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Diversity as a Strength: Historical Narratives and Principles of the OSCE

Introduction

The Russian annexation of Crimea and the outbreak of war in eastern Ukraine in the spring of 2014 were a strategic shock for the international community. Immediately before the fatal shots on Maidan Square in Kyiv, a Track II report completed in January 2014 on threat perceptions in the OSCE space had concluded that neither the United States nor Western European states, nor Ukraine had expected military conflict with Russia. In early 2014, barely five and a half years after the Russian-Georgian war (2008), Russia only posed a direct threat to Poland and Georgia.¹

However, the Ukraine crisis, unlike the five-day war in Georgia, did not just lead to a temporary resentment between Russia and the West, but rather to a sustained conflict with no prospect of a return to “business as usual” or a further “reset” of relations between them. In retaliation for the Russian annexation of Crimea – the first military land grab in Europe since 1945, which marked a break with the European security order maintained since the end of the Second World War – the United States responded by temporarily suspending the NATO-Russia Council, expelling Russia from the G8 (which then reverted to being the G7) and offering politico-military reinsurance to the European NATO allies on the eastern flank. Barack Obama’s government, however, left the diplomatic management of the crisis to the EU and Germany in particular.² Under the leadership of Chancellor Angela Merkel and in the aftermath of the MH17 tragedy, the EU imposed economic sanctions on Russia. The transatlantic co-ordination during the Ukraine crisis must have surprised Putin as much as NATO’s rapid return to the old image of Russia as enemy and the territorial defence in accordance with Article 5 of the North Atlantic Treaty. In the aftermath of the Russian-Georgian war, NATO had reacted to the prophets of doom in Warsaw and adapted its contingency plans accordingly.³

Five years on from February 2014, it is time to take stock of the consequences of the outbreak of the Ukraine crisis – a caesura for the OSCE as

1 Cf. Wolfgang Zellner (co-ordinator) et al., *Threat Perceptions in the OSCE Area*, Vienna 2014, pp. 22-28.

2 Cf. Deborah Welch Larson, *Outsourced Diplomacy. The Obama Administration and the Ukraine Crisis*, in: Vicki L. Birchfield/Alasdair R. Young (eds), *Triangular Diplomacy among the United States, the European Union, and the Russian Federation*, London 2018, pp. 55-76.

3 Cf. Mark Kramer, *Russia, the Baltic Region, and the Challenge for NATO*, *PONARS Eurasia Policy Memo* No. 267, July 2013.

well as for the European security order. In 2014, the OSCE reacted relatively swiftly to the Ukraine crisis and activated its entire toolbox for crisis management.⁴ Swiss diplomacy was praised for its engaged and courageous OSCE Chairmanship, but one should strongly warn against an overly positive appraisal: A few weeks after the outbreak of the crisis the then Swiss Ambassador to the OSCE (and current OSCE Secretary General) Thomas Greminger summed up the situation aptly when he described it as both a “blessing and a curse” for the OSCE.⁵

The Swiss Federal Department of Foreign Affairs recognized early on that Russia’s action in Ukraine marked a real turning point in international relations, similar to the jihadi terrorist attacks of 11 September 2001. In autumn 2014, the Swiss Foreign Minister Didier Burkhalter, in his capacity as OSCE Chairperson-in-Office, therefore launched a reflection group of “wise men” (the *Panel of Eminent Persons*, PEP) under the leadership of Wolfgang Ischinger, to gain preliminary insights into what the Ukraine crisis meant for the OSCE, and the European security order.

Swiss crisis management and the tireless search for a return to dialogue and trust were continued from 2015 to 2018 by Serbia, Germany, Austria, and Italy, and the consequences of “2014” will also shape Slovakia’s 2019 Chairmanship. Switzerland had originally hoped that the Ukraine conflict could be resolved politically by the end of 2015, and that Ischinger’s final report would be timely in presenting new ideas for a more stable European security system in the future. This proved to be illusory, and instead, according to the UN, the Ukraine conflict has led to over 10,000 deaths (including more than 2,700 civilians) and 1.6 million displaced persons in five years, and is still going on. This is the highest death toll in a war in Europe since the Yugoslav Wars in the 1990s and the largest number of displaced persons of any conflict in Europe since the Second World War.⁶ Regrettably, the conflict in eastern Ukraine must therefore be considered another unresolved (“protracted”) conflict in the OSCE region, whose end remains out of sight – and which, as of 2019, will have been waging longer than the First World War.

