The OSCE Approaching Fifty: Does the Organization Have a Future?

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Abstract

Russia's invasion of Ukraine has raised questions about the future of the OSCE: How can any institution dedicated to co-operation and security include the Russian Federation? Despite such doubts, the OSCE can have a future, though one that is more modest and contentious. The post-2022 OSCE should provide a pan-European venue for dialogue on important security issues, similar to its original function in the 1970s. OSCE institutions established after the Cold War will be less active, reflecting the pronounced lack of consensus among participating States. OSCE norms such as the Final Act's ten principles do not need to be renegotiated but should remain ideals toward which all participating States aspire. There are fundamental security issues affecting Europe which desperately need to be addressed. The OSCE will survive if participating States make it the forum in which to seek and find agreement on these issues.

Keywords

OSCE, security, Russia, pan-European

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Introduction

In late 2021, the question in the title of this paper might have seemed outlandish, as many European diplomats were pondering whether and where to hold a summit in 2025 to mark the fiftieth anniversary of the adoption of the Helsinki Final Act. Now, in light of Russia's unprovoked attack on and war with Ukraine, many of these same diplomats wonder how any institution dedicated to security and co-operation can include the Russian Federation as a member.

Well into the fifth decade of the Helsinki process, Russia's massive assault on Ukraine has violated many if not most of the principles adopted in Helsinki in 1975 and strengthened, deepened, and broadened in the 1990 Charter of Paris and a number of other landmark OSCE normative documents. In particular, Moscow's attack on Kiev violates—at least—OSCE commitments on refraining from the use of force, inviolability of borders, territorial integrity of states,

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peaceful settlement of disputes, and the Final Act's fundamental commitment to peace, security, and justice. There have been wars between OSCE participating States before, in particular in the Balkans and the South Caucasus in the 1990s. However, there has not been a war of this scope between two of the largest states in Europe since World War II, and certainly never in the half-century history of the CSCE/OSCE.

The United States may be especially wary of re-engaging with Russia after the war, whether in the OSCE or elsewhere. While some American diplomats highly value the OSCE, the Organization has never been particularly popular, well known, or well understood by US political leaders and the American voting public. For most, the OSCE is known as a relatively obscure European human rights organization, if at all. Against this background, a number of US officials are already asking why it makes sense to support a human rights institution with Russia in it when Moscow is violating most of its commitments to it. At best, some suggest keeping the OSCE but kicking Russia out. That idea is probably a nonstarter, as discussion below will show. However, such sentiments suggest a bleak future for an organization whose aims include fostering co-operation between the United States and Russia.

If the OSCE is to survive Russia's war against Ukraine, participating States will need to return the Organization to its original purpose: political and security dialogue between opposing, often hostile states. Political leaders must recognize that OSCE institutions and operations born and sustained by the unusually broad consensus at the end of the Cold War will not enjoy that level of support and will likely be less active after Russia's invasion of Ukraine. Basic OSCE norms and commitments need not be renegotiated, but participating States must reconcile themselves to an international environment in which many are violated, frequently and at times severely. Despite such impediments, there are key political and security issues of pan-European interest which urgently need to be addressed. The OSCE is the logical venue to do so.

This paper aims to understand how the OSCE's current structure and operations came to be in order to determine how it might survive in a post–Ukraine war future. The narrative examines the purpose of the Cold War CSCE and the establishment of its institutions and operations when the Cold War ended. The text then reviews the debate over the European security architecture in the 1990s and how this affected the role of the OSCE and Russia's attitude toward the Organization. Finally, the paper analyzes the current structure and operations of the OSCE, the security situation in Europe, and what issues and tasks the future OSCE might address.

Why did the CSCE/OSCE come into being?

To envision what the OSCE might be like after the war in Ukraine, I find it useful to begin by recalling why the CSCE came into being in the first place. In the early 1970s, the United States,

the Soviet Union, and the major European powers were all interested in pursuing critical security and political aims through an all-Europe multilateral negotiation. Since the early 1950s, the USSR had been proposing a European security conference to sign a peace treaty which would formally acknowledge the territorial changes in Europe that had been agreed at Yalta in February 1945. The United States and its allies initially resisted these Soviet proposals, but by the late 1960s Washington evinced an increasing desire for the "normalization" of East-West relations, which would include strategic and conventional arms control and broad agreement on conduct between, but also within, states (in particular expansion of human contacts and observance of human rights).

