

# **Crisis and opportunity for the OSCE**

Walter Kemp<sup>1</sup>

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<sup>1</sup> Walter Kemp is directing the process of identifying the building blocks of a global strategy against organized crime at the Global Initiative against Transnational Organized Crime. He is also Senior Strategy Adviser at the Geneva Center for Security Policy, Senior Fellow at the Institute for Peace and Diplomacy, and teaches at the Diplomatic Academy in Vienna.

Reports of the OSCE's death are an exaggeration. Without a doubt, the organization is in trouble.<sup>2</sup> In the past few years, all ten principles of the Helsinki Final Act have been violated. There is war in Europe instead of cooperation. Since decisions in the OSCE are taken by consensus, the polarized geopolitical environment is making it difficult to agree on anything – from the agenda of meetings to who should hold leadership positions in OSCE institutions. No unified budget has been adopted since 2021. But the OSCE is still alive, it is one of the few remaining European security organizations where Russia and the West can talk and seek to manage relations peacefully. For that reason, it could play a key role in rebuilding the European security order when the time comes.

### On standby not on life support

The OSCE is facing its biggest challenge since it was established in 1975. The problems listed above have made it almost impossible for participating States to take decisions. There is almost no constructive dialogue in the OSCE's permanent bodies: instead there are toxic monologues. This trend is not new, but it has become significantly worse since Russia's invasion of Ukraine in February 2022. Furthermore, the organization's operations – both through its field activities and its institutions – are in jeopardy. Instead of the OSCE's hallmark comprehensive and inclusive approach to security, there is a trend towards “OSCE à la carte”. This manifests itself as: “Chair's conferences” instead of commonly agreed meetings; extra-budgetary contributions instead of a Unified Budget; and cherry-picking among some participating States about which commitments they chose to implement. More generally there is a move away from multilateralism – which could be exacerbated depending on election results in 2024. As a result, at a time when the OSCE is so badly needed, it is in a deep crisis.

Nevertheless, the OSCE has managed to survive. The Ministerial Council meeting in Skopje on 30 November and 1 December 2023 showed that participating States – including the United States and Russia – want the OSCE to continue.<sup>3</sup> Furthermore, the decision to appoint Malta to chair the OSCE in 2024 solves a serious leadership crisis.

But survival should not be an end in itself. Despite the worst crisis in Europe since the Second World War, the OSCE still has room for maneuver, particularly through the activities of its institutions and field operations. Moreover, instead of dismissing the OSCE as being on life support, it should be thought of as being on standby – ready to assist when conditions are ripe for de-escalating tensions and managing relations between Russia and the West.

### Business unusual

When the war in Ukraine ends, the OSCE would be the logical place to rebuild the European security architecture because of its inclusive membership and comprehensive approach. Furthermore, it could play a key role as a regional arrangement of the United Nations in addressing a wide range of threats and challenges that have an impact on peace and security in the OSCE area.

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<sup>2</sup> See Walter Kemp, Showdown in Skopje: Can we Still Cooperate?, *Security and Human Rights Monitor*, 26 November 2023, <https://www.shrmonitor.org/showdown-in-skopje-can-we-still-cooperate/>. The current article builds on my publication from November 2023.

<sup>3</sup> Stephanie Liechtenstein, Back from the Brink: OSCE Ministerial Council in Skopje takes decisions on OSCE leadership, *Security and Human Rights Monitor*, 4 December 2023, <https://www.shrmonitor.org/back-from-the-brink-osce-ministerial-council-in-skopje-takes-decisions-on-osce-leadership/>

At the moment, the prospects for peace are low. As long as war is raging in Ukraine it will be difficult to convene meetings in the OSCE about the future of European security.

But no “business as usual” does not have to mean no business at all. There are plenty of useful things that the OSCE can do through the substantive units in the Secretariat, field missions and institutions. While the OSCE will probably not have a major role in ending the conflict in Ukraine, its toolbox could be used for example to promote local stabilization measures, confidence-building measures, and to maintain channels of communication. The experience of the Special Monitoring Mission to Ukraine, which was the eyes and ears of the international community in eastern Ukraine between 2014 and 2021, could be valuable if a peace operation or monitoring mission is deployed to Ukraine in the future. Furthermore, the OSCE, particularly through the (extra-budgetary) Support Programme for Ukraine, can implement a wide range of projects including humanitarian demining, addressing chemical threats, monitoring environmental damage from the war, protecting displaced persons from risks of trafficking in human beings, strengthening human rights protection, providing psychological support for conflict-affected people, and strengthening democratic institutions.

