

The Organization for Security and Co-operation in Europe (OSCE)

SUMMARY

In today's context of renewed tensions on the European continent, the Organization for Security and Co-operation in Europe (OSCE) has an opportunity to play a stronger role as a forum for all Europe's security actors, helping to prevent a logic of confrontation between the North Atlantic Treaty Organization (NATO) and the EU versus Russia from prevailing. The Conference on Security and Cooperation in Europe (CSCE) came into being during the detente of 1962-1979. It transformed the zero-sum game of the Cold War into a positive-sum game between European states, becoming a forum for discussion between the two superpowers and European countries. However, the main achievement of the Helsinki process that formed the CSCE was that it brought all the participating countries to the negotiating table. The main outcome of the Helsinki process was less the Final Act itself than the original process of negotiations between all the participating states.

After the fall of the USSR and the subsequent EU and NATO enlargements, the OSCE (as the CSCE was renamed in 1994) was redesigned as a forum for resolving Cold War tensions and it became gradually less relevant. The main elements of the European security framework established by the CSCE (Treaty on Conventional Forces in Europe, Vienna Document, Open Skies Treaty) lost their ability to secure effective arms control and build confidence. There was a shift towards soft security cooperation (election monitoring, peace processes, the protection of minorities, and action to ensure a safe environment for journalists).

Initiatives to reform the OSCE over the past decade have largely failed because of disagreements between member states on the objectives and the organisation's legal and financial means. Nevertheless, it remains a necessary forum when it comes to resolving a growing number of crises.



Opening session of the 24th OSCE Ministerial Council, Vienna, December 2017.

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The context of the detente

During the [1962 Cuban crisis](#), the two superpowers stood on the brink of war. In the aftermath of the crisis, the United States (US) and the Union of Soviet Socialist Republics (USSR) developed new ways of communicating, the best known being the 'red telephone' between the White House and the Kremlin. After 1963, the main open conflicts between the superpowers were proxy-wars in Africa, Latin America and Asia (Vietnam and Afghanistan in particular).

Four years after the Cuban missile crisis and two years after the dismissal of Nikita Khrushchev in 1964, the new Soviet leadership felt more confident in its capacity to put an end to the unstable post-Stalin area, and less threatened by American containment policies.¹ As a result, in a 1966 declaration in [Bucharest](#), the Warsaw Pact countries proposed a pan-European conference on security, without the US and Canada.

Two years later, the 1968 [Prague Spring](#) did not prevent this nascent dialogue between the two blocs. However, France did insist that human rights should be an integral part of any possible conference. In Brussels in 1969, the North Atlantic Council responded to the Bucharest Declaration with a [Declaration on European Security](#), including environmental issues and the 'human dimension'. The Bucharest and Brussels Declarations paved the way for the Helsinki process.

Taking advantage of the detente (a global decrease international tension), President Nixon visited Moscow in [1972](#) to discuss a possible conference and weapon reduction talks. In the wake of the ongoing war in Vietnam, arms control remained the most important item on the US agenda. As for the USSR, discussions on the reduction of nuclear stockpiles were part of a strategy to denuclearise Europe in order to take advantage of its superiority in conventional weapons. Meanwhile, the conditions were also favourable for resolving the status of Germany: the German Democratic Republic and the Federal Republic of Germany were invited to take up [United Nations membership](#) in 1973; the following year, Washington recognised the East German state.

Detente and Germany's [Ostpolitik](#) led the West to recognise that it had an interest in promoting stability in Europe. The US and West Germany finally acknowledged the need to work with East Germany, at least on a practical basis. Relations between the two blocs became more open. With the Soviet invasion of Afghanistan in 1979, the detente did not last long; nevertheless, the Final Act confirmed the balance of power in Europe and improved relations between East and West.

The Helsinki process and the organisation of negotiations

Negotiations between the European states, the USSR and the US on an agreement to promote security and cooperation in Europe were launched in 1973. Lasting for two years, the talks became known as the Helsinki process because of their venue, chosen because of Finland's [specifically neutral position](#) between the two blocks.

