

Editorial



The OSCE at 40: Looking at the Abyss of a Fault-line

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Path towards Helsinki+40

Ever since the dynamics of the first post-Cold War decade, peaking at the Istanbul summit in 1999, turned into stagnation, the normative, institutional and operational aspects of the Organization for Security and Co-operation in Europe (OSCE) as a security space has been the object of reform designs in political-diplomatic as well as the track 1,5/2 modes. The ensued reports have variably focused on ways to strengthen the political authority and the institutional capability of the organization or to enhance its adaptability to changing circumstances with an improved strategic planning and an updated agenda for co-operative action.

Having served as the institutional framework for ending the Cold War division and uniting a new and wider Europe around common norms and principles, as elaborated in the Paris Charter (1990) derived from the Helsinki Final Act (1975), the OSCE was subsequently sidelined as a strategic driver in the construction of the new security order by the deepening and enlarging processes of integration pursued by the European Union and NATO. Moreover, the OSCE did not appear to be a primary platform for governing the mix of competition and co-operation among states and multilateral institutions in their search to benefit from globalization and to manage new risks and threats therein.

Although the Istanbul Charter for European Security (1999) offered a platform to strengthen the capability of the OSCE in political co-operation, efforts by the Vienna executive structures to streamline decision-making and by special commissions to resolve protracted conflicts were largely frustrated in the ensuing decade. On the ground, pursuing small steps, field operations turned out to be a more productive side of the organization's profile. In a show of unity for turning the tide, in the first post-Istanbul summit at Astana (2010) the OSCE participating States were able to reaffirm the core *acquis* of norms and principles and to agree on the vision of "a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community" to guide a comprehensive reform process ambitiously entitled 'Helsinki+40'.

From Ukraine Back to Helsinki?

Even with the bumpy and winding road of the OSCE up until then, the freezing in the starting blocks of the diplomats' Helsinki+40-related work in Vienna verified the magnitude of the political shock caused by the Ukraine crisis and implied its tactical and strategic consequences for sustaining a Europe 'whole and free and at peace'. While OSCE monitoring tools have been of critical use on the ground in Ukraine, it is only appropriate since the management of conflicts over such fundamental issues as territorial integrity, self-determination and the inviolability of frontiers is why the OSCE as an institutionalized follow-up to the Conference on Security and Co-operation in Europe (CSCE) exists in the first place.

While the Ukraine crisis in itself is too serious to be called a 'tip of an iceberg', it is a spin-off from the longer-term political malaise and structural underperforming of the OSCE-based security order. Consequently, and understandably, exhortations have been raised for going 'back to the future' to manage the exposed brittleness of the overall political-security arrangement and to rectify its looming downfall. According to the nascent discourse, the way out of the quagmire shall be sought by revisiting the Helsinki process as a model for innovative and adaptive as well as productive political action in order reshaping.

The common sense behind the invocation of 'Helsinki II/OSCE 2.0' lies in the lessons learnt from experience that streamlining tools or updating institutions are not enough to entice sufficient political will for resolving serious collisions of interest with the potential to emerge as historical turning-points; what may be needed is to rescript the mutual understandings regarding interstate relations and their preconditions in domestic orders.

Scope of the Work at Hand

The agenda for moving ahead in European security extends behind and beyond the Ukraine crisis, albeit its resolution remains a critical threshold for any further or wider progress. The underlying question asked directly or indirectly in the contributions to the special issue of *Security and Human Rights* on Helsinki+40 is whether and how - instead of a barren diplomatic battleground - the Organization for Security and Co-operation in Europe could be part of the solution in retrieving a unified European and Eurasian security order from the abyss of a new division.

With its origins and development in mind, the OSCE is seen to constitute and underpin the prototype of a security regime where compliance with jointly agreed rules leads to outcomes of mutual benefit. An elaborate institutional structure of working tools and bodies helps states to overcome obstacles to co-operation over a variety of issues. The Ukraine crisis has demonstrated how a multilateral machinery of common norms and institutions can be derailed or even paralyzed by factors and developments related to strategic interests and value-driven identities.

Accordingly, while the repositioning of the OSCE in international relations calls for refurbishing its decision-making and strengthening its instruments for collective action, the task is complicated by wider political challenges. The OSCE has to absorb the 'return' of geopolitics and geo-economics caused by shifts in power relations and global governance. Moreover, the OSCE regime is embroiled in an ideational tension created by opposing narratives and ideological divides.

Revisiting Common Norms

As for a 'grand design' on principles and norms, few would suggest redrafting the Helsinki Decalogue even if its "principles guiding relations between participating states" - drawn from established international law and the UN Charter - were customized to stabilize and govern the situation prevailing in Europe divided by the Cold War. In the case of a failure, such a negotiation effort could risk breaking or losing a universally recognized normative regime which could not be reconstructed today.

In a more practical approach, amendments to the Decalogue or adjusting interpretations of its subject matter could be pursued. Such efforts would have to grasp a common understanding from the predicament where not

only serious violations of norms have been made but where Russia (together with its partners) in speech and in deed purports to represent an alternative world of values, implying the emergence of a civilizational divide. Among the disputed issues, the definition of democracy, the right to cross-border ethnic protection and the recognition of zones of influence would be the most glaring for a regime where the participating States have committed themselves to “undertake to build, consolidate and strengthen democracy as the only system of government of our nations” (Paris Charter) and to “advance the creation of an OSCE area free of dividing lines and zones with different levels of security” (Charter for European Security).

In the last instance, to make joint understandings or agreements on principles guiding relations authoritative and instrumental, they would have to be concluded with a mandate equalling the competence of the three-stage Helsinki-Geneva-Helsinki Conference 1973–75 by making use of “the possibility of a new Conference” written into the Follow-up section of the Final Act. While in the most optimistic and forward-looking thinking a Helsinki+40 summit may have been placed in the ‘Helsinki II’ category, it has been overtaken by events for the foreseeable future.