In this essay, the focus will be on two related topics. First, we will discuss whether any progress has been made five years on from the outbreak of the

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- 4 Cf. Christian Nünlist, Testfall Ukraine-Krise. Das Konfliktmanagement der OSZE unter Schweizer Vorsitz [The Ukraine crisis as test case. OSCE crisis management under the Swiss Chairmanship], Bulletin zur schweizerischen Sicherheitspolitik, March 2014, pp. 35-61.
 - 5 “Die Präsidentschaft ist Fluch und Segen zugleich”, [“The presidency is both a blessing and a curse”], Interview with Thomas Greminger, *Tages-Anzeiger*, 14 March 2014, at: <https://bazonline.ch/ausland/europa/Die-Praesidentschaft-ist-Fluch-und-Segen-zugleich/story/13204340>.
 - 6 Cf. United Nations, Security Council, As Civilians Bear Brunt of Four-year-old Conflict in Ukraine, Continued Ceasefire Violations Test Credibility of Global Community, Officials Warn Security Council, SC/13357, 29 May 2018, at: <https://www.un.org/press/en/2018/sc13357.doc.htm>.

Ukraine crisis in explaining *why* it happened. At the end of 2015, the PEP report “Back to Diplomacy” identified the radically divergent historical narratives regarding the evolution of European security after 1990 as a central problem of the current relations between Russia and the West.⁷ Do we now know more about when and how the optimistic spirit of the CSCE Charter of Paris of November 1990 led to the “cold peace” between the West and Russia and the “hot war” in eastern Ukraine? Track II projects in the framework of the OSCE and new historical studies have indeed shed some light on these issues and the findings allow us to take a new, more nuanced view of the concrete steps leading from the co-operation between Moscow and Washington to their current collision course.⁸

It is not only the historical narratives that divide Russia and the West. From 1994, the convergence in the interpretation of the fundamental principles of international relations, as codified in the CSCE Helsinki Final Act in 1975, that had occurred in the early 1990s, began to fall apart again. In particular, Principle VI of the Helsinki Final Act – the non-intervention principle – was interpreted with increasing inconsistency in the aftermath (as a result of the 1999 Kosovo War). The diverging interpretations continue to lead to misunderstandings and accusations on both sides.⁹

What does this mean for the present and the future? What can be done to find a way out of the confrontation and the current zero-sum-game logic? Could the positive historical experience of the Helsinki process in the Cold War perhaps provide a model for a way to again overcome the new East-West conflict today and define new rules of play for peaceful co-existence? Is the OSCE the appropriate “bad weather” forum for dialogue for this, as was the CSCE in the Cold War? This essay will argue that a multilateral process (analogue and complementary to the dynamic “Structured Dialogue” on threat perceptions launched in the OSCE in 2016/2017) could in fact provide a way out of the negative spiral of wars of words over historical narratives and OSCE

7 Cf. Back to Diplomacy, Final Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project, November 2015, p. 2, available at: <https://www.osce.org/networks/205846>; cf. also Thomas Frear/Lukasz Kulesa (eds.), *Competing Western and Russian narratives on the European order: Is there common ground?* European Leadership Network/RIAC – Russian International Affairs Council, Conference Report, London, April 2016, at: <https://www.europeanleadershipnetwork.org/wp-content/uploads/2017/10/ELN-Competing-Narratives-Report.pdf>.

8 Cf. Christian Nünlist/Juhana Aunesluoma/Benno Zogg, *The Road to the Charter of Paris. Historical Narratives and Lessons for the OSCE Today*, Vienna 2017; William H. Hill, *No Place for Russia. European Security Institutions Since 1989*, New York 2018; Samuel Charap/Timothy J. Colton, *Everyone Loses. The Ukraine Crisis and the Ruinous Contest for Post-Soviet Eurasia*, London 2016.

9 Cf. Christian Nünlist, *Shifting Interpretations of the Non-Intervention Principle in the OSCE*, conference paper presented at a workshop of the European Leadership Network (ELN), Vienna, 19-20 June 2017; Denitsa Raynova, *Towards a Common Understanding of the Non-Intervention Principle*, European Leadership Network, Post-Workshop Report, London, October 2017, at: <https://www.europeanleadershipnetwork.org/wp-content/uploads/2017/10/170929-ELN-Workshop-Report-Non-Intervention.pdf>.

principles. If it was possible to hold a dialogue on differing interests and norms during the Cold War, then it should also still be possible today.