The product of two years of intense negotiations, the [Final Act of 1975](#) was a turning point in the Cold War: it proved that some cooperation was possible, offered a holistic approach to security, and established the Conference on the Security and Cooperation in Europe (CSCE).

The negotiations involved five different types of actors: Warsaw Pact members following a strict Soviet line (Bulgaria, for example), Warsaw Pact members with a greater margin of discretion (Hungary, Romania), neutral states (the Holy See, Switzerland, Yugoslavia), European Economic Community Member States, and NATO member states, including Canada and the US. Albania was the only non-participant European country. Some countries, such as France, insisted that each of the 35 individual states should negotiate on its own behalf. Neutral countries and some Warsaw Pact members welcomed this approach.

The Final Act is often depicted as a Soviet victory in the [short term](#), because it recognised the existing borders in Europe. However, the Western states insisted that it was not legally binding, and as such resembles a declaration rather than a formal international treaty. Nevertheless, as an agreement

concluded at the level of heads of state and government, the Final Act had all the features of customary international law.²

All the parties benefited from the Final Act in different ways:

- For the Soviet Union, the Final Act confirmed the post-war status quo in Europe. However, the wording of the related provisions was watered down, at Western insistence; the Soviet delegation had proposed to refer to the intangibility of borders, whereas the Western proposal, which ultimately prevailed, was 'inviolability'. The difference is important, as the latter allows for peaceful changes (which indeed happened in Germany and the Baltic States) and does not imply a formal recognition of current borders.
- For some Warsaw Pact countries, the Final Act provided a safeguard, albeit a weak one, against future violations of their sovereignty, discouraging the USSR from repeating its invasions of Hungary (1956) or Czechoslovakia (1968).
- The neutral states considered that the arrangement reinforced their security.
- In the long run, the inclusion of provisions on human rights proved to be beneficial to the West, as this provided a legal basis for dissident movements in the Communist bloc (in what the French diplomat Jacques Andréani called 'the Helsinki trap').³

1975: the Final Act

The Final Act provides for three dimensions, known as 'baskets':

- **the political-military dimension:** national sovereignty and the promotion of confidence- and security-building measures (CSBM), including: *notifications* – participating states should give other participating states 21 days' notice of any manoeuvres of more than 25 000 troops; *observation* – participating states should invite other participating states on a bilateral basis to observe their manoeuvres; *disarmament* – leading to the first Strategic Arms Reduction Treaty ([START 1](#)) in 1982 and the Treaty on Conventional Forces in Europe ([CFE](#)) in 1992;
- **the economic-environmental dimension:** regional cooperation in areas relating to economic development and combating environmental degradation;
- **the human dimension:** universality of human rights through democratic process and institutions. This basket provides for family reunification, international marriages, exchanges between young people, and exchange of information. The expulsion of Aleksandr Solzhenitsyn from the USSR in 1974 helped to bring these human rights issues to prominence in the Western media.

The first basket is the most comprehensive; it includes the famous Helsinki [Decalogue](#) (see box below): 10 principles that underline the moral-political nature of the CSCE.

The Helsinki Decalogue	
I.	Sovereign equality, respect for the rights inherent in sovereignty
II.	Refraining from the threat or use of force
III.	Inviolability of frontiers
IV.	Territorial integrity of states
V.	Peaceful settlement of disputes
VI.	Non-intervention in internal affairs
VII.	Respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief
VIII.	Equal rights and self-determination of peoples
IX.	Cooperation among states
X.	Fulfilment in good faith of obligations under international law

Points I, II, III, and IV embodied the Soviet Union's attempt to ensure the inviolability of borders while retaining its right to intervene if considered necessary. While some points seem contradictory, such as points IV and VIII (territorial integrity and right to self-determination), these contradictions embody the ambivalent nature of the Act.