While the OSCE’s role in reducing tensions between Moscow and Kyiv may be limited, it could play an important role in managing relations between Russia and the West. The Structured Dialogue process, which was launched in 2016, would be a suitable forum. It may also be necessary to create informal spaces for dialogue, including at the Ministerial level.

Track 2 or track 1.5 conversations involving experts with good links to policymakers in capitals could develop scenarios or options for rebuilding some degree of trust between Russia and the West. This has already started, for example by the Friedrich Ebert Stiftung and the Geneva Center for Security Policy. When the time is ripe, these ideas could be taken out of the drawer and brought to the inter-governmental table.

While inter-state dialogue and innovation are difficult in the current geopolitical environment, civil society can be a catalyst. In the 1970s and 80s, civil society organizations, inspired by the Helsinki Final Act, took to the streets to hold their leaders accountable to the promises that they had made, fostered grassroots initiatives to defend human rights and fundamental freedoms and raised CSCE-related issues in the media and parliaments.<sup>4</sup> Today there are very few remaining Helsinki Commissions or Committees. Something like them should be created to keep alive OSCE principles, to foster people-to-people contacts, generate political will, and create a community of champions of cooperative security in a world increasingly defined by violence, aggression, and illiberal governance. It is also vital to generate more interest in the OSCE and ideas on how to revitalize it – as is done in this journal or the OSCE academic network. The 50th anniversary of the OSCE in 2025 would be a good opportunity to remind the public, parliamentarians, and politicians about OSCE principles and commitments, the importance of dialogue, and the link between human rights and security. The OSCE Secretariat, Parliamentary Assembly and Finland as chair in 2025 should consider a public information campaign.

## **Cooperative security is not appeasement**

Critics argue that now is not the time for cooperative security. Rather, Russia needs to be compelled to change

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<sup>4</sup> See Michael Cotey Morgan, *The Final Act: the Helsinki Accords and the Transformation of the Cold War*, Princeton University Press, 2020.

its behavior and this requires deterrence. There is no question of the need for a firm and united position from the West, particularly NATO. President Putin seems to follow Lenin's advice that "you probe with bayonets: if you find mush, you push. If you find steel, you withdraw". Therefore, the West together with Ukraine needs to maintain a steely defence.

However, there is no need to choose between NATO and the OSCE. They play different roles and have different memberships. One could argue that NATO is the organization for security against Russia, the EU for security without Russia, and the OSCE is the organization for security with Russia. If enough countries still think it is worthwhile to have a pan-European forum to meet – including with Russia – a platform for joint action based on common principles and commitments and a normative basis for fostering security through cooperation then the OSCE has a future.

Under current circumstances, it is hard to make the case for cooperative security. Nevertheless, it is worth trying since the expression is often misunderstood as appeasement or *détente*.

First, rather than regarding cooperative security as a goal, such as the vision of a "security community" defined in the 2010 Astana Summit document or Emmanuel Kant's ideal of Perpetual Peace, cooperative security should be considered as an approach.<sup>5</sup> This implies the need for consultation and constructive dialogue and a willingness for states to work together to prevent and resolve common problems that affect their security.

Second, the tone of this dialogue needs to be constructive, which has not been the case in many meetings of the Permanent Council and other OSCE dialogue bodies over the past few years, where states have engaged in public policy and verbally bashing each other.<sup>6</sup>

Third, cooperative security relies on actions and not just words. States need to demonstrate in deeds that they are serious about implementing their commitments. After all, cooperation is not unconditional. Furthermore, cooperation is based on a series of interactions over time. If a country is to be trusted, it needs to respect its side of the bargain. There must be reciprocity of trust-inducing steps or else there will be a lengthy and dangerous escalation of harmful tit-for-tat reprisals. Rebuilding trust between Russia and the West and between Kyiv and Moscow will take time, and it will be difficult. But the OSCE with the tools that it has developed during difficult times, such as confidence- and security-building measures, can help to build the scaffolding of a more peaceful Europe.