The aspirations for a broad East-West agreement led to not only the Final Act and the subsequent "Helsinki process," but also the Mutual and Balanced Force Reductions conventional arms negotiations, ultimately culminating in the 1990 Conventional Armed Forces in Europe Treaty (CFE). From the very beginning, the CSCE—or Helsinki process—was both normative and operational. The follow-up and interim experts' meetings continued to discuss and expand commitments in all three baskets, fashioning specific norms and commitments for inter-state and intra-state conduct. The confidence- and security-building measures (CSBMs) in the Final Act required a modicum of contacts, observation, and reporting, which grew over time as the CSBMs were expanded in subsequent negotiations.

The crucial point in this overly simplified review of the OSCE's beginnings is that all of the major OSCE participating States saw the institution—at that time an ongoing negotiating forum—as a venue in which they could pursue and attain some of their most important pan-European security, diplomatic, and political aims. This was certainly the case when the Final Act was signed in August 1975. I would argue that this continued to be the case at least through the adoption of the Charter of Paris and the CFE Treaty in November 1990, and perhaps the July 1992 Helsinki CSCE Summit and the adoption of the document Challenges of Change.

The CSCE and the end of the Cold War

The end of the Cold War brought a remarkable but brief degree of consensus among the CSCE participating States, which facilitated norm-setting activities. This unprecedented agreement among the participating States also shifted the balance in the emerging Organization toward operations. An Office for Free Elections established at the Paris Summit rapidly expanded to become ODIHR, the Office for Democratic Institutions and Human Rights, with a far broader and more intrusive mandate. The Conflict Prevention Centre (CPC), which opened in Vienna in 1991, soon became the headquarters support office for OSCE field missions. The first of these were agreed and deployed in 1992; by 2000, there were nineteen of them. The 1992 Helsinki Summit established the High Commissioner on National Minorities (HCNM),

whose quiet diplomacy and mediation quickly became highly valued throughout the OSCE space.

After 1990, the CSCE continued to be a forum for broad political and security dialogue, but this dialogue was institutionalized in a Permanent Council composed of the heads of delegations, meeting at least once a week. Initially, these debates were freewheeling and wide-ranging but gradually became more institutionalized and formulaic. For military security questions, a Forum for Security Co-operation was established, also with regular meetings in Vienna. By the mid-1990s, the CSCE was transformed into the Organization for Security and Co-operation in Europe (the OSCE), with its headquarters in Vienna.

The OSCE operations that proliferated so rapidly during the 1990s were in most cases responses to events rather than the product of a carefully organized master plan. Thus, the nature of field missions changed constantly during the 1990s and early 2000s, from conflict resolution to post-conflict rehabilitation to transition assistance. The Dutch proposal for the HCNM can be viewed as a response to growing ethnic and national animosities, exemplified by the wars in the former Yugoslavia in the 1990s. Thus, one might argue that these operations and activities reflect momentary agreement at various points in time rather than a lasting consensus on the purpose and primary activities of the OSCE.

OSCE operations, when added to the institution's continuing normative activity, constituted an enormous expansion of the scope and reach of the Organization. From 1975 through 1990, the participating States gradually allowed intrusion in their domestic affairs, initially by setting standards for how states should treat their own citizens, by pointing out how and when these standards had failed to be observed, and by offering good offices to assist in compliance with adopted norms. From the very beginning, the Helsinki process involved a limited relinquishment or diminution of national sovereignty by each participating State through the admission that other states have a legitimate right to observe and question their domestic behavior. With ODIHR election observation, visits by the HCNM and staff, and the activities of the field missions, this process of voluntarily limiting or sharing sovereignty expanded dramatically after 1990.

Initially, almost all of the participating States considered this process to be a good thing. During the 1990s, OSCE states generally welcomed election observers and supported field missions aimed at conflict prevention, mediation, or post-conflict reconciliation and reconstruction. This process of shared sovereignty was (and is) voluntary and co-operative. OSCE election observation and field missions are deployed and operate with the consent of the receiving state, but their activities can entail deep involvement in sometimes sensitive or controversial aspects of the host country's domestic affairs. At the outset, such operations were seen as helpful efforts to assist states in resolving problems, meeting commitments, or making the difficult transition from one political-economic system to another. However, some

participating States—most notably Russia—gradually came to perceive many of these OSCE operations as tools for the geopolitical advantage of some other participating States.

