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The OSCE's Role in Conflict Management: What Happened to Co-operative Security?

Introduction

The Organization for Security and Co-operation in Europe (OSCE) has recently passed the 40th anniversary of the signing of the Helsinki Final Act by 35 Heads of State or Government in "Europe" extending "from Vancouver to Vladivostok the long way around". The Final Act represented a major step in East-West détente over the next 15 years by reducing security dilemmas between the rival NATO and Warsaw Pact alliances and increasing transparency and interaction across the Cold War divide, contributing to the end of the Cold War. Beginning in 1990, the then Conference on Security and Co-operation in Europe (CSCE) put forward bold plans for creating a new framework based upon the concept of co-operative security. Underlying this concept is the assumption that security is fundamentally indivisible, and that any breach of the basic norms of security must be met by a collective response of the entire community of states.[1] Instead of basing security on a balance of power among competing alliances, the fundamental principle of a co-operative security regime is that all states should respect the regime's norms, principles, and decision-rules and work together to respond to any violations of those norms.

For most of the first decade after the Cold War, the CSCE/OSCE constituted the embodiment of this security regime and attempted with modest success to implement it throughout the broad geographical region that it covered. Many observers, especially in the East, were disappointed that it did not supplant entirely the Western Cold War institutions, especially NATO and the European Union. As the Warsaw Treaty Organization and Comecon collapsed while Western institutions expanded eastward, the idea of a single "undivided Europe", a "common European home", slipped away. In the first 15 years of the 21st century, new divisions have appeared in Europe, security has decreased, and co-operation in economic, environmental, and humanitarian activities has declined. As old institutions have enlarged and new ones have appeared, the OSCE remains the only institution with universal participation and a mandate to promote co-operative security, but the consensus that enabled it to institutionalize in the years immediately after the end of the Cold War has largely dissipated.

1 Cf. James E. Goodby, *Europe Undivided: The New Logic of Peace in U.S.-Russian Relations*, Washington, DC, 1998, Chapter 7, pp. 159-179.

In 2005, on the 30th anniversary of the signing of the Helsinki Final Act, a Panel of Eminent Persons from all OSCE regions produced a consensus report seeking to reinvigorate the Organization. However, the report mostly lacked specific recommendations, and the few concrete proposals have seldom been implemented.[2] Over the ensuing ten years, several major crises have significantly undermined the normative core of co-operative security, including the Russian intervention in fighting in the South Ossetia region of Georgia in 2008 and in Crimea and the Donbas regions of Ukraine since 2014. So-called "frozen" conflicts in Georgia (Abkhazia and South Ossetia), Moldova (Transdniestria), and Azerbaijan (Nagorno-Karabakh) have remained unresolved and have even "unfrozen" into outright violent conflict in several instances. So in late 2014, the Swiss Chairmanship commissioned another Eminent Persons' Report, which resulted in both an Interim Report concentrating on the OSCE's response to the crisis in Ukraine and a Final Report[3] issued in November 2015. In contrast to the bland consensus document produced ten years before, this report shows that even that consensus has evaporated, as the report consists mostly of three alternative narratives: a view from the West (presumably most states belonging to NATO and/or the European Union), a view from Moscow (apparently acting alone), and a view from "States in-between" (written by a Georgian scholar and seemingly representing the views of his own country and Ukraine).[4] This report thus dramatically underlines the divisions that had occurred within the OSCE by the time of its 40th anniversary. Although there was a unanimous consensus that Europe in 2015 faces "grave dangers,"[5] and awareness that "Europe today is far from the co-operative order imagined in the early 1990s when, in the Charter of Paris, its leaders declared an end to 'the era of confrontation and division' and the arrival of 'a new era of democracy peace and unity in Europe,'"[6] there were great differences about the causes and what needs to be

2 An alternative version, written by academic experts from various regions of the OSCE and co-ordinated by the Centre for OSCE research (CORE) at the University of Hamburg, prepared a somewhat more detailed and concrete report, although few of its ideas were adopted in practice. Cf. *Managing Change in Europe – Evaluating the OSCE and Its Future Role: Competencies, Capabilities, and Missions*, compiled by Wolfgang Zellner in consultation with Alyson Bailes, Victor-Yves Ghebali, Terrence Hopmann, Andrei Zagorski, and experts at the Centre for OSCE Research, Hamburg, CORE Working Paper 13, Hamburg 2005, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 389-430.

3 *Back to Diplomacy. Final Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project,* sine loco, November 2015, at: http://www.osce.org/networks/205846; also reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg, IFSH, *OSCE Yearbook 2015*, Baden-Baden 2016, pp. 377-408.

4 It is not clear how the views of some of Europe's neutral and non-aligned states were represented (though most likely associated with the Western view), nor of other states of the Southern Caucasus (Azerbaijan and Armenia), nor of the participating States in Central Asia and Mongolia (although a parliamentarian from Kazakhstan was also represented on the panel).

5 Cf. *Back to Diplomacy*, cited above (Note 3), p. 5 (p. 379).

6 Ibid., p. 11 (p. 383).

done to overcome the "mutual distrust" that replaced the spirit of co-operation.