Fourth, cooperative security implies a sense of sovereign equality and burden sharing. That means, at a minimum, all states paying their dues to the OSCE. Cooperation cannot be fostered where free riders are also spoilers. As in the United Nations,<sup>7</sup> ways should be found to strip participating States of their voting privileges if they are in arrears: no pay, no play. As a result, a country would de facto suspend itself from the OSCE if it does not contribute to the budget.

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5 For more on cooperative security, see Walter Kemp, *Security through Cooperation: to the same end*, Routledge, 2022.

6 'Threats, insults, and Kremlin 'robots': How Russian diplomacy died under Putin', *BBC*, 3 September 2023, *BBC*, <https://www.bbc.com/news/world-europe-66509180>.

7 Article 19 of the UN Charter states that "A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years."

Fifth, and very much related to point one, it is important to emphasize that cooperation does not imply the absence of conflict. Far from it. Cooperative security is a reaction to conflict or an attempt to prevent it. As Robert Keohane has pointed out, “without the spectre of conflict, there is no need for cooperation”.<sup>8</sup> Cooperative security, particularly in tough times, may not bring all states together, but it can help to prevent them from falling apart. Following this logic, the OSCE is a place where states can work through their disagreements in a peaceful way.

Of course, the sticking point is the consensus rule. It is one thing to have a forum where states that have serious disagreements can meet and seek to reduce tensions. It is another to expect that these non-likeminded countries will all agree on a common course of action. The perennial problem is that unanimity would be required to change the consensus rule. But again, a good start would be to disallow voting rights to states that have not paid their dues, and to explore how to have at least administrative decisions adopted by, for example, a 90 percent rule.

### Golden jubilee, golden opportunity

Until a few years ago, it was hoped that the 50th anniversary of the Helsinki Final Act in 2025 could revive cooperative security,<sup>9</sup> not least in the OSCE area. As recently as December 2021, Finnish President Sauli Niinistö suggested the idea of a Summit in Helsinki. However, the much-heralded “spirit of Helsinki” now looks more like a ghost. Some even mutter that the organization’s Golden Jubilee could turn into its funeral; ironically the final act could occur in Helsinki. Finland, which will chair the OSCE in 2025, is managing down expectations.

Others have suggested that if the situation improves, a Summit in Helsinki could be an opportunity to look ahead rather than to simply commemorate the signing of the Final Act that took place under significantly different circumstances than the situation in which Europe finds itself today.

What could be done in the meantime? Since it will be difficult to broker consensus on almost anything until the war is over, the chair may consider having informal consultations that could try to identify a common understanding of the principles of the Helsinki Final Act, keep in place guardrails and channels of communication, and identify a few areas where interests converge. A discussion should be initiated by the Troika and the Secretary General on setting priorities. This would shift debates on resources that currently take place in the Advisory Committee on Management and Finance into more political and strategic discussions among heads of delegations. Such a process could help to identify “islands of cooperation” where participating States (still) have converging interests, highlight the added value of the OSCE at a time of limited resources and low political will, and map out a shared and forward-looking set of security-related priorities, which would enable the OSCE to get on with its important work and be both well-positioned and well-prepared for when changes come.

As with negotiations on the Helsinki Final Act, there will have to be something for everyone. Nevertheless,

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8 Op cit Kemp 2022 p. 47.

9 S. Niinistö, ‘It’s Time to Revive the Helsinki Spirit’, *Foreign Policy*, 8 July 2021, <https://foreignpolicy.com/2021/07/08/its-time-to-revive-the-helsinki-spirit/>.

a Christmas tree approach should be avoided. Instead, the OSCE tree should be pruned; cut back to focus on core issues.<sup>10</sup> As has been suggested, “in order to survive as a useful institution, the OSCE first of all must engage in what it was originally established to do — political dialogue on issues of interest and importance to all the states of Europe.”<sup>11</sup>

Ideally, these priorities should be agreed to by all participating States at Ministerial level in a short-term workplan. This politically agreed roadmap or “agenda for cooperation” could also guide OSCE budgetary discussions. Indeed, it could be the basis for a two-year Programme Outline for 2025/26 – of course subject to change on an annual basis depending on developments, particularly in relation to the war in Ukraine. Failing agreement on such a roadmap, the “agenda for cooperation” could at least be agreed upon by the Troika to ensure continuity, and to help set priorities and a work plan for 2025 and beyond.