Several conferences were held by the 35 CSCE states in the years following 1975.⁴ They brought few results, but the situation in Europe seemed open to dialogue. Implementation of the Decalogue remained difficult, but the CSCE became the only forum where all European states could negotiate matters of European security. The Act also had an impact on political life in Eastern Europe. Through the creation of Helsinki committees, dissident movements in Eastern Europe were able to invoke the Helsinki Act signed by the Soviet Union and the Communist bloc countries, in their defence of human rights.⁵

After the Cold War: institutionalisation of the CSCE

The transformation of the CSCE into the Organisation for Security and Co-operation in Europe (OSCE) was mainly a Russian initiative. After 1991, Russia advocated disbanding both the Warsaw Pact and NATO. Moscow envisaged that the OSCE would therefore become the main security organisation in Europe, in which Russia would be one of the most powerful players.⁶ In 1994, the CSCE was renamed the Organization for Security and Co-operation in Europe, recognised as a key organisation in furthering democracy, promoting human rights and protecting minorities.

The [OSCE](#) has its headquarters in Vienna. The Summit of Heads of State and Government last met in Astana (Kazakhstan) in 2010. Every year, the Ministerial Council is hosted by the state chairing the organisation: Germany in 2016, Austria in 2017 and Italy in 2018. The secretary general of the OSCE (since 2017, Thomas Greminger, Switzerland) conducts the daily work of the organisation, coordinating specialised offices such as the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM), the Representative on Freedom of the Media (RFOM), and the Court of Conciliation and Arbitration. The Parliamentary Assembly of the OSCE is composed of parliamentarians from the Member States.

The OSCE today

Today, the OSCE mainly works in two areas: supporting democracy and fair elections, and building confidence on the continent.

Building confidence on the continent

One of the main tasks of the OSCE is to provide mechanisms for monitoring European confidence-building and security measures. Since the mid-1970s, the CSCE/OSCE member states have concluded various agreements, committing them to reducing nuclear and conventional weapons, and providing for information sharing and mutual observation. The OSCE's security architecture rests on three main agreements:

- The Treaty on Conventional Forces in Europe ([TCFE](#)) was adopted just before the disbanding of the Soviet Union. It limits the level of troops and certain military equipment that the parties can have in Europe (the treaty imposes limits on five elements). After three years, these elements were reduced by 48 000 and it has been [estimated](#) that, by 2002, the number of troops from the 30 signatories had been reduced by 1.2 million. In 1999, the TCFE was adapted to the post-Cold War situation, setting limits for each party. In 1999, NATO member states criticised Russia for stationing troops in Georgia and Moldova (Transnistria). Russia complained that the treaty should be amended because some NATO member states had not ratified it (the Baltic States and Slovenia entered NATO in 2004). Moscow asked for the threshold for NATO member states to be lowered. In 2007, Russia announced its withdrawal from the TCFE, a move which removed the barriers to its subsequent invasion of Georgia in

2008 and military operations in Ukraine since 2014. [Analysts](#) note that TCFE was the product of very specific 1980s dynamics, when the Warsaw Pact was leading the arms race in terms of conventional weapons but was willing to cut back in part. With the changes of situation on the continent, the arms race was difficult to sustain in the long run. Analysts also note that the treaty lacked an effective independent mechanism for verifying compliance, leading to mutual accusations between member states.

- The [Vienna Document](#), adopted in 1990, commits OSCE countries to sharing information with one another once a year on numbers of troops and weapons. They are also obliged to notify large-scale military drills in advance and allow inspections of three military sites every year. The document was regularly updated until 2011 to make sure that member states provided the most accurate information. In the context of tensions over Ukraine and NATO's alleged strategy of containment, [Russia](#) refused to update the Vienna Document in 2016. Recently, the credibility of the agreement has been further undermined, with Russia and NATO countries accusing one another of violating its terms; for example, Russia failed to notify its [Zapad 2017](#) military exercise or allow systematic observation.
- The final pillar of the OSCE's security regime, the [Open Skies Treaty](#), is the last branch of the security regime. It allows for observation flights, setting out the numbers, points of entry and equipment to be used. This regime is still ongoing and is, according to [specialists](#), likely to remain so, as Russia and the US are willing to gather information impossible to obtain using spatial observation.

