



## Foreign & Commonwealth Office

### Research Analysts note

## What is the OSCE? The CSCE and OSCE from 1975 to 2014

### Helsinki, the Final Act and the Cold War: 1972-86

The USSR first proposed a security conference for Europe in 1953. US-Soviet tensions prevented this for 20 years. Preliminary consultations in Helsinki in 1972-73 led to a Head of Government-level Conference in 1975. The Helsinki Conference itself has been described as the high point of superpower détente. The Final Act (HFA) agreed there contained ten principles on the conduct of relations within Europe (the 'Decalogue'), and a series of detailed commitments in three 'Baskets' (known now as the Politico-military, Economic and Environmental, and Human Dimensions).

The HFA was a trade-off. At its heart, the West accepted the 'inviolability' of frontiers in Europe, thereby accepting the territorial changes the USSR had made in Eastern Europe in 1945 (including the creation of East Germany). And the Soviet bloc accepted a number of human rights commitments, and that implementation of them was a matter of international concern. Balance between these issues (or Baskets) was key. The West accepted that borders should be 'inviolable', but maintained that they could still be changed by peaceful means. The USSR (with less justification in the text) claimed that the human rights provisions remained subject to state interests and that it would not accept outside monitoring of its own compliance.

A follow-up conference process began after Helsinki, notably with high-level meetings in Belgrade (1977-78) and Madrid (1980-83). Debate was heated, but it provided one of the few channels for East-West communication in the years before Gorbachev.

### The end of the Cold War: Vienna 1986 to Paris 1990

The Vienna Follow-Up Meeting opened in November 1986. The Soviet offer to hold a CSCE human rights meeting – ultimately held in Moscow in 1991 – represented a watershed in the USSR's approach to human rights in the CSCE. This was reinforced by the USSR's acceptance of a human dimension mechanism (the Vienna Mechanism), in a step towards further intrusiveness in human rights enforcement. Discussions on arms control and Confidence- and Security-Building Measures (CSBMs) evolved into the CFE Treaty and the 1990 Vienna Document on CSBMs.

Discussions at Vienna were difficult: it took 26 months to reach agreement. But the spate of further CSCE meetings agreed at and after Vienna played a role in the end of the Cold War: Communist regimes' acceptance of the Helsinki human rights principles illustrated their hypocrisy and offered the populations of the region a standard against which to judge them. The Helsinki principles influenced some of Gorbachev's key aides. And the integration of Eastern Europe into the world economy – to which the HFA contributed – laid the seeds of

that region's economic crisis in the late 1980s, which in turn added to its regimes' legitimacy crises.

The CSCE's 1990 Paris Summit sealed the end of the Cold War. The Summit's "Charter of Paris for a New Europe" committed all CSCE States to democracy as their only system of government; and enumerated human rights and fundamental freedoms. It recorded a commitment to economic liberty and free market economics. It also set up a regular meeting structure: Heads of Government Summits, a Council of Foreign Ministers and a Committee of Senior Officials (CSO). The Foreign Minister of the state hosting the Council was to chair the Council as the "Chairman-in-Office", a position with an important political and coordinating role within the CSCE/OSCE. Paris 1990 also established (initially tiny) executive bodies, such as a Secretariat, a Conflict Prevention Centre and an Office for Free Elections.

### **From the CSCE to the OSCE: institutionalisation from 1990 to 1994**

The CSCE greatly expanded its scope and structures from 1990 to 1994, especially with agreements at landmark Summits in Helsinki (1992) and Budapest (1994). It built directly on the high-point of East-West relations represented by that period. Notable elements were:

- **Inter-governmental mechanisms:** by which participating States could formally raise problems, e.g. on human rights violations and on inter-governmental disputes.
- **Commitments:** through which participating States promised to abide by a wide-ranging normative framework. Notably in the area of human rights and democracy, where CSCE commitments are deeper and more detailed than found in e.g. the UN.
- **Institutions:** the Office for Free Elections became the Office for Democratic and Institutions and Human Rights (ODIHR), with a mandate e.g. to observe elections in the CSCE area. The High Commissioner on National Minorities (HCNM) was established to undertake discreet conflict prevention.
- **Field operations:** CSCE missions deployed through much of the Balkans, Caucasus and Central Asia, assisting and monitoring conflict prevention/resolution, democratisation and human rights promotion etc.
- **Decision-making:** the Permanent Council to meet weekly in Vienna at ambassadorial level. A Forum for Security Cooperation was established to address politico-military issues.

Budapest 1994 crowned the transformation of a conference process into (effectively) an international organisation, by renaming the CSCE as the OSCE ('Organisation for...'). But particular distinctive features remained:

- The renaming had no formal legal effect: the OSCE remains without legal personality under international law, despite repeated efforts to agree this. (Hence 'participating States' not 'Member States'.) OSCE commitments are politically not legally binding.
- The OSCE remained a 'flexible' and 'political' organisation. Western States deliberately avoided creating an over-bureaucratised organisation, both to reduce costs and to retain political influence over it.
- The CSCE's consensus decision-making rule was retained (with very minor and specific exceptions). This ensures all parties are kept 'within the tent', but increases the tendency towards protracted decision-making, and lowest-common-denominator and ambiguous/self-contradictory outcomes.