Historical Narratives: From Co-operation to Confrontation, 1990-2014

Diverging narratives about the recent past are a key obstacle on the difficult path from conflict and confrontation to rapprochement, reconciliation, and peace.¹⁰ The Ukraine crisis made it clear in 2014 that starkly diverging historical perspectives on the evolution of the European security architecture have developed in the West and in Russia. In hindsight, it is surprising that it has taken so long for the West to become aware of how strongly the Russian narrative diverged from that in the West – and not only since 2014.¹¹

The Ukraine crisis is by no means the direct cause of the re-escalation of the confrontation between Russia and the West in 2014, but rather a symptom. If one reviews the development of European security since the end of the Cold War, one stumbles across signs of Russia's increasing estrangement from the European security system right from the beginning. This did not occur in a linear fashion, but rather relations between the West and Russia went through several cycles of antagonism and partnership between 1990 and 2014. However, a genuine strategic partnership was never achieved.¹²

In the PEP final report "Back to Diplomacy" at the end of 2015, Wolfgang Ischinger suggested to the OSCE and its participating States that a project should be launched to research the various contrasting narratives with the aim of analysing how and why these diverging views of the recent past had come about.¹³

In the framework of the "OSCE Network of Think Tanks and Academic Institutions", a group of contemporary historians from East and West took up this idea and held an international conference with eyewitnesses in Paris in September 2017, aiming to critically examine the transition from the Cold War to the 1990s again. Using "critical oral history", the diplomats who had negotiated the 1990 CSCE Charter of Paris were confronted with more recent historical research findings. Subsequently, the new insights were published at the end of 2017 in the study "The Road to the Charter of Paris", and presented and discussed at the OSCE Ministerial Council in 2017 in Vienna, and in November 2018 at seminars and workshops in St Petersburg and Moscow.¹⁴

10 Cf. Charles A. Kupchan, *How Enemies Become Friends. The Sources of Stable Peace*, Princeton 2010, pp. 50-52.

11 Cf. Gernot Erler, "Renewing Dialogue – Rebuilding Trust – Restoring Security": Germany's 2016 OSCE Chairmanship – A Personal Retrospective and a Vision for the OSCE in 2025, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2017*, Baden-Baden 2018, pp. 23-34, here pp. 32-33.

12 Cf. Angela Stent, *The Limits of Partnership. US-Russian Relations in the Twenty-First Century*, 4th edition, Princeton 2015.

13 Cf. *Back to Diplomacy*, cited above (Note 7), p. 2.

14 The following sections are based on Nünlist/Aunesluoma/Zogg, cited above (Note 8).

The year 1989/1990 was a turning point, an *annus mirabilis*, which, until recently, had almost exclusively positive connotations in the West. The Berlin Wall came down, Germany was reunited and the Cold War came to a peaceful end. Francis Fukuyama even declared the “end of history”. However, his optimistic slogan soon proved to be just as premature and misleading as the shared vision sketched out by the Soviet Union, the United States, and 33 European states in the Charter of Paris in November 1990 for a new, undivided, inclusive Europe based on Western values such as democracy, the rule of law, and human rights.¹⁵

From today’s point of view, it is clear that even though the West believed it had constructed a fair and stable new security order for Europe, the Russian perspective is completely different. Interestingly, US historians are also increasingly arguing that the current confrontation between Russia and the West is at least partly a result of the ultimately unfinished settlement of the Cold War in 1990. Mistakes were made on both sides and some of the fatal longer-term consequences certainly also rested on unintended side effects of crucial decisions that made sense for one side at the time, such as the West’s desire to extend liberal democracy and free market economy to the East in order to increase international stability.¹⁶ When a dangerous power vacuum opened up in Central and Eastern Europe after 1991 following the disintegration of the Soviet Union and the Warsaw Pact, the West felt obliged to help the states in this area to navigate a delicate transitional period by offering NATO and EU membership. This approach prevailed, especially as doubts began to surface in the West in 1993 regarding whether Russia under President Boris Yeltsin could really be transformed into a democratic market economy integrated into the West during the chaotic years following the collapse of the Soviet Union at the end of 1991.