It may also be time to start thinking about, and even discussing discreetly, what a post-war security order could look like. Among topics to be considered are: Would there be a recognition of certain security guarantees for what are awkwardly described as “in-between states”, and could there be an end to grey zones in Europe? How could basic principles – like those in the Helsinki Final Act – be reaffirmed credibly? Should there be a signature document agreed to at the highest political level such as the Helsinki Final Act or the Charter of Paris? Could one go even further and consider drafting a constituent document for a “new” OSCE that would reflect a changed European security order and define the organization’s status and the rights and obligations of its members or participating States?

Sadly, history shows that it usually takes a crisis to reform the multilateral system as witnessed in 1815, 1919 and 1945. But the security structures and arrangements that emerged after those wars were months if not years in the making, for example at the Congress of Vienna, Versailles as well as Dumbarton Oaks and San Francisco. Debates and drafts on a new order were already being carried out (among the Allies) before the old one fell away. Therefore, if and when security and peace are to be restored in Europe, it is time to start planning.

For inspiration, it is worth recalling the guidance that was provided to participating States at a meeting in Dipoli, Finland in 1973 in which members of the committee drafting the Final Recommendations of the Helsinki Consultations were encouraged to “proceed from the premise that the strengthening of security in Europe is not directed against any State or continent and should constitute an important contribution to world peace and security.”<sup>12</sup> Of course, all states would have to follow this advice, and all would have to demonstrate a willingness to seek a more cooperative approach. There is no point in trying to develop a security architecture with Russia if Moscow shows no interest in engaging. Russia would have to make it clear that it wants to be part of a post-war European security architecture, that it still agrees to the Helsinki decalogue, and that it is willing to engage constructively in arms control and confidence- and security-building measures. It should show contrition and pay compensation for its aggression against Ukraine. For its part, the West could afford some self-reflection on how opportunities were missed to more constructively engage Russia in the post Cold-War period. Leaders should pledge to reduce the risk of any future violent conflict and avoid the nuclear

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10 Walter Kemp, ‘Time to Prune the OSCE Tree’, *Helsinki Monitor*, 2006, no. 3 pp. 207-213.

11 William Hill, ‘Will the OSCE Survive?’, in Cornelius Friesendorf and Stefan Wolff (eds.): *Russia’s War Against Ukraine: Implications for the Future of the OSCE*, OSCE Network Perspectives I/2022 (OSCE Network of Think Tanks and Academic Institutions, June 2022), p. 36.


12 OSCE, Final Recommendations of the Helsinki Consultations, 3 July 1973, <https://www.osce.org/mc/40213>, p. 7.

sabre-rattling witnessed in relation to Russia's invasion of Ukraine, and rebuild arms control treaties that could enhance trust, transparency and cooperation and avoid nuclear proliferation. Furthermore, as outlined above, they should agree on a way forward to work together – by necessity – on a number of issues where their interests converge; things that they can do together in their region through the OSCE that they cannot do unilaterally, bilaterally or in a different forum.

### **Preparing and positioning the OSCE for the future**

In the short term, the OSCE will likely continue to muddle through. But with a slightly higher level of ambition, the Troika – currently North Macedonia, Malta and Finland – could develop a plan of action centered around the OSCE's 50th anniversary in 2025 and work with the Secretary General to propose a two-year program outline and budget. At the same time, track 2 “conversations” on the future of European security should continue, and feed ideas into informal meetings with participating States as well as the Secretary General's office when appropriate. Furthermore, risk reduction and confidence- and security-building measures drawing on the OSCE toolbox. This would make the OSCE more relevant and visible and put it in a better position to play an important role when conditions are more conducive to cooperative security.

To conclude and summarize, the OSCE faces its biggest crisis since 1975 yet also its biggest opportunity since 1990. With effective leadership and enough buy-in from participating States the OSCE could become a key venue for rebuilding some degree of predictability and order in Europe.



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Netherlands Helsinki Committee  
Het Nutshuis  
Riviermarkt 4  
2513 AM The Hague  
The Netherlands

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