### **Stability? 1994 to the Istanbul Summit 1999**

Innovation slowed after Budapest 1994, as the OSCE's focus increasingly shifted from inter-governmental negotiation to action in the field carried out by the structures just created. The OSCE was active on the ground in post-war Bosnia, Kosovo, Chechnya and elsewhere. ODIHR developed the size and professionalism of its election observation operations. A Representative on the Freedom of the Media was created.

Frustrated at the prospect of EU and NATO expansion, Russia sought to recast the structures of European security, and demanded an OSCE Summit to enshrine this. It wanted the OSCE at the top of a 'pyramid' of European security institutions (thus giving itself a veto over e.g. NATO expansion). Western States resisted, agreeing to a Summit in Istanbul in 1999, but effectively gutting the Charter for European Security agreed there of substance. An adapted version of the CFE Treaty (ACFE), which took account of the dissolution of the Warsaw Pact, was however signed.

### **Back to the trenches: 1999 to 2008**

Russian dissatisfaction has marked the OSCE since 1999, stemming from:

- President Yeltsin's commitment at Istanbul 1999 to withdraw Russian troops from Moldova (Transnistria) and Georgia, a commitment President Putin did not honour in full. As a result, NATO countries refused to ratify the ACFE. Russia in turn 'suspended its participation' in the original CFE treaty in 2007.
- Disenchantment at its failure to achieve its pre-1999 ambitions for the OSCE
- Western military intervention in Kosovo in 1999
- OSCE whistle-blowing of election-rigging in Georgia (2003) and Ukraine (2004), which Russia blamed for the 'coloured revolutions' in those countries
- Public criticism by OSCE election observers of the conduct of the 2003 Russian State Duma elections

This dissatisfaction led to Russia's drive to 'reform' the OSCE. Russia ratcheted up its anti-OSCE rhetoric, and blocked the 2005 Budget for five months. It effectively prevented ODIHR from observing its 2007 and 2008 elections. The annual OSCE Ministerial Council has not agreed a final Declaration since 2002, foundering on issues such as Russia's failure to abide by its 'Istanbul Commitments' to withdraw from Moldova and Georgia. Yet Russia's 'reform' drive effectively ran into the sand of Western opposition and the need to obtain consensus for such reform. Russian noises continued as before, but without the same intensity. Russia continued to see its presence in the OSCE as preferable to walking away from it or bringing it down.

### **Slugging it out on the (mostly diplomatic) battlefield: 2008-2014**

East-West relations have deteriorated notably since 2008, despite occasional attempts at rapprochement. Important landmarks and developments have included:

- The 2008 Russia-Georgia war, which broke out over South Ossetia, despite the OSCE's field presence and its facilitation of years of mostly deadlocked talks
- Russian President Medvedev's 2008 proposals for a new European Security Architecture and later draft treaty, reflecting Russian dissatisfaction with the existing European order
- The attempted 'reset' of US-Russian relations under Obama
- Erosion of the European conventional arms control and CSBM regime

- Deteriorating human rights compliance in parts of the former Soviet Union, particularly in Russia itself
- Crisis in and over Ukraine, culminating in Russia's purported annexation of Crimea and outright hostilities in eastern Ukraine

All these developments have been reflected in the OSCE. And the OSCE itself has been an important forum and/or actor in which and how these developments played out. The OSCE's inability to *resolve* the problems reflects the nature of the organisation itself: it is a useful tool for calming tensions in the wider European space, but it is beholden to its membership. The OSCE's ability to calm tensions and build confidence is easily nullified when parties to a situation do not want tensions calmed or confidence built. It is far more a 'weather-vane' of East-West politics than a weather-*maker*. Therefore the OSCE:

- Co-chaired the Geneva International Discussions on Georgia after the 2008 war, but those talks have not proved successful. Likewise no agreement was possible to establish a follow-on OSCE field presence in Georgia.
- Hosted the talks on European security (the 'Corfu process') which followed Medvedev's proposals, but these ultimately led nowhere.
- Has seen protracted multi-year negotiation on arms control and confidence-building, with some but limited progress.
- Has continued to promote democratisation and stabilisation in the Balkans, Caucasus and Central Asia, including through election observation. But Russia has effectively prevented the OSCE from observing its own elections, Belarus brutally cracked down on dissidents and expelled the OSCE's presence in Minsk, while successive Ministerial Councils have seen little or no consensus to adopt decisions in the Human Dimension.
- Established monitoring missions to observe developments and calm tensions in Ukraine, and has been active in promoting dialogue aimed at resolving the conflict. But the conflict dynamics have so far exceeded outsiders' ability to resolve them.

Despite the challenges above, however, the OSCE remains an important and useful instrument. Much like the CSCE during the Cold War, it:

- Offers a means to achieve whatever limited agreement and collective action is politically achievable in the context of heightened East-West tensions.
- Provides a forum for heated debate and disagreement on the full range of issues facing wider Europe. And through e.g. the annual Human Dimension Implementation Meeting a valuable opportunity for NGOs and human rights defenders in the post-Soviet space to engage internationally.
- And perhaps most importantly, it oversees (albeit requiring constant negotiation and vigilance) a corpus of normative commitments on how States have agreed to behave towards each other and towards their citizens.

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