Archive material which has recently been declassified also makes clear that in 1989/1990, the United States under President George H.W. Bush was unable to resist the temptation to perpetuate Western security institutions such as NATO and the EC, rather than replacing these Cold War institutions with a new, pan-European institution on the basis of the CSCE or Mikhail Gorbachev’s “Common European Home”. Indeed, the Bush administration used pan-European rhetoric in 1989/90. In May 1990, US Secretary of State James Baker promised Soviet Foreign Minister Eduard Shevardnadze that German reunification would not lead to winners and losers. “Instead, it would produce a new legitimate European structure – one that would be inclusive, not exclusive.” In the same month, Baker assured Soviet leader Gorbachev “that our policies are not aimed at separating Eastern Europe from the Soviet Union. We had that policy before. But today we are interested in building a stable Europe, and

15 Cf. Charter of Paris for a New Europe, Paris, 21 December 1990, p. 3, available at: <https://www.osce.org/mc/39516>.

16 Cf. Christian Nünlist, Contested History: Rebuilding Trust in European Security, in: Center for Security Studies, *Strategic Trends 2017*, Zurich 2017, pp. 11-34, here: pp. 18-19. Cf. also Hill, cited above (Note 8), p. 10 and p. 386.

doing it together with you.” President Bush also personally assured Gorbachev of a new co-operative spirit. In Washington, on 31 May 1990, Bush said: “And of course, we have no intention, even in our thoughts, to harm the Soviet Union in any fashion.” In a telephone conversation on 17 July 1990, Bush also promised Gorbachev: “We conveyed the idea of an expanded, stronger CSCE with new institutions in which the USSR can share and be part of the new Europe.”¹⁷

Historical studies have, however, recently proven that in internal debates as early as the spring of 1989, the Bush administration had already decided that US policy towards Europe after the end of the Cold War should be based on a close partnership with Germany. The United States should also rely on NATO to maintain its military presence and thereby continue US dominance in Europe.¹⁸

Despite all the co-operative rhetoric, the security order that was emerging in Europe thereby ultimately failed to envisage an equal role for the Soviet Union. Instead, it was based on exclusive Western clubs: NATO and the EC. Quotes from intra-Western conversations (particularly between Bush and West German Chancellor Helmut Kohl in February 1990) and internal documents of the Bush administration make it clear today that, in the final phase of the Cold War in Europe, there was no true spirit of co-operation between the United States and the Soviet Union. The US vision prevailed over alternative visions of an inclusive pan-European security architecture. Baker warned Bush bluntly in 1990 that the “real risk to NATO is CSCE.”¹⁹ Already on 18 May 1990, Baker had issued Gorbachev a final rebuff regarding a substantial strengthening of the CSCE: “It’s nice to talk about pan-European security structures, the

17 All quotes from Svetlana Savranskaya/Tom Blanton, NATO Expansion: What Gorbachev Heard, National Security Archive, Briefing Book 613, 12 December 2017, at: <https://nsarchive.gwu.edu/briefing-book/russia-programs/2017-12-12/nato-expansion-what-gorbachev-heard-western-leaders-early>.

18 Cf. Hal Brands, Making the Unipolar Moment: U.S. Foreign Policy and the Rise of the Post-Cold War Order, Ithaca, 2016, pp. 279-298; Joshua R. Itzkowitz Shiffrin, Deal or No Deal? The End of the Cold War and the U.S. Offer to Limit NATO Expansion, *International Security* 4/2016, pp. 7-44; Christian F. Ostermann, The United States and German Unification, in: Michael Gehler/Maximilian Graf (eds), Europa und die Deutsche Einheit: Beobachtungen, Entscheidungen und Folgen [Europe and German Unification: Observations, Decisions, and Consequences], Göttingen 2017, pp. 93-117; Jeffrey A. Engel, When the World Seemed New. George H.W. Bush and the End of the Cold War, New York 2017, pp. 86-99; Christian Nünlist, Krieg der Narrative. Das Jahr 1990 und die NATO-Osterweiterung [A war of narratives. The Year 1990 and NATO’s Eastern Enlargement], *Sirius. Zeitschrift für strategische Studien* 4/2018, pp. 389-397; Liviu Horovitz, Guns for Butter. The Political Economy of US Military Primacy, unpublished dissertation, ETH Zürich, 2018. This latest research confirms the early thesis of Mary Sarotte, who stated that the Bush administration perpetuated the exclusively Western Cold War institutions rather than supporting a new pan-European new start. Cf. Mary Elise Sarotte, 1989: The Struggle to Create Post-Cold War Europe, Princeton 2009; Mary Elise Sarotte, Perpetuating U.S. Preeminence. The 1990 Deals to Bribe the Soviets Out and Move NATO in, *International Security* 1/2010, pp. 110-137.

