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The OSCE's Contribution to "Democratic Peace" – 30 Years of the Helsinki Final Act

When the Heads of State or Government who had gathered in Helsinki ceremonially signed the Final Act of the Conference on Security and Co-operation in Europe on 1 August 1975, they had no way of knowing that, 15 years later, Soviet dominance in Central and Eastern Europe – and even the Soviet Union itself – would crumble. This heralded the end of Communist ideology's claim to offer a universal alternative to liberal-democratic capitalism. The hopes of Socialist party leaderships that *détente* would stabilize or even strengthen their system in their ideological struggle with "imperialism" proved to be illusory.

In signing the Charter of Paris in November 1990, all CSCE participating States subscribed to a document that solemnly affirmed precisely the norms and values of a *zone of democratic peace* that the Socialist countries had so vehemently opposed at the start of the CSCE process. Fully in the Kantian liberal tradition, the Final Act sees democracy within states and respect for human rights as central prerequisites for peace between states. This condition is joined by two others: International organizations facilitate the peaceful resolution of conflicts between states, and economic interdependencies encourage all sides to promote trade and social welfare ahead of power politics and military might.

In the following discussion, I examine the role played by the OSCE within this "triad of democratic peace" in bringing about the non-violent end of the Cold War. I further consider the contemporary significance of the OSCE for the peaceful management of both international and domestic conflicts and the expansion of democracy.

The CSCE Process and the End of the Cold War

The CSCE was something like a "permanent institutionalized dialogue" in the course of which, starting in the mid-1980s, the Socialist countries gradually adopted ever more Western norms. Under pressure from the human and civil rights movements, the leaderships of the Soviet Union and its Warsaw Pact allies gradually accepted central elements of the notion of "democratic peace".

The original idea of the CSCE had a completely different thrust. By signing the Helsinki Final Act in 1975, the members of the two alliances and the non-aligned states of Europe had agreed upon norms and rules for the peaceful conduct of the Cold War. They created the CSCE in order to realize

both *shared* interests (restraining the self-destructive tendencies of both nuclear and conventional arms) and *conflicting* interests (above all with regard to interpretations of human rights). The basis of the CSCE accords was a trade-off: The Western states complied with the desire of the Soviet Union and its allies for recognition – political and under international law – of the post-War territorial status quo. In return, the West sought to bind Soviet foreign policy to norms and rules in an effort to increase transparency and “stability of expectation”. This was not only to be achieved by means of the agreements contained in the CSCE decalogue and the three “baskets”, but also through the observation of human rights. It was assumed that internal liberalization of the Communist regimes would also affect their conduct in the area of foreign policy, thereby contributing to *détente* and the peaceful working-out of differences.

By signing the Final Act, the Socialist states had subscribed to a system of norms whose basic structure – despite all the diplomatic vagueness of the various clauses – was located firmly within the Western-liberal value framework, especially where human rights and fundamental freedoms were concerned. East and West were able to reach agreement because there was enough of an overlap to underpin joint programmatic declarations – as a result of the common origin of liberal and socialist ideas in the Enlightenment – with the differences focusing merely on matters of *implementation*. The Communist party leaderships believed that they could deal tactically with the norms and rules of the Final Act. If problems arose, they would keep them under control – using force if necessary. However, by acknowledging that domestic situations could be the legitimate objects of CSCE negotiations, they entered into a dialogue on their form of government. Their arguments in this area, however, were unconvincing, as the ways they implemented CSCE agreements – especially as regards respect for human rights and fundamental political freedoms – generally conflicted with *the letter of the Final Act*. They were also unable to develop a consistent strategy of opposition to Western “discursive hegemony”, as this would have required them to refrain from insisting on the principle of “non-intervention in domestic affairs”.

From the very start of the CSCE process, the Helsinki Monitoring Groups, which had formed following 1975, were severely persecuted. However, since the debate on human rights had been internationalized by the CSCE agreements, it was not possible to suppress all critical discussion within Socialist societies. The Western media ensured that the demands of the Eastern civil rights movements were disseminated widely, and – more importantly – influenced the policies of the Western CSCE States and the USA in particular. Thanks to the CSCE, the Eastern European human rights groups had gained a direct channel to the Western democracies, which were open to civil-society initiatives. Hence, the Western states – foremost among them the USA with its powerful immigrant lobbies – confronted the Socialist states at CSCE conferences with the demands of the dissident groups.