The debate over the European security architecture

The early consensus that allowed for the adoption of the Charter of Paris, the Copenhagen Document, the Vienna Document, and the Challenges of Change was soon replaced by disagreement on important issues. Well before the emergence of today's confrontation between Russia and the US, NATO, and the EU, during the 1990s different visions of the European security architecture emerged between Moscow and its major Western interlocutors. To oversimplify considerably, Russian leaders wanted the OSCE to be the central security institution in Europe, governed by a small UN-type security council of the major powers, including the United States and Russia. The United States and most of the major European powers were prepared to have the OSCE assume important tasks but focused on either NATO or the EU (or both) as Europe's leading political and security actors.

This debate over Europe's security architecture and the role of the OSCE continued through most of the 1990s and culminated at the 1999 OSCE Istanbul Summit. Two landmark documents were adopted by the Heads of the participating States at Istanbul. First was the Charter for European Security, an ambitious, comprehensive document which reflected in part Russia's aspirations to establish and manage a hierarchy of European security institutions. Russia sought (unsuccessfully) to make use of provisions of this document in at least a couple of instances, and Moscow still berates Western partners for failing to observe important provisions in it. In particular, in 2021–2022, Russian Foreign Minister Lavrov was especially vocal in claiming that Western states had failed to observe provisions from this document on the equal security of states, maintaining that no participating State should enhance its security at the expense of others.[2]

The other major document adopted at Istanbul was the Adapted CFE Treaty (ACFE), which, like its predecessor, did not include all participating States but was negotiated and signed in the context of the OSCE. The Western signatories to the ACFE attached conditions for ratification involving the withdrawal of Russian troops from Georgia and Moldova. Western states maintain that Russia has not met these conditions, and the ACFE has not been fully ratified nor entered into force.

In general, during the 2000s, NATO and EU expansion, combined with other political, economic, and security developments and events, produced a situation in Europe in which key security and political issues were debated and decided increasingly in Brussels and Washington, and not anywhere near as often in Vienna. In my book *No Place for Russia*, I chronicle in much greater detail the growth and development of NATO and the EU and Moscow's increasing disillusionment with the OSCE

after 2001–2002, all of which resulted in the Organization's growing difficulty in reaching consensus and producing significant results on important questions.[3] Russia in particular increasingly argued that many of the OSCE's operations relating to its domestic affairs, such as elections, were directed against it for the geopolitical benefit of certain other participating States.

Out of this process eventually emerged a Russia which is now alienated from most of its European partners, resentful, suspicious, uncooperative, and belligerent. Europe is once again divided between East and West, with the line of separation much further to the east than when the Cold War ended over thirty years ago. Even worse, there is a major war raging between Russia and its largest European neighbor. Whatever one may judge to be the causes of this situation, the major issue should be how to emerge from this crisis without an even broader war and how to reconstruct a European security system so that it does not happen again.

The present and future OSCE

This review of the OSCE's history provides several basic points which are essential both to understanding why the Organization is the way it is and to imagining what could make it relevant, useful, and desirable in the future. First, the Organization must provide a venue for real, substantive dialogue on essential security questions. It may also be used for political posturing and public relations, but if this becomes its primary purpose the Organization will die. If one or more participating States insist that the agenda should be restricted or exclude some issues, the Organization will die.

Second, membership must be universal, or else other institutions will have equal or better claims to relevance. Russia must remain a member; otherwise, the OSCE will be little better than a larger EU or NATO. As a perpetual outsider, Russia would be a perpetual disruptor. Including Russia (or obstinate smaller states) may make debates more contentious and reaching consensus more difficult, but diplomacy on hard, contested issues is never easy. The history of Belgrade's expulsion and readmittance to the OSCE is illustrative of the pitfalls of excluding a participating State. In 1992, it seemed only just to other Heads of State to banish Milosevic, but by 1997–1998 he felt he could ignore the OSCE, which by then greatly desired more leverage over him. Taking decisions without Russia may seem easier, but the point of the OSCE is to provide a forum for taking binding decisions *with* Russia.