This contribution reflects on the Eminent Persons' reports and their implications for co-operative security. I ask how the idea of co-operative security in Europe has faded by examining the historical background to the three "narratives", analyzing how the same events could have been perceived and constructed in such different ways. My analysis differs from many of the standard "realist" views about co-operative security, which mostly dismiss it as an illusion. Realists tend to argue that the laws of power politics, identified in the past by Thucydides and Hobbes, are largely immutable and thus work almost like objective laws of physics. Some, following the arguments of Hans Morgenthau,[7] attribute this to the belief that human nature is inherently competitive and thus prone to conflict and violence. Other realists, largely following the approach of Kenneth Waltz,[8] argue that this stems from the permanent anarchical structure of the international system, in which states must seek security in a conflict-prone world in order to avoid being overtaken by more powerful states. Both view the behaviour of states in international relations as determined by objective and unchangeable laws.

Yet it is obvious that there has been significant variation over time and space in conflict and co-operation, war and peace, and these variations throughout history cannot be explained by constant laws, whether based on human nature or international structures. Thus many scholars of international relations, drawing on liberal institutionalist and/or constructivist theories, focus instead on the role of institutions and human beliefs and behaviour in affecting the prevalence of conflict or co-operation at any given time or place. As Alexander Wendt has shown in his social constructivist treatise on international relations, whether states construct their beliefs about international relations in Hobbesian, Lockian, or Kantian terms will have a significant impact on the way states and individuals behave.[9] In short, agency – the impact of human individuals, their beliefs and behaviours – largely determines what kind of international system will be constructed and whether this will lead to a world of competitive or co-operative security. This contribution attempts to show how these alternative narratives have affected the post-Cold War Euroatlantic system as well as the institutional role of the OSCE in that system. To paraphrase Wendt, I argue that the OSCE is what the participating States "make of it".[10]

7 Cf. Hans Morgenthau, *Politics Among Nations*, New York 1967.
8 Cf. Kenneth Waltz, *The Theory of International Politics*, Reading, MA, 1979.
9 Cf. Alexander Wendt, *The Social Construction of International Relations*, Cambridge 1999.
10 Alexander Wendt, Anarchy is what states make of it: the social construction of power politics, in: *International Organization* 2/1992, pp. 391-425.

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The Helsinki Final Act, signed by the Heads of State or Government of 35 countries on 1 August 1975, first and foremost contains the "Decalogue",[11] ten principles that created the normative foundation under which the CSCE and the OSCE have operated ever since. These norms have shown a remarkable capacity to influence the way in which international relations were restructured after the end of the Cold War.

However, several of these principles have collided in their implementation over the past 40 years, and participating States have sometimes tried to create a hierarchy among them, even though they were conceived as carrying equal weight. This was most notable immediately after 1975 with respect to the sixth principle, calling for non-intervention in the internal affairs of states, and the seventh principle, affirming human rights and fundamental freedoms for all citizens within the participating States. The potential conflict between these two principles became a serious topic of debate throughout the first two CSCE Follow-up Meetings held in Belgrade and Madrid. Subsequent OSCE documents have asserted that the protection of human and minority rights does not constitute inappropriate interference in the internal affairs of states, but many states nonetheless oppose outside engagement on these issues as an unjustifiable intrusion in their domestic affairs. Some newly democratizing states have focused almost exclusively on "majority rule" as the foundational principle of democratic governance, thereby all too frequently leading to discrimination against national, religious, linguistic, and ethnic minorities, and to the denial of basic human rights such as freedom of speech and of the press. Although OSCE institutions have tried valiantly to support human rights and the rights of persons belonging to minorities, these efforts have often been resisted by some participating States on the grounds that they constitute undue interference in their internal affairs.

After the end of the Cold War, a second major source of conflict emerged within the OSCE region involving a clash in the interpretation of the fourth principle supporting the territorial integrity of internationally recognized states and the eighth principle affirming the right of "self-determination of peoples". This latter provision has been cited by many secessionist movements throughout the OSCE region, especially in previously recognized autonomous regions, to justify their efforts to achieve greater autonomy or in many cases outright independence. By contrast, most national governments have interpreted these secessionist movements as undermining the territorial integrity of their states. This was further reinforced by the decisions taken by the international community, including the CSCE, to recognize as independ-

11 Cf. Final Act of Helsinki. Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 141-217, here: pp. 143-151; also available at: http://www.osce.org/mc/39501 (pp. 3-10).

ent states and admit into international organizations all of the 15 former "union republics" of the Soviet Union and eventually all six republics of Yugoslavia within their existing boundaries, without recognizing autonomous regions within them. Many political leaders believed that further disintegration would lead to the creation of numerous micro states that in many cases would simply create new minorities within smaller entities. However, autonomy within the larger state too often failed to protect large ethno-national minorities, so claims for regional self-determination have challenged the principle of respect for the territorial integrity of existing states ever since.

In many participating states, these secessionist issues have been resolved peacefully through negotiation and referendums, including among the most prominent examples Quebec in Canada, Scotland in the United Kingdom, Tatarstan within the Russian Federation, Catalonia within Spain, and Slovakia's separation from Czechoslovakia. However, most of the violent conflicts that emerged since the breakup of the Soviet Union and Yugoslavia – Chechnya in Russia, Nagorno-Karabakh in Azerbaijan, Abkhazia and South Ossetia in Georgia, Transdniestria in Moldova, Kosovo in Serbia, and Crimea within Ukraine – have reflected these competing interpretations of the principles of self-determination and territorial integrity contained within the Helsinki Decalogue. Among the most delicate issues confronted by the OSCE are those involving the effort to reconcile these seemingly competing principles.