After Mikhail Gorbachev's assumption of office in 1985, the new Soviet leadership began to pursue an agenda of domestic reform. This also opened new opportunities for the USSR's allies – to the extent that their leaderships wanted it. This confirms the liberal theory that co-operation between states only leads to a stable peace when democracy, or at least the rule of law, prevails within the states in question – and the Soviet Union was moving in this direction. In addition, it can also be shown that the degree of compliance with the CSCE agreements varied in accordance with the level of civil society development in the various Socialist states and the extent to which their human rights, civil rights, and peace movements were integrated in the transnational networks that had arisen during the period of *détente*. There were four ways in which the leaderships of Socialist countries reacted:

- a) In states where there was no potential for opposition, there was no need for repressive measures.
- b) In states where human and civil rights movements enjoyed a comparatively high level of communication with Western social actors or political parties but whose hard-line leaderships were opposed to reform (as in the GDR), the CSCE agreements were effective inasmuch as the party and state apparatus was unwilling to totally disregard them for fear of endangering the spirit of *détente*.
- c) In the case of countries such as Hungary and Poland, whose leaderships were open to reform and/or had comparatively strong opposition movements, there were signs of the CSCE negotiations' success.
- d) The CSCE process had an immediate effect in the Soviet Union, where the norms and rules were not adopted in the context of an emergent civil society, but whose new political leadership after 1985 attempted to implement the CSCE's norms within both state and the society "from above" – often making explicit reference to the Conference.

If Gorbachev wanted to implement his reform programme, he could no longer merely react to Western demands for human rights reforms in a tactical manner. But also in Hungary and Poland, and (as a result of the specific German-German situation) to some extent in the GDR, the interplay between Western governments (particularly the US), domestic opposition, and emerging transnational networks of non-governmental groups helped create a situation where party and state leaderships increasingly found themselves on the defensive – both domestically and on the international stage. They came under ever more pressure to bring the way they implemented their domestic and social policies in practice in line with their history of asserting that they were complying with the CSCE agreements. A further factor was that "human contacts" within the scope of the CSCE process had developed a momentum of their own. The economic superiority and the political and cultural pluralism of the Western countries exercised a strong attraction on people in

the East, and this only grew as more frequent contacts created opportunities to compare the image of the two systems portrayed in state propaganda with the reality. This increasingly undermined the Communist Party's claim of a right to a monopoly.

The end of the process was the adoption of the liberal capitalist value system by the states of the Warsaw Pact, which by that point were either already in transition or remained Socialist in name only. At the Copenhagen Conference in 1990 and with the signing of the Charter of Paris six months later, all the states of Europe formally pledged themselves to uphold human rights and fundamental freedoms, the rule of law, pluralistic democracy, the right to private property, and pan-European institutions. In other words, they ascribed to all the basic principles of a zone of democratic peace.

In the course of the CSCE process, it had become apparent how important it was for de-escalation that the conflict was seen primarily as a social confrontation and only secondarily as a military one: The more the Western and non-aligned states could observe an improvement of the human rights situation in the Socialist countries, and the Soviet Union in particular, the stronger their expectation that the East would not (or no longer) behave in a militarily aggressive manner in terms of their foreign policy. This, in turn, influenced the conduct of the Western countries, who also became more cooperative.

At the same time, the Soviet leadership observed that it was unlikely that a military alliance of democracies would secretly plan and carry out an offensive war against the Socialist countries while both sides possessed nuclear second-strike capability and the Soviet Union enjoyed superiority in terms of conventional forces. This was a consequence of, among other things, the military confidence building that belonged to both the CSCE process and the *détente* period in general. Developments similar to those that characterized the human dimension could also be observed here. The Eastern side agreed on paper to Western demands for transparency, came under pressure to explain its lack of progress in implementation, and, as a result of contacts with Western experts and the influence of transnational peace groups, ended up assuming the position of its former opponents. This created a certain "basic trust", a fundamental mutual "stability of expectation". It also revealed the existence of a positive feedback mechanism: The more the perception of a mutual threat declined, the easier democratization processes in the East became, finally leading to the elimination of the antagonism between systems, thus bringing the Cold War to a peaceful conclusion. Nonetheless, it soon became clear that this did not lead immediately to the establishment of a zone of democratic peace.