Third, the Organization must be allowed to change as circumstances change. Many of the OSCE's institutions were built as responses to specific conditions and events. As circumstances alter and events proceed, some institutions will lose relevance or usefulness and should be allowed to wither or disappear. The Organization should continue, but many of its parts need not, at least in their present form.

Finally, the level of trust among the OSCE's participating States is at a historic low, with perhaps even greater mutual

suspicion and animosity than existed in 1973 between the two superpowers and their alliances. In this sense, we are not just back to square one; we are arguably worse off. Before new universal norms can be agreed, before wide-ranging operations can be resumed, before full-scale co-operation can be initiated, a degree of mutual trust among participating States must be restored. The best way to do this would be to commence work on the most pressing issues that one can, in the hope that a process of open discussion, acceptance, and implementation of some decisions will assist a gradual restoration of mutual confidence. This process will be difficult, and one should not expect instant improvement or results.

After Russia's attack and all-out war on Ukraine, many Western leaders and international experts have found it hard to imagine an international organization dedicated to security and co-operation that includes the Russian Federation. Nevertheless, history suggests that at some point, perhaps sooner than many expect, states from Europe and North America will find it possible and desirable to engage seriously and substantively with Russia once again. In 1972, for example, less than four years after the Soviet suppression of the "Prague Spring," the United States and the USSR signed the Anti-Ballistic Missile Treaty and Strategic Arms Limitation Treaty. The multilateral negotiations which led to the Final Act began a year later. Notwithstanding the intense hostility that the Russian invasion of and war against Ukraine has aroused, it is still not out of the question to imagine how and when a broader political dialogue with Russia might resume.

What role might the OSCE play in this process? Given Russia's current violation of many of the most basic OSCE commitments adopted over the past four decades, can one reasonably expect the OSCE to play a role? The answer lies in the history of the Organization. The CSCE began as—and at its most fundamental level remains—a forum for political dialogue that includes all of the states of Europe, two major North American states, and the five former Soviet Central Asian states. So, if the OSCE will not be the venue for an eventual pan-European political dialogue that includes Russia, where will this dialogue take place? A review of the existing alternatives suggests that an institution that looks very much like the OSCE will have to be invented.

The OSCE's universal membership speaks in favor of maintaining the Organization. Rather than assuming that the OSCE can just pick up where it left off before the Russia-Ukraine war, however, we must recognize that the European security and political landscape in 2022 is very different from that faced by the diplomats who embarked on European security negotiations in Geneva in 1973. The aftermath of the war in Ukraine, irrespective of the arrangements that bring it to an end, will color attitudes toward Russia in ways quite different from how the Soviet Union was perceived in 1973. There are also structural and institutional changes in Europe that have fundamentally altered both how business is conducted within the OSCE and the range of

issues that participating States will wish to bring to the OSCE.

From 1973 to 1990–1991, there were three basic groups of participating States within the OSCE: NATO, the Warsaw Pact, and the neutral and non-aligned states. These three groups would typically caucus to work out common positions on issues, which were then debated between the three groups in plenary sessions. Today both NATO and the EU include a much larger percentage of the participating States than before 1991. Their memberships also overlap significantly, although not entirely. The number of neutral and non-aligned states in the OSCE is much smaller than it once was. Furthermore, many of the neutrals aspire to EU (if not also NATO) membership and thus generally align themselves with EU positions. This means that when NATO or (especially) the EU adopts a position, it is very hard to resist or change it, given the de facto plurality of the EU. The number of participating States aligned with Russia is small, and Russia is almost always significantly outnumbered when either the EU or NATO has decided on a group position.

Finally, NATO and the EU sometimes simply take and implement decisions in which Russia believes it has an important interest without bringing them to the OSCE. Most egregiously, this occurred with the NATO decision to go to war against Serbia and Montenegro in March 1999 and the decision to recognize Kosovo's independence in 2008. Moscow was angered not only by the substance of these decisions but by the fact that NATO and the EU were able to take and implement them over the explicit, vocal opposition from Russia.