19 Quoted in Shiffrin, cited above (Note 18), p. 31.

role of the CSCE. It is a wonderful dream, but just a dream. In the meantime, NATO exists [...]”.²⁰

For historian Mary Elise Sarotte, it was already clear in 2010 that, in 1990, Bush had not been interested in integrating the Soviet Union into new or existing pan-European or transatlantic security institutions. “Rather, the goal was to get the Soviets out,” according to her.²¹ At the end of February 1990, Bush made it clear to Kohl what he thought of a Western compromise regarding the question of German membership of NATO: “To hell with that! We prevailed, they didn’t. We can’t let the Soviets clutch victory from the jaws of defeat.”²² According to Sarotte, Bush’s “new world order” was not based on the idea of partnership with the Soviet Union. In contrast, the Bush administration was already aware in spring 1990 that they were embarking on a collision course with Moscow with their strict maximum demand for NATO membership for a unified Germany.²³ Condoleezza Rice had told Bush that the prospect of NATO membership for a unified Germany was “the Soviet Union’s worst nightmare”, a situation that would “rip the heart out of the Soviet security system”.²⁴ Soviet leaders warned the United States as early as May 1990 that their strategy was risky. Foreign Minister Shevardnadze told Bush, “If united Germany becomes a member of NATO, it will blow up perestroika. Our people will not forgive us. People will say that we ended up the losers, not the winners.”²⁵ It was a similar early prophecy to Yeltsin’s famous “Cold Peace” speech at the CSCE Summit in December 1994 in Budapest.

Western promises of a future spirit of co-operation with the Soviet Union were decisive in gaining Gorbachev’s agreement to the reunification of Germany. These promises were, however, very vague and should not be mixed with the historians’ debate over a concrete Western promise given to Gorbachev in February 1990 that was supposedly later broken. According to this promise, NATO would never expand even an inch towards the East after the end of the Cold War. Yet, all currently available archival evidence suggests that such a promise was never made.²⁶

20 Quoted in Svetlana Savranskaya/Thomas Blanton (eds), *The Last Superpower Summits. Gorbachev, Reagan, and Bush: Conversations that Ended the Cold War*, Budapest 2016, p. 635.

21 Sarotte, *Perpetuating U.S. Preeminence*, cited above (Note 18), p. 135.

22 *Ibid.*, p. 136.

23 “With unification increasingly appearing to be ‘wholly on Western terms’, this ‘places us on a probable collision course with the Soviets.’” Security Adviser Brent Scowcroft to Bush, 14 February 1990, quoted in Engel, cited above (Note 18), p. 335.

24 Quoted in: Nünlist/Aunesluoma/Zogg, cited above (Note 8), p. 19, fn. 58. According to historian Liviu Horowitz, the original archival document makes clear that Rice drafted the memorandum that Scowcroft forwarded to Bush.

25 Quoted in: Savranskaya/Blanton, *Last Superpower Summits*, p. 639.

26 In February 1990, Western promises not to expand the military sovereignty of NATO (NATO jurisdiction) Eastwards were exclusively related to not stationing NATO forces on GDR territory. Cf. Mark Kramer, *The Myth of a No-NATO-Enlargement Pledge to Russia*, *The Washington Quarterly* 2/2009, pp. 39-61. For an alternative view, cf. Savranskaya/Blanton, *NATO Expansion: What Gorbachev Heard*, cited above (Note 17). In the author’s

From today's perspective and with a particular view on the CSCE/OSCE, it is clear that as early as 1989/1990, ideas about what was meant by inclusivity and exclusivity, and the related question regarding the position of the Soviet Union (and later Russia) in the European security architecture were wildly diverging. In the 1990s, the rift between Russia and the West became even starker – especially regarding the question of NATO's Eastern enlargement (from 1993) and the Yugoslav Wars, as well as the “colour revolutions” in Eastern Europe (from 2003). These events sowed seeds of discord, even though Russia and the West temporarily came together again and again and there were still elements of co-operation in relations between them. However, despite the West's noble aims of stability and security in Europe, the logic of advancing NATO and EU Eastern enlargement (first in Central Europe, later in the Balkans, and in 2008 looking to Georgia and Ukraine), still rested upon an intrinsic logical error: Sooner or later, an expanding Western security block which excluded Russia was bound to have a negative impact on relations between Russia and the West, and ultimately on stability and security in Europe.²⁷

OSCE Principles: Returning to a Common Interpretation

The Ukraine crisis not