However, with the disappearance of the East-West confrontation, a consensus gradually emerged around the belief that, when principles – including those in the Decalogue – have been freely accepted by participating States, this effectively gives other participating States certain rights of engagement in order to uphold those norms. Therefore, on matters ranging from intrusive inspection to verify compliance with military confidence-building measures and arms-control agreements, to provisions for human rights and rights of persons belonging to minority groups, the OSCE has insisted on "transparency" and on the right of the "international community" as represented by a consensus within the OSCE, to intervene in the internal affairs of participating States to enforce principles to which they have freely subscribed. In theory, if not always in practice, OSCE norms have weakened the absolute nature of state sovereignty to a far greater degree than was envisaged at the time the Helsinki Final Act was signed in 1975.

With the fall of the Berlin Wall on 9 November 1989, the CSCE began a rapid process of transformation to respond to the new post-Cold War security situation in Europe. Suddenly the possibility of creating a genuine system of "co-operative security" on the European continent appeared to be feasible. After the Cold War, the OSCE's vision changed from a regime based on mutual confidence-building and transparency between two competing blocs, with a neutral/non-aligned group in between, to include the possibility of a co-operative security regime covering the entire European and North American region "from Vancouver to Vladivostok". This view was most clearly ar-

ticulated by the new leaderships that emerged in Central Europe following the collapse of communism. In January 1990, Polish Prime Minister Tadeusz Mazowiecki proposed creating a Council of European Co-operation to co-ordinate policy in the entire CSCE region. Shortly thereafter, Czech Foreign Minister Jiří Dienstbier proposed replacing the existing system of competing alliances with a collective security system based on the CSCE. In the Soviet Union, Foreign Minister Eduard Shevardnadze called for the creation of a new order based on collective security and built around the CSCE, while Mikhail Gorbachev referred to the CSCE as the foundation for his conception of a "Common European Home".

This enthusiasm for the CSCE assuming a collective security role, however, was not fully shared in the West. The United States responded cautiously, fearing competition with NATO, while several Western European countries preferred to focus on the enlargement of the European Union as the foundation for a post-Cold War European security structure. At NATO's summit in London in July 1990, however, the Alliance's heads of state recognized explicitly that the new security situation in Europe would require the CSCE to develop a permanent institutional structure to replace the series of conferences and the follow-up meetings that had constituted the only institutionalized format for the CSCE prior to 1990.[12]

The CSCE produced two major documents in the first year after the end of the Cold War that fundamentally changed the normative and institutional structure of European security. The first was a report of an expert meeting held in Copenhagen in June 1990 on the human dimension of security, which attempted to apply the essential features of Western democratic practices to the entire continent. The second was the "Charter of Paris for a New Europe", signed at a Summit meeting held on 19-21 November 1990. In its preamble, it announced the opening of a new era for European security, based on a reaffirmation of the Helsinki Decalogue:

> Europe is liberating itself from the legacy of the past. The courage of men and women, the strength of the will of the peoples and the power of the *ideas* of the Helsinki Final Act have opened a new era of democracy, peace and unity in Europe.[13]

In addition to reaffirming the *acquis* of the CSCE from the Helsinki Final Act through the various follow-up conferences and expert meetings, the Charter of Paris began the formal institutionalization of the CSCE, and by 1992 the CSCE had become a fully institutionalized co-operative security organization. It adopted a wide range of normative principles to undergird the concept

12 Cf. Stefan Lehne, *The CSCE in the 1990s: Common European House or Potemkin Village?* Vienna 1991, p. 10.

13 Charter of Paris for a New Europe, Paris, 21 November 1990, in: Bloed (ed.), cited above (Note 11), pp. 537-566, here: p. 537 (emphasis added), also available at: http://www.osce.org/node/39516, p. 3.

of co-operative security throughout the CSCE region. It also created a multi-faceted and comprehensive set of institutions, which, given sufficient resources and political support, should have been able to implement those principles throughout the region. Although it got a late start after the "Rubicon" of violence had been crossed in a number of conflict zones, it developed a framework to prevent the future outbreak and escalation of violent conflicts, to manage those conflicts that had already occurred, and to promote negotiations to try to resolve the many conflicts that appeared within the region. It experienced some notable success, especially in the role of the OSCE missions and the High Commissioner on National Minorities in conflict prevention in Ukraine (Crimea), Macedonia, and Albania, and in the missions in support of the Dayton Peace Agreement in Bosnia and Herzegovina and of the UN missions in Croatia and Kosovo. At the same time, in spite of great effort, it has so far failed to bring a resolution to the secessionist conflicts in Nagorno-Karabakh, South Ossetia, and Transdniestria, and it has seen its efforts at peace-building in Georgia disrupted by war in 2008, and the successful resolution of the Crimean autonomy agreement of 1996 violently reversed in 2014. Indeed, these latter two events clearly represent the most serious violations of the norms of the Helsinki Final Act since its signature in 1975, including the final decade and a half of the Cold War.