The Expansion of Democratic Peace and the OSCE's Role as a Service Provider during the 1990s

According to the theory of democratic peace, stable democracies resolve conflicts among themselves peacefully. Yet before it is certain that state and society of a transition country will develop in a genuinely democratic direction, there is an elevated risk of internal and external violence. The democratic right to self-determination, in particular, which in many places has taken a nationally or ethnically exclusive form, has worked to destroy the existing system of states in the East of Europe and caused the collapse of the multinational Soviet Union and Yugoslavia. This placed war on the European political agenda once again – in the Balkans and the Caucasus especially – something for which the continent was by no means prepared.

In the exuberant hope of a democratic and peaceful Europe as expressed in the Paris Charter, the CSCE was supposed to play a central role in the reshaping of pan-European security. To support this, it was turned into an organization with permanent institutions for resolving the conflicts in the post-Communist world that were seen as belonging to a – merely temporary – phase of instability. When disputes associated with state disintegration and state formation erupted into violence, the OSCE had neither the power nor the tools to react effectively: It is only as effective as its participating States allow. However, the Western states were not willing to cede too much power to an *inclusive* organization that granted an equal say to states whose democratization process had stagnated or where civil wars were raging. This was particularly true when it came to discussing whether to use economic sanctions or military means to intervene in violent conflicts. The OSCE has neither the resources nor the decision-making apparatus necessary to play this role – after all, the countries that are targets of any potential intervention have a veto option. The OSCE, whose predecessor had debated the “big questions” of the Cold War, was thus quickly sidelined by *exclusively democratic* international institutions such as NATO and the EU.

Thus, the decision to deploy the Kosovo Verification Mission in the Autumn of 1998 was made not as a result of the deliberations of any OSCE bodies but was agreed at short notice by the US Ambassador, Richard Holbrooke, and Slobodan Milošević. Its failure – as a result of developments in the conflict, weaknesses in its mandate, and a lack of available resources – came as no surprise. As previously in Bosnia (after the Dayton Agreement, in the drafting of which the OSCE likewise played no part), the Organization was only delegated specific areas of responsibility in Kosovo from the summer of 1999 *following* the military intervention. Under this division of labour, NATO (recently replaced by the EU) was in charge of military security, the EU was responsible for economic and social reconstruction, the United Nations concerned itself with the return of displaced persons, and the OSCE took charge of establishing the rule of law and democratic institutions.

Clearly, this is sensible in view of the scarcity of financial resources and the need to avoid duplication and unnecessary competition. It was, however, not the result of a resolution negotiated largely in the OSCE context, but, in the last instance, of decisions made by NATO and the EU, which the OSCE merely followed.

The OSCE took on this role of a “delivery agency” within the scope of peacebuilding activities following an armed conflict that was ended by external intervention. Ultimately, it exercises the same role in cases where it decides autonomously to undertake preventive and post-conflict-rehabilitation activities. The work of the field missions and the High Commissioner on National Minorities (HCNM) is most effective when the state in question is willing to make use of the assistance offered by the OSCE, *and* when this interest is rooted in and supported by the prospect of EU membership. As the work of the HCNM in the Baltic states shows, his proposals have always had a better chance of succeeding when adopted into the conditions attached to EU membership during accession negotiations. The reports made by OSCE missions on the human rights situation in their respective host countries and the OSCE’s election monitoring reports also regularly feed into the progress reports produced by the European Commission on candidates for accession within the EU’s Stabilization and Association Process and, more recently, the European Neighbourhood Policy. It is therefore possible to give the OSCE’s work a largely positive evaluation with regard to the early recognition of escalation risks, the prevention of violent conflicts, and post-war peacebuilding, while noting, however, that it generally requires a strong actor such as the EU supporting it behind the scenes.

With regard to countries that have no prospects of being admitted to membership of the European Union in the foreseeable future – or at all – the OSCE is on difficult terrain, and it is hard to evaluate the Organization’s work. If a conflict does not break out, it is rarely possible to confirm the suspicion that this was the result of the OSCE’s preventive work. It is the nature of conflict prevention work to take place away behind the scenes. Publicity would disturb the confidentiality essential to dealing with complex conflicts, whose participants are often concerned to “save face”. It is also extremely difficult to measure the success of communication and learning processes, whose effects may only be observed after years or even decades. Even if external factors can be observed to influence the decisions of the parties to a conflict, it is incredibly difficult to determine how much credit is due to, e.g., the OSCE when other organizations such as the European Union or the United Nations as well as individual states are also active.