Reshaping Institutions

In terms of institutional competence, the CSCE/OSCE was never meant to be a ‘United Nations of Europe’; there is no security council or *directoire* to mandate (coercive) interventions for conflict management or resolution. There have been no OSCE peacekeeping missions either, even if they would be possible in principle, and the civilian missions for dispute settlement have not been sufficiently strong to overcome entrenched political obstacles.

The baggage of the ‘frozen’ or protracted conflicts, to which Crimea and possibly Eastern Ukraine are about to be added, is telling proof of the shortcomings of governance within the OSCE as a security-enhancing regime, questioning seriously its international authority. As long as a great power is strategically involved, and disputes between the direct parties touch on sensitive ethnic or nationality issues, an inter-governmental and consensus-based forum remains powerless and mired in diplomatic choreography in front of the lack of political will to compromise.

As for the position and consequent power of the OSCE in the inter-institutional order, as defined in the Helsinki 1992 document, it is one of “mutually reinforcing institutions, each with its own area of action and responsibility.”

As for intra-institutional decisions, ideas have been thrown up for enlarging the scope of the procedural 'consensus-minus-one' rule or allowing for substantive and systemic exceptions to consensus but with little response or success.

The Russian objectives underlying the Medvedev proposal, which seemed to place the prevailing external and internal competence of the OSCE under scrutiny – while being shunned by the West – are likely to be reflected in any future discussion on its political-legal character as an international institution.

Searching for Political Will and Capability

Where are the political will and the productive capability to be found for carrying the OSCE on an improved trajectory?

Russia's dual role of demander and spoiler makes its position critical in determining whether outcomes will be conflicting, stagnating or acceptable in the politics of the OSCE. It is Russia's evident purpose to make the Ukraine crisis part of the bilateral Russian-US confrontation, whereas the United States is using the OSCE for expressing its resentment over blatant Russian violations of international norms. With their asymmetric interests, it is hard to see the Russian-US relationship turning to an engine for upgrading the OSCE as an operational body.

The European Union and its members remain the main resource for OSCE missions as well as for assisting Ukraine. While the EU is the main driver of sanctions against Russia in a bilateral contest of wills, Germany and France are involved in the Minsk process as members of the Normandy Four (together with Ukraine and Russia) managing the acute conflict. Even beyond developments around Ukraine, the strategic importance of the OSCE will increase for the EU, which will be searching for ways to stabilize its eastern and southern neighbourhoods.

The recent Swiss chairmanship-in-office, followed by Serbia leading a close coordination effort, is proof of the potential of individual states in the OSCE mode of politics irrespective of their affiliation. Expectations directed at the forthcoming German chairmanship-in-office are justified in connection with its self-declared intention to bear wider responsibility in European and world affairs. It is the art of concerting decisions and actions of a diverse set of countries, not least in connecting its bilateral relations with Russia to serving the multilateral scene, which will determine the success of Germany's 'strategic moment' in 2016.

Retreating from the Abyss of a Fault-line

At 40, the process of the CSCE/OSCE-based security order has reached a juncture.

One alternative is to recognize that the Ukraine crisis has laid bare the incompatibility of Western-led integration processes with the Russian geostrategic ambitions, thus leading to the establishment, in practice if not in form, of a fault-line in the European and Eurasian space, and including a variety of grey zones of security. While being driven by diverging strategic interests, a normative characterization of the division would be between 'liberal' and 'illiberal' regimes, in the West and Russia with their partners, respectively. Inherent in the scenario is to succumb to a halt in if not the failure of liberal expansion driven by the EU and NATO and framed by the OSCE, albeit that it would duplicate the slowdown of democratic enlargement witnessed globally.

A redivision of the common security space would go against the fundamental achievement of the CSCE/OSCE in unifying the large continent and question the transformation process which was deemed irreversible. Compromising such principles as the indivisibility of security and the freedom of choice in security policies or loosening the preconditions for democracy would constitute a dramatic regression.

Although developments on the ground witness a strategic, normative and institutional setback, they need not dilute or discard the goal of unification.

The other choice is to find and bind connecting threads over the looming fault-line with tools drawn from the historic and institutional reserves of the OSCE process. Refuting the interpretation of a generic and fatal effect of the crisis at hand, the participating States should embark on solving the Ukraine and related issues on their merits and one at a time within the confines of the OSCE regime. While de-escalating the military conflict in Ukraine is a precondition to the return of an active and productive agenda, the OSCE could provide a 'back to the future' forum for registering political agreements reached within or outside of its confines and adopting a renewed programme of co-operation.

An often mentioned case to start is to revisit the pre-Euromaidan constellation by agreeing on an arrangement of relations between the European Union and the Eurasian Economic Union while respecting Ukraine's sovereign freedom of choice. Moreover, the management of military aspects of the Ukraine crisis would be placed within the regime of OSCE conventional arms control tools supported by skills mustered in field operations. While the conflict in Eastern Ukraine would be saved from ending up in the category of 'frozen', the Crimea issue is likely to remain one but inserted as an item on the OSCE agenda however passive.

At the same time, the OSCE could refocus and activate the agenda of trans-border and global issues which are constantly becoming of increasingly urgent and common interest. The future usability and credibility of the OSCE process is found in contributing to global change.

Whatever choices will be made, going back to the old 'normal' cannot be one among them. For the longer term, and in the broader context, moves to renovate the OSCE-based security order will be less revisionist than rewriting the Final Act and more substantive than procedural or governance reforms; a new mix of strategies, norms and institutions will be called for.