So, what happened? Why did this co-operative security regime that had so much potential to usher in a new era of democracy and peace in Europe lose momentum and fall back, not into a repeat of the Cold War, but to a realist world of competing blocs and power relationships? Is this proof of the inevitability of realist predictions that, whether as a consequence of human nature or of an anarchic structure of the international system, conflict in a world of sovereign states is inevitable and co-operative security regimes are illusory? Or does this reflect the manner in which the security beliefs of the OSCE participating States have been constructed since the beginning of the 21st century, as reflected in the alternative narratives contained in the 2015 Report of the Panel of Eminent Persons? And, if the latter, can these divergent narratives be bridged in order to construct a shared narrative about the requirements for an effective and enduring co-operative security regime? It is to these questions that I will turn in the remainder of this contribution.

Alternative Narratives and Scenarios for European Security after the Cold War

The early post-Cold War years generally witnessed substantial co-operation across a wide range of issues within the CSCE framework. However, the Charter of Paris also acknowledged indirectly the potential tensions among the Helsinki norms. Specifically, it reaffirmed that "respect for and effective exercise of human rights" are "indispensable" in order to "strengthen peace

and security among our States". It reaffirmed the "right to self-determination", while placing it in the context of "the relevant norms of international law, including those relating to territorial integrity of States". But it also introduced the seeds of another tension that lies at the heart of many of the divergent narratives contained in the 2015 Report of the OSCE Panel of Eminent Persons. In particular, it noted the end "of the division of Europe" and the indivisibility of security in which "the security of every participating State is inseparably linked to that of the all the others". This implied that an era in which peace was maintained through a balance of power among competing alliances had come to an end, lending support to the idea that the CSCE system of co-operative security would replace existing alliances, or overarch any that would remain.

With the dissolution of the Warsaw Pact, many Russians initially came to believe that NATO, too, would pass away and that the CSCE would become the foundation for a new Europe, free and undivided. Indeed, this idea was echoed by many in the West, including most prominently Egon Bahr, an elder statesman and foreign policy expert within the West German Social Democratic Party and one of the architects of Germany's *Ostpolitik*, who proposed that the CSCE be converted into a true supranational institution with integrated military forces, thereby constituting a true collective security organization.[14] In the United States, President George H.W. Bush declared the advent of a "new world order". However, the very same paragraph in the Charter of Paris also contained the qualification that all participating States would fully respect "each other's freedom of choice" with regard to affiliation with specific regional or international security institutions. In a speech in Berlin in April 1990, US Secretary of State James Baker argued that the CSCE and NATO were mutually complementary institutions, making clear the US position that the CSCE should not be considered a substitute for the continued existence of NATO. Indeed, most NATO member states concluded that the concept of "freedom of choice" implied that no state could veto the entry of any other sovereign state into an alliance such as NATO or an economic community such as the European Union. Russia reacted by creating the Commonwealth of Independent States (CIS), integrating many former Soviet republics into their own co-operative entity. The result was that the goal of a Europe "whole and undivided" began to slip away, and, with the outbreak of numerous conflicts throughout the disintegrating regions of the Soviet Union and Yugoslavia, the CSCE began to focus more on conflict management rather than on building a pan-European co-operative security institution.

Finally, the Charter of Paris called for the creation of a set of new mechanisms for the "peaceful settlement of disputes, including mandatory third-party involvement". A meeting in Valletta in early 1991 created a mechanism

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14 Cf. Jonathan Dean, *Ending Europe's Wars: The Continuing Search for Peace and Security*, New York 1994, p. 213.

for compulsory mediation of inter-state disputes when called upon by at least ten participating States. However, at a foreign ministers meeting in Berlin in June 1991, Soviet Foreign Minister Alexander Bessmertnykh added qualifying language, insisting that such a mechanism must not interfere in the internal affairs of states.[15] Therefore, once again, the principle of the territorial integrity of states trumped, in Soviet and later Russian policy, both the principle of self-determination of peoples and mandatory third-party dispute resolution.

These potential contradictions, however, remained largely below the surface in the early post-Cold War years. A research project co-ordinated by this author with colleagues at Brown University's Watson Institute for International Studies met with many Russian think tanks, academic institutions, senior government officials, and members of the Russian State Duma, culminating in a conference held at the Moscow State Institute of International Relations (MGIMO) in 1996, organized on the Russian side by Andrei Zagorski. At that time, when the immediate consequences of the breakup of the Soviet Union had become relatively clear, the Russian specialists on security policy responded to four possible future scenarios for Russian relations with former Soviet republics ten years in the future, in terms of both their desirability and likelihood: 1. integration under Russian domination; 2. co-operative integration; 3. unregulated disintegration, and 4. co-operative independence. The widespread consensus was that the most desirable scenario was based on co-operative integration, in which Russia would create within its zone of influence a system of co-operative relations similar to the one evolving in Western Europe. However, most perceived that the most likely outcome by 2006 was unregulated disintegration, largely because they did not believe that Russia had at that time the capacity to manage the centrifugal forces occurring within post-Soviet space. Most Russian specialists expressed "support for increasing the security role in this region of global and regional multilateral institutions such as the United Nations and the OSCE". Most also preferred to see the burden for maintaining security in the post-Soviet region more widely shared as an alternative to "unilateral Russian peacekeeping throughout the CIS region".[16]