All three parts of the pan-European security regime are today threatened by growing competition and mistrust between Russia on the one hand, and NATO member states on the other. Moscow has repeatedly proposed a new pan-European security architecture since President [Medvedev](#)'s speech in Berlin in 2008. The [Russian proposals](#) were presented to the UN and the EU, but met with [criticism](#) from other OSCE countries as they envisaged restricting NATO activities and enlargement in Europe.

OSCE remains the main forum including both the US and Russia for military information sharing and negotiating European security arrangements. However, its once-effective security instruments are increasingly under threat. They were unable to prevent the 2008 Georgian Russian war and the OSCE mission's mandate in Georgia [expired](#) in December 2008.

Monitoring conflicts in Europe

Since 1992, the OSCE has carried out 27 field missions and other activities on the ground, of which 18 are still on-going (see Map 1). The OSCE plays a key role in the resolution of conflicts in the Balkans and frozen conflicts in the post-Soviet space (Transnistria, Abkhazia, South Ossetia, Nagorno-Karabakh, and more recently Ukraine).

Map 1 – OSCE operations



Map by EPRS; Data source: OSCE secretariat, [OSCE field operations](#), February 2015.

In many cases, for example in Eastern Ukraine or in the South Caucasus, OSCE missions are the only observers on or close to the front line. In 2016, [Russia](#) proposed to deploy an armed OSCE mission in Eastern Ukraine, but the idea was never followed through.

The OSCE is also active in the Nagorno-Karabakh conflict. The OSCE [Minsk Group](#), co-chaired by France, Russia, and the US, has provided the main conflict-resolution framework since 1992. The group organises informal and secret negotiations between the parties. In early April 2016, a [clash](#) between Karabakh Armenian and Azerbaijani troops killed 77 soldiers in Nagorno-Karabakh and 31 on the Azerbaijani side. On 5 April, Moscow brokered a ceasefire between the two parties, outside the Minsk Group, something that has been [criticised](#) as contrary to the OSCE spirit.

Supporting democracy

Originally focused on election observation, OSCE democracy support now includes broader instruments relating to political participation and minority rights. For example, OSCE was instrumental in helping Estonia and Latvia to formulate a policy toward their [Russian minorities](#) in the 1990s. Today, the OSCE is a key player in promoting democratic and transparent elections, through its [OSCE Office for Democratic Institutions and Human Rights](#).

The OSCE has also been promoting freedom of speech and fight against hate speech through its [Representative on Freedom of the Media](#) (RFM) since 1998. The RFM acts as a watchdog of media liberty in the OSCE and manage a number of projects against hate speech, media pluralism, media law, or safety of the journalists. As stated in its 2017 [report](#) to the member states, the RFM mainly works in a discreet way, writing to the member states authorities to call for respect of freedom of the press, and against pressure on journalists. Because of the very nature of its powers, the RFM's results are difficult to assess.

OSCE Office for Democratic Institutions and Human Rights (ODIHR)

The ODIHR was established in 1991 to support democratic transition in central and eastern Europe. In 2017, it conducted electoral observation missions in 20 countries, publishing 434 recommendations for improvement.

In its [2017 report](#), ODIHR noted a shrinking space for election observers, a lack of confidence in the impartiality and independence of election administration bodies, and a lack of free campaign environments.

The results of ODIHR recommendations are difficult to assess, nevertheless they carry some weight. [Russian NGO Golos](#) estimated in 2017 that since 2011, half ODIHR recommendations had been implemented by the Russian authorities.

The OSCE as a mechanism and prospects for the future

One of the CSCE's little-known achievements during the Cold War was that the working relationship it created between Moscow and Washington prevented several nuclear catastrophes.

Until the NATO/EU enlargement in 2004 the CSCE provided for a transparent confidence-building mechanism. This helped to dissipate tensions between the two blocs by enabling discussions on the European security situation, with all European states participating in decision making.

Today, in the context of renewed tensions on the European continent, the OSCE has an opportunity to reclaim a stronger role as a forum for all European security actors, helping to prevent a logic of confrontation between NATO and the EU versus Russia from prevailing.