Because the prospect of EU membership cannot act as an incentive in these cases (which generally encourages political leaderships to accept the OSCE’s support for the transition process and the mediation of domestic and international conflicts), the Organization’s effectiveness depends critically upon the existence of the political and social will in these countries to make

use of it. The OSCE has had little success so far in resolving the numerous conflicts in the Caucasus and Central Asia and the conflict in Moldova precisely because of the absence of these factors. For this reason, and on account of the long time-scales involved, the chances of success for projects to promote democratization and the establishment of the rule of law and civil society are also extremely hard to estimate. Finally, the work of the OSCE is hindered by a lack of both incentives it can offer and sanctions it can threaten. In the absence of both “carrots” and “sticks”, the Organization must rely exclusively upon dialogue-based persuasion focusing on matters of *substance*. The major hope – in analogy to the success of the CSCE process – is that the OSCE will take on greater importance when domestic opposition groups appeal to it in their struggle against authoritarian rule and demand compliance with OSCE norms. Precisely this was the case in recent events in Georgia and Ukraine and – to a lesser extent – Kyrgyzstan.

The OSCE's Current Crisis and Future Prospects

The OSCE's regular election monitoring activities have proved to be its most significant contribution to spreading democracy and have secured the Organization considerable renown among democratic states. However, because taking the path to democratic peace is never a quick fix, but rather provokes resistance and conflict, the OSCE has entered into a crisis precisely on account of these successes, which it has achieved independently and not as a “delivery agency”. Besides the authoritarian post-Communist regimes that were directly affected, OSCE election monitoring and its “revolutionary” effects also led Russia, in particular, to perceive and act upon a Western threat to its sphere of influence.

The OSCE's vote of confidence that an election was free and fair is a ticket to join the community of democratic states. It also improves the prospects of states currently in transition to the rule of law and democracy growing closer to the EU and NATO. It is inevitable that authoritarian regimes will disregard or contest an unfavourable verdict on an election. However, they will only be successful in this when there are no socially significant groups that, drawing on the verdict of an international organization, place the issue of electoral manipulation on the domestic political agenda. In Georgia, Ukraine, and Kyrgyzstan, for instance, the strong criticism voiced by the OSCE election observers was taken up by the opposition and played a significant part in undermining the authority of the regimes in those countries and bringing about their end. Ever since these events, the Russian government has been attempting to water down the criteria for free and fair elections. The inclusive character of the OSCE and the consensus principle make this possible.

Aside from the all too transparent arguments that are mobilized by states with authoritarian governments in order to oppose effective election observation and which clearly violate the OSCE system of norms subscribed to by all participating States, Russia is correct in one respect: The OSCE's election monitoring activities – and its field missions – have only been applied in the former Communist states, as though the established democracies did not also have problems with electoral irregularities and the treatment of ethnic minorities. Russia thus raised the issue of the *hegemonial* – with respect to the non-democracies – character of the project of the extension of democratic peace.

Considered in normative terms, there can be no question of giving in to these demands, which would reduce election monitoring to a farce and force long-term missions to concern themselves with less important matters. To that extent, the democratic imperative laid down in OSCE documents may not be diluted. Election monitoring must remain a thorn in the side of authoritarian regimes. On the other hand, Russia has cast the OSCE into a deep crisis, one that will not be solved by the mere reiteration of norms and principles, but requires a political response. The Western states must make concessions to Russia and Russia's allies (of convenience) by correcting the imbalance that has so far prevailed, and thereby significantly raising the legitimacy of interventions in domestic and international conflicts. They need to accept that the OSCE is also mandated to concern itself with conflicts in that part of its territory that – while home to established democracies – is not free of the danger of violent conflict.

The OSCE's crisis is compounded by the enlargement of the EU and NATO and the export of stability that this represents. With its primary role of expanding democratic peace and carrying out conflict prevention and management, the OSCE finds itself called upon ever less often. However, if the theory of democratic peace, with its goal of a conceivably “perpetual peace”, is correct, the significance of the OSCE is bound to fade over time. While democracies do value international organizations as means of ensuring peace among them, there are organizations in Europe that are more important in this regard than the OSCE. If, one day, the Organization is ever formally wound up on the grounds that it is no longer necessary for maintaining the zone of democratic peace between San Francisco and Vladivostock, it will have fulfilled its historical mission.