The major security threat as perceived by virtually all Russian experts in 1996 emanated from internal problems within the Russian Federation itself, including economic, political, and security issues; external threats generally paled in comparison. The threat of Islamic fundamentalism, both within the southern regions of the Russian Federation and beyond its southern borders, was cited by some Russian experts. At the same time, they noted the possibility that their leaders, for political reasons, might "exaggerate these threats

15 Cf. ibid., p. 215.

16 P. Terrence Hopmann/Stephen D. Shenfield/Dominique Arel, *Integration and Disintegration in the Former Soviet Union: Implications for Regional and Global Security*, Thomas J. Watson Jr. Institute for International Studies, Brown University, Occasional Paper no. 30, 1997, p. 59.

and resort to heavy-handed military means in an attempt to assert control".[17] China was occasionally mentioned as a possible external threat in the medium-term to long-term future, but the West generally was not viewed as threatening with three significant caveats:

> Although the majority of Russian specialists disapprove of North Atlantic Treaty Organization (NATO) expansion, most do not foresee that this change in the European security architecture constitutes a threat to Russia's security, as long as three conditions are met: 1) nuclear weapons should not be deployed in former Warsaw Pact countries; 2) Russia should remain genuinely involved in bilateral consultative bodies with the Western alliance; and 3) former Soviet republics, including the Baltic states, must not be invited to join NATO separately.[18]

In various ways, it was the disregard for these three premises that has contributed significantly to the divergent narratives in the Report of the Panel of Eminent Persons between Russian views of the European security architecture, and especially the role of the OSCE, and those of Western states and the states "in-between".

First, although nuclear weapons have not been deployed in the former Warsaw Pact countries, deployment of strategic missile defences, first planned for Poland and later shifted to Romania, constitutes a strategic system related to nuclear issues. Although the United States insists that this is intended to counter Iranian ballistic missiles with nuclear warheads (which do not exist yet and are unlikely to exist for quite some time after the signature of the Joint Comprehensive Plan of Action, JCPOA, with Iran), their location has consistently been perceived as threatening by Russia. As the "View from Moscow" asserts, this threat is reinforced by the unilateral withdrawal of the US from the ABM Treaty of 1972, the cornerstone of the regime of strategic nuclear arms control.[19]

Second, Russians have come to perceive their engagement in the central institution of NATO's co-operation with Russia, the NATO-Russia Council established by the NATO-Russia Founding Act, as "sugar coating for the bitter pill of enlargement".[20] This contrasts notably with the "View from the West," which emphasizes Russia's invitation to join the G7 and the NATO-Russia Council. Nonetheless, Russia had been assured many times by NATO that the Alliance would never engage in military activity "out of area", except in the case of a direct attack on a NATO member state as called for by Article 5 of the NATO Treaty, without political authorization from either the UN Security Council or the OSCE. Of course, Russia effectively holds a veto in

17 Ibid., p. 13.
18 Ibid., p. 14.
19 Cf. *Back to Diplomacy*, cited above (Note 3), pp. 8 and 25 (pp. 382 and 396).
20 Ibid., pp. 8 and 24 (pp. 381 and 395).

both institutions. Yet, that is essentially what happened in the 1999 NATO campaign against Serbia during the Kosovo War. Although Russia participated in the Rambouillet talks to try to find a negotiated solution to the Kosovo crisis, Moscow opposed any resolution that would have authorized direct use of force by NATO against Serbia. The main cause for NATO intervention in Kosovo in 1999 was the threat to Kosovar Albanian citizens from Serbian police and military units on the ground, especially the slaughter of Kosovar civilians, to which the bombardment of Belgrade and other major Serbian targets seemed largely irrelevant. The most effective way to protect vulnerable civilians is to put "boots on the ground" capable of providing local protection, an operation that might have received UN or OSCE support under the (not yet formally adopted) principle of the "responsibility to protect". Yet, after the debacle of the 1993 Battle of Mogadishu, and until after the 9/11 terrorist attack on the US, it was politically impossible for the US to introduce ground troops to protect Kosovo's civilians, thereby leaving air bombardments as the residual military option. However, Russians viewed this bombardment, especially the striking of civilian targets in Belgrade, as, in the words of "the View from Moscow", an "atrocity".[21] Although there are many significant differences between the two cases, for Russian leaders the bombing of Serbia constituted a precedent for their action in Crimea in 2014.