For the OSCE to maintain and enhance its role as a peace mechanism, the United States, Russia and European countries need to find innovative ways to use this forum. [Russia's proposals](#) on a pan-European security treaty have been discussed in the framework of the Corfu process at OSCE level, but with no result as it would undermine NATO's autonomy. Discussions over a 'security community' with two components (Euro-Atlantic and Eurasian) were launched during the Astana Summit in 2011. Nevertheless, the project attracted little support, and since then, the war in Ukraine has increased the mistrust between the partners.

Panel of Eminent Personalities on European Security

In 2014, the OSCE launched a joint project called the Panel of Eminent Personalities on European Security. This panel of 15 experts was set up to propose ways to reform the organisation and work towards a more secure Europe.

In its [first report](#), issued in June 2015, concerning the OSCE's role in the Ukraine crisis, the panel draws five lessons from OSCE's engagement in Ukraine: conflict prevention is a key task and the OSCE's secretary general should play a greater role in this respect; a troika of OSCE presidencies (the former, the current and the next presidencies) should be the rule and the role of the secretary general should be strengthened; the OSCE needs a legal personality; the link between political and operational activities should be better organised; and OSCE prevention capabilities should be improved.

In its second report, issued in November 2015, called '[Back to Diplomacy](#)', the panel recognised that a common interpretation of the 1990-2015 period is impossible and the report proposes three separate narratives ('the West', 'Russia' and 'States in between'). The Russian representative in the panel decided not to endorse the report. Nevertheless, the report recommends among other things reactivating the [NATO-Russia Council](#), resuming military contacts between OSCE parties, reinforcing the OSCE mission in Ukraine, creating a Ukraine contact group including [Normandy format](#) and [Budapest Memorandum](#) signatories, reactivating or updating the three main security instruments of the OSCE's security architecture (the TCFE, the Vienna document and the Open Skies Treaty), and granting OSCE bodies access to Crimea.

On the occasion of its 40th anniversary on 1 August 2015, the OSCE [deplored](#) that it still lacks an international legal personality, which creates 'serious challenges' for the whole organisation at operational level in the field and in crisis situations, for example in Ukraine. The absence of legal capacity, for instance, creates [serious problems](#) on the ground relating to contracts and immunities. The OSCE also expressed concern over 'dysfunctional decision-making procedures' as well as the lack of tools and mandate, which result in 'ineffectiveness'. Nevertheless, there is no consensus on a possible reform of the OSCE. The US opposes Russian reform plans, as well as a possible legal personality and a multi-annual budget. In the absence of such reforms, the OSCE remains a mechanism that depends on the good will of its parties.

The EU and the OSCE

The European Communities were closely associated with the CSCE from the outset. They took part in the negotiation of the Helsinki Final Act in 1975, as well as in all subsequent negotiations. In 2006,

EU participation in the OSCE was formalised in the [organisation's rules of procedure](#), which granted it a seat next to the participating State holding the rotating EU Presidency. The OSCE troika meets the EU Council presidencies; cross participation in meetings is organised when relevant; and the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission, Federica Mogherini, is in contact with the OSCE presidencies and secretary general.

The EU's 2016 [Global Strategy](#) points out that the OSCE lies at the centre of the European security order. In December 2017, Commissioner for enlargement and neighbourhood policies, Johannes Hahn, emphasised the need for the EU to cooperate with the OSCE in view of its presence in the Western Balkans and Eastern Partnership countries. This [cooperation](#) includes: a €30 million EU contribution to the budget of the OSCE Special Monitoring Mission to Ukraine; assistance to the ODIHR in developing national electoral and human rights institutions; and crisis management, for instance in the Western Balkans.

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The Centre de la Connaissance Virtuelle de l'Europe (CVCE) in Luxembourg holds many [original sources](#) (including résumés, evaluations of the CSCE, organisational charts of the organisation, historical chronologies and [videos](#)), translated into English.

ENDNOTES

¹ Gaddis J. L., *The Cold War, a new History*, Penguin Books, 2006.

² Prévost J.-F., 'Observations sur la nature juridique de l'Acte final de la Conférence sur la sécurité et la coopération en Europe', *Annuaire français de droit international*, Vol. 21, 1975, pp. 129-153.

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