all current and future difficulties, invite them to jointly shape European security.

Notes

- 1 Matthias Dembinski and Hans-Joachim Spanger, "Pluralistic Peace: New Perspectives for the OSCE?," in *OSCE Insights*, ed. IFSH (Baden-Baden: Nomos, 2022); Jos Boonstra, "The OSCE: Back to Square One?," in *Russia's War Against Ukraine: Implications for the Future of the OSCE*, OSCE Network Perspectives I/2022, eds. Cornelius Friesendorf and Stefan Wolff (OSCE Network of Think Tanks and Academic Institutions, June 2022), 14–17.
- 2 Ian Hurd, "Theorizing International Organizations: Choices and Methods in the Study of International Organizations," *Journal of International Organizations Studies* 2, no. 2 (2011): 7–22; Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*, 2nd ed. (Palo Alto: Princeton University Press, 2005).
- 3 Daniel J. Blake and Autumn Lockwood Payton, "Balancing Design Objectives: Analyzing New Data on Voting Rules in Intergovernmental Organizations," *Review of International Organizations* 10, no. 3 (2015): 377–402.
- 4 David J. Galbreath, *The Organization for Security and Co-operation in Europe (OSCE)* (Abingdon, UK: Routledge, 2007).
- 5 For more on plural peace, see Dembinski and Spanger, cited above (Note 1).
- 6 CSCE, Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen: June 29, 1990), <https://www.osce.org/files/f/documents/9/c/14304.pdf>
- 7 CSCE, Charter of Paris for a New Europe (Paris: November 19–21, 1990), <https://www.osce.org/files/f/documents/0/6/39516.pdf>
- 8 CSCE, Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (Moscow: October 3, 1991), <https://www.osce.org/files/f/documents/2/3/14310.pdf>
- 9 CSCE, Second Meeting of the Council, Summary of Conclusions (Prague: January 30–31, 1992), <https://www.osce.org/files/f/documents/7/b/40270.pdf>
- 10 Ministerial Meeting of the North Atlantic Council/North Atlantic Cooperation Council, Partnership for Peace: Invitation Document (NATO Headquarters Brussels: January 10–11, 1994), https://www.nato.int/cps/en/natohq/official_texts_24468.htm
- 11 Markus Kaim, Hanns W. Maull, and Kirsten Westphal, "The Pan-European Order at the Crossroads: Three Principles for a New Beginning," SWP Comments 18, March 20, 2015, <https://www.swp-berlin.org/en/publication/new-pan-european-order>