Russia has been ambivalent about the principle of self-determination, at times appearing to support it when it was consistent with Russian interests and at other times opposing it. Russia certainly used violent force to oppose Chechen "self-determination" in the two wars in the 1990s, when Chechnya threatened to secede from the Russian Federation, of which it was one of 22 republics. At the same time, the government of Boris Yeltsin negotiated a relationship with Tatarstan, a republic within the Russian Federation, that granted it greater autonomy than most other republics within the federation.[22] Russia has overtly supported the right of self-determination for Abkhazia and South Ossetia within Georgia and of Transdniestria within Moldova, while remaining ambivalent and at times taking contradictory positions with regard to the self-determination of Nagorno-Karabakh Armenians within Azerbaijan. However, since communist ideology has largely been replaced by hypernationalism, Russia's greatest concerns have focused on the status of ethnic Russians living outside the Russian Federation, especially in the Baltic states and in Ukraine. At the same time, Moscow has denounced the right to self-determination of ethnic Albanians living outside Albania in Serbia (Kosovo) and in Macedonia. In short, Russian leaders have managed to straddle the tension between the "territorial integrity of states" and the "right of self-determination of peoples" largely according to the political position of the

21 Ibid., p. 25 (p. 396).

22 Cf. P. Terrence Hopmann, Disintegrating States: Separating without Violence, in: I. William Zartman (ed.), *Preventive Negotiation: Avoiding Conflict Escalation*, Carnegie Commission on Preventing Deadly Conflict, Lantham, MD, 2001, pp. 113-164.

parties caught in the midst of these cross-pressures, although they are not alone in prioritizing one Helsinki principle over another on grounds of national self-interest.

Third, and likely of greatest importance, was the eastward enlargement of NATO. The dilemma derives from the obvious desire of the former Warsaw Pact states and at least some former Soviet republics to "choose" to enter NATO, consistent with the norm established by the Charter of Paris. At the same time, the eastward expansion of the Alliance has undoubtedly contributed to a new division of Europe, and indeed a division that largely isolates Russia, contradicting another norm from the Charter of Paris affirming the indivisibility of security within the "new Europe". Concern about this lay behind the 2008 proposals by Russian President Dmitry Medvedev to create new security institutions to address the increasingly clear cut lines of division forming through post-Cold War Europe. Although vague in its details about how the new institutions might differ from, much less improve upon existing institutions, the proposal did signal Russian concerns about the developing security structures in Europe in the early 21st century.

This eastward drive by NATO and the EU has also compounded the issue regarding the status of persons identifying as "Russian" living outside of the Russian Federation. This concern was at the core of the conflict involving the status of Crimea within Ukraine that smouldered between 1992 and 1996, at which time it was largely peacefully resolved through an autonomy agreement brokered by the OSCE's High Commissioner on National Minorities (HCNM), Max van der Stoel.[23] However, it also became a major point of contention in both Latvia and Estonia, where the CSCE created Missions of Long Duration largely to monitor and assist the significant Russian-speaking minorities within these two Baltic republics to secure rights to citizenship and full participation in the democratic process. Although some steps were taken, mostly thanks to pressure from the CSCE/OSCE Missions and the HCNM, Russia has never been satisfied that ethnic Russians have attained full political rights in either country. Nonetheless, over their objections, the OSCE Missions in the two countries were closed (although the HCNM remains active there) and both countries were subsequently admitted into NATO and the European Union. In the West, the Baltic countries are largely perceived as European states that were illegally seized by Russia in the run-up to World War II, but in Russian eyes these were nonetheless three of the 15 former Soviet republics bordering on Russia that joined NATO and the EU, moving the line of division in Europe directly onto Russia's north-western borders. And the possibility that even Georgia and/or Ukraine might enter NATO or closer association with the EU would, in Russian perceptions, leave it sur-

23 Cf. P. Terrence Hopmann, The OSCE's Contrasting Roles in Managing the Ukraine/Crimea Crises in 1992-96 and 2014-15, in: Institute for Peace Research and Security Policy at the University of Hamburg /IFSH (ed.), *OSCE Yearbook 2015*, Baden-Baden 2016, pp. 277-293.

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rounded by potentially competitive or even hostile alliances. This does not, of course, justify Russian threats to intervene militarily in any former Soviet republics, including the Baltic states, but it does explain in part Moscow's dissatisfaction with the way in which the security situation has evolved in Russia's "near abroad". And it clearly does not justify Moscow's rapid and stealthy military intervention in Crimea and the Donbas regions of Ukraine in 2014, creating a fait accompli rather than pursuing diplomatic efforts within the OSCE to respond to the legitimate concerns of ethnic Russians in Crimea and elsewhere in Ukraine.

However, all three of the caveats identified in our 1996 research in Russia, at a time when co-operative security was still viewed by Russian security specialists as the most favourable option for the following decade, were perceived to some extent by Russians as being violated since 1999. While Western participating States perceived their behaviour to be consistent with OSCE norms, Russian political elites saw these moves as violating OSCE standards. A largely unintended consequence was that these actions by the West contributed to the reappearance of hard-core realist thinking among Russian foreign policy elites, which in turn undermined any confidence that Russians might have held in the principles of co-operative security or the institution that most embodies those principles, the OSCE.