Given these structural features of the European security architecture and NATO and EU patterns of behavior, there has been increasingly less incentive for Moscow to bring important issues before the OSCE. Russian political leaders have increasingly portrayed the OSCE as a venue that their Western interlocutors use primarily to pressure or discredit Russia. It is easy to jump from this premise to the argument that Russia has a much better chance of influencing NATO and EU behavior by engaging early on in bilateral NATO-Russia or EU-Russia negotiations. The other path that may seem attractive to Moscow would be to attempt to split or disrupt the two blocs, an approach which has been increasingly evident over the past decade.

What can and should the OSCE do?

First of all, the OSCE can engage in what it was originally established to do—political dialogue on issues of interest to all the states of Europe. Such issues may be fewer in number or different from those that arose in 1973, but some do remain. Before its unprovoked attack on Ukraine on February 24, 2022, Russia raised some legitimate points for discussion among all of Europe's states amidst the two-month diplomatic barrage of otherwise unacceptable proposals to the United States, NATO, and the rest of Europe. Once the fighting has stopped in Ukraine and a reasonable settlement (even if only interim) is reached, OSCE

participating States might resume discussion of some of these and other points.

Can the OSCE serve as a venue for negotiations to end the war in Ukraine? The OSCE is too large, unwieldy, and diverse to serve as a direct mediator in the conflict. That said, one or more participating States might reasonably offer themselves as mediators, with the negotiations to be held "in the context of the OSCE." Such an arrangement might enable interested participating States to be kept up to date on settlement progress and prospects and could provide for the use of OSCE institutions and resources in the implementation of any ceasefire or peace agreement.

From a broader and longer-term perspective, the OSCE can and should serve as a forum for serious discussion of conventional military security, especially questions related to confidence building and transparency. The latest Vienna Document (VDOC) and the ACFE are both based largely on conventional military weapons, equipment, and capabilities which are considerably outdated if not obsolete. The VDOC desperately needs to be updated, and discussions need to begin on how to build confidence and transparency in light of the composition and capabilities of present-day conventional militaries. Rules of the road and standards of conduct need to be established for new domains, capabilities, and challenges that simply did not exist when most of the OSCE's basic documents were adopted, for example cyber, social media, space, and climate change, to name just a few. Many of these issues will likely be addressed globally within the UN, but there still may be considerable room for discussion by the OSCE participating States of what might be agreed and done on a strictly regional basis.

Finally, there are the established structures and *acquis* of the OSCE—the CPC, field missions, ODIHR, the HCNM, the Representative on Freedom of the Media, and a host of important normative documents. These structures should not be abandoned, but participating States and individuals dedicated to the OSCE will need to admit and accept that, given the lack of consensus among the participating States, these institutions will almost certainly be less active and less ambitious. Their budgets and size will likely need to shrink. This is not to say that interested participating States should not try to employ missions and institutions to address pressing problems, but it will be much harder to obtain consensus for such efforts in the foreseeable future.

Similarly, we will face a prolonged period in which many important OSCE documents and commitments will be honored more in the breach than the (rigorous) observance. This need not be a disaster. The Universal Declaration of Human Rights has been egregiously violated by many states and leaders since it was first adopted in 1948 but still represents the landmark standard toward which we all aspire. The same should be the case with the Final Act, the Charter of Paris, and other landmark OSCE documents. These commitments and norms do not vanish simply because they have been violated; rather, we need to rededicate ourselves to their relevance and fulfillment.

The OSCE has an important anniversary coming up in 2025. In seeking to do something special for this jubilee, we do not need to revise the Helsinki Decalogue. Instead, an OSCE-wide endorsement of a Russia-Ukraine peace deal, along with security guarantees agreed and offered by select participating States, might include a rededication by all participating States to achieving better observance of OSCE principles. The Russia-Ukraine war and its aftermath are among the most critical security issues facing Europe today. By helping to address and resolve these issues, tasks that must be done somehow and somewhere, the OSCE might succeed in making itself important and relevant once again.

Notes

1 The author is a retired US Foreign Service Officer. He served twice as Head of the OSCE Mission to Moldova and as Co-ordinator for CSCE Affairs in the US Department of State. The opinions expressed are his own.

2 Reuters, "Russia cites 1999 charter text for insistence on 'indivisible security,'" February 1, 2022, https://www.reuters.com/world/europe/russia-cites-1999-charter-text-insistence-indivisible-security-2022-02-01/

3 William H. Hill, *No Place for Russia: European Security Institutions Since 1989* (New York: Columbia University Press, 2018).