Russian realist ideas and behaviour in turn reinforced the tendency of neo-realists in many other OSCE participating States to privilege realist principles of collective defence through military alliances over the liberal institutionalist principles of co-operative security. Russian reactions to NATO's eastward enlargement, in particular, stimulated serious threat perceptions throughout Central Europe, making these countries more anxious than ever to join NATO. Yet, in a classic spiral resulting from a mutual "security dilemma", these countries' efforts to shore up their own security in the face of a perceived Russian threat only made Russians feel more isolated and insecure. Russia's countermeasures to offset NATO's enlargement then created even greater perceptions of threat in the newest NATO member states, further reinforcing the cycle of insecurity that has come to replace "common" or "co-operative security" in Europe. This issue has become especially acute in the cases of Georgia and Ukraine, neither of which has yet been accepted into full NATO membership, although both have expressed a desire to join the Alliance. The view expressed in the "Perspective from Tbilisi" in the Report of the Panel of Eminent Persons reflects this threat perception by "the States in-between":

> Russia has never adjusted to the idea of the demise of the Soviet Union and throughout the last two decades has attempted to reconstruct the lost empire, first through the creation of the Commonwealth of Independent

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> States (CIS), then creating the CSTO and finally launching the idea of the Eurasian Economic Union.[24]

The Georgian author notes that Russia has supported the independence of breakaway regions in Georgia, Azerbaijan, Moldova, and Ukraine, and that no existing European security institution has the capacity to respond to these violations of international norms. Even more ominously, he raises the old fear that a deal might be struck between Russia and the West at the expense of the states "in-between" that will eventually lead to their loss of independence.[25] It appears likely that these concerns will multiply following the election of Donald Trump as president of the United States, given the strong support for his election from Russia's President Putin and other senior Russian politicians as well as Trump's frequently expressed support for Putin and his selection for several key positions in his administration of individuals known to have close financial and other ties to Russia. Ironically, however, even though Ukraine and Georgia's bids for NATO membership were indefinitely postponed at the NATO Bucharest Summit in 2008, Russia's military action in Georgia in August 2008 and even more importantly in Ukraine since 2014 have had the paradoxical consequence of making their membership once again a topic of discussion in Brussels and in NATO capitals. Consistent with the classic pattern of the "security dilemma", Russia's actions in response to the perceived threat from NATO may eventually promote the outcome they claim to fear the most, namely the further expansion of NATO and the EU directly on their southern and western borders.

Conclusion

In retrospect, the early post-Cold War years represent a missed opportunity to create a co-operative security regime in the European and North Atlantic area, with the CSCE/OSCE serving as a potential institutional foundation. The Helsinki Final Act, the Charter of Paris, and the Copenhagen Document of the Conference on the Human Dimension of the CSCE provided the normative foundation for a co-operative security regime. The creation since 1990 of institutions including the Conflict Prevention Centre, the HCNM, and the Office of Democratic Institutions and Human Rights (ODIHR), among others, if provided with adequate resources and political support, established the institutional structures necessary to implement a wide range of conflict management measures. Subsequent conferences in Moscow and Valletta, among others, added new mechanisms to the "toolbox" for conflict management. Therefore, there is no need to create new norms, institutions, or conflict

24 Cf. *Back to Diplomacy*, cited above (Note 3), p. 27 (p. 398).
25 Cf. ibid., p. 29 (p. 401).

management mechanisms in the OSCE region. What is needed is a commitment to utilize and implement fully the structures that already exist.

For instance, it is especially instructive to imagine how the Ukraine crisis in 2014 might have turned out differently if the full capacity of the OSCE had been utilized by all participating States. An alternative, "counterfactual" scenario might have entailed Russia, in the face of an extra-constitutional change of government in Kyiv that was perceived as threatening by many ethnic Russians in Crimea and eastern Ukraine, coming to the OSCE and requesting that the seldom-used Valletta Mechanism be put in motion, calling for third-party mediation between Russia and Ukraine. This could have led to international assurances that the rights of Crimean citizens, threatened by the change of government in Ukraine, would be protected internationally. The Crimean leadership could have requested that ODIHR schedule an internationally supervised referendum on Crimea's status, including the options of remaining in Ukraine as an autonomous region, independence, or joining the Russian Federation. ODIHR also could have assured that the referendum would allow for the participation of ethnic Ukrainians and Tatars residing in Ukraine. If, as might have been the case, a majority had voted in favour of union with the Russian Federation, the OSCE could have overseen the transition, while assuring that the rights of the Ukrainian and Tatar minorities were respected. In this hypothetical case, the use of military force by one OSCE participating State to change borders and intervene militarily in another, prohibited by the Helsinki Final Act and the UN Charter, could have been avoided. The process could have been transparent and peaceful, and likely would have been seen as legitimate by the international community. Furthermore, pursuing its concerns through the legitimate international institutions that Russia had helped to create would have enabled Moscow to escape the sanctions and international isolation that it has suffered as a consequence of its actions in Ukraine.

Similarly, a rapid negotiation, with OSCE mediation, of the crisis in the Donbas region would have been more likely to establish an appropriate level of decentralization, with significant devolution of power to regional institutions. This would have averted the situation in which the authorities in Kyiv were forced to respond militarily to a violent uprising supported by outside military assistance in their eastern regions, which has created hostility and distrust between Moscow and Kyiv and made a negotiated solution to the crisis difficult to achieve. To its credit, Russia did not block and has even contributed personnel to the OSCE Special Monitoring Mission (SMM) to Ukraine. However, the only negotiated agreements reached at two separate conferences in Minsk have so far produced only a ceasefire agreement and provisions for withdrawal of heavy armaments from the line of contact between the opposing forces. And, as the SMM has reported virtually every day, there are frequent violations of the provisions of the Minsk agreements by all sides.

In short, all of the factors that have driven Russia away from its participation in the post-Cold War co-operative security institutions have made it difficult for these institutions to resolve a conflict that has pitted Russia against both the West and the "states in-between". The dilemma is that it will be very difficult to strengthen these institutions in the midst of this conflict – as the divergent narratives in the Panel of Eminent Persons' Report demonstrate clearly – and it will be almost impossible to resolve this conflict unless and until these institutions are strengthened and a new vision of co-operative security is realized. Escaping from this "chicken-and-egg problem" is thus the greatest challenge to rebuilding co-operative security in Europe.

Clearly the OSCE's co-operative security regime has fallen short of the outcomes imagined by the collective political leaders as the "new world order" emerged from the dark days of the Cold War. The transition at the end of the Cold War was a tumultuous period, especially because of the simultaneous collapse of the Soviet empire and the multiethnic Yugoslav state, which created conditions that allowed numerous violent ethno-national conflicts to break out. The CSCE was largely unable to respond immediately to so many violent conflicts at a time when its institutions and conflict-management mechanisms were still in their formative stage. Nevertheless, its inability to respond before the "Rubicon" of violence had been crossed created doubts in many participating States about its effectiveness as a tool of conflict management. The management of violent conflicts, and the effort to build peace in their aftermath, is inevitably a more difficult task than preventing violence in the first place.

After violence came to an end in most of these regions by the turn of the millennium, many thought that conflict prevention was no longer required, so the human and financial resources that should have been devoted to conflict management were drastically reduced. Post-conflict stabilization, management of so-called "frozen" conflicts, and post-conflict peace-building became the primary focus of OSCE efforts after 2000. Unfortunately, this left the institution insufficiently prepared to deal with the violent conflicts that emerged between Russia and Georgia in 2008 and between Russia and Ukraine in 2014 and afterwards. In both cases, the OSCE was largely cut out of its conflict prevention role and was faced with managing a fait accompli only after violence had occurred and OSCE principles had been flagrantly violated.

At a deeper level, however, the failure of the OSCE to develop into a full-blown co-operative security regime resulted from a broadly shared, residual belief by the leadership of many participating States across the region in the fundamental principles of realist international relations. Ideas that dominated the thinking of statesmen for centuries remain very sticky, even after many of the conditions upon which these ideas were founded seem to have disappeared from the European continent. Whether based on a belief in unchangeable human nature at one level or upon a permanent structure of international anarchy at another, these beliefs pushed political leaders to pur-

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sue the security of their own states at the expense of potential rivals and to believe that security depends more on a balance of power among competing alliances than upon institutions pursuing a co-operative security agenda. And so the neo-realist theory became a self-fulfilling prophecy.

As a consequence, politicians in the West were unable to abandon the idea of the superiority of NATO over the OSCE as a guarantor of security, and this view was emphasized especially by most of the newly independent countries of Central and Eastern Europe that had emerged from Soviet domination. In Russia, on the other hand, the broadly shared perception of having "lost" the Cold War, and the feelings of humiliation and weakness that followed, created a widespread sense of insecurity, even though most leaders in the West initially did not perceive their securitization of Western Europe as providing a threat to their neighbours to the East. Nonetheless, the resulting perception of insecurity in Russia led to a rise in ultra-nationalism, especially as President Vladimir Putin sought to "make Russia great again". But Putin's vision of Russian greatness was founded on his belief in the unity of the Russian people within a single *nation*, whatever their *state* of residency, thereby apparently providing Russia with a rationale for maintaining a *droit de regard* (right of oversight) and at times even a *droit d'ingérence* (right to intervene) in neighbouring states where large ethnic Russian minorities reside. In their security culture, this is supplemented by a desire to retain buffers between Russia and its Western neighbours, whom they believe failed to respect Russian values and interests.

Therefore, the foundation upon which security is constructed in Europe in the 21st century in many ways represents a reversion to beliefs formed in the 18th and 19th centuries under the doctrine of political realism and brought to their extremely violent fruition in the two world wars of the first half of the 20th century. Although the end of the Cold War provided a unique opportunity for an alternative "construction" of beliefs about international security to be realized through regimes such as the one based on the OSCE, the traditional belief in defensive realism seem to have trumped the newer liberal institutionalist ideas about co-operative security. This, along with a series of unfortunate missteps, missed opportunities, and the inability to adapt to the new international order with sufficient rapidity, contributed to the marginalization of the OSCE as an institution and even more importantly to the very idea of co-operative security as an alternative system of global order to the traditional one based on realpolitik.

What is needed, therefore, to strengthen co-operative security in Europe is not new institutions, principles, or conflict management tools, but a change in the collective mindset regarding the indivisibility of security. Rather than holding to competing narratives, focusing on attributing blame for what went wrong in the past, what the OSCE needs today is to reinvigorate the ideas and practices of co-operative security that formed the cornerstone of the Helsinki process over the past 40 years. Competing conceptions of security need to be

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replaced by a shared conception that peace and security are, indeed, indivisible and must be based on co-operation rather than renewed competition. We need to reimagine what might have evolved if the co-operative security regime that emerged after the end of the Cold War had been allowed to flourish instead of pursuing the disparate paths taken by states in the West, in Russia, and "in-between". Only when this normative consensus is reborn can the existing institutions, principles, and mechanisms function as they were originally intended to provide the foundation for a genuine regime of co-operative security from Vancouver to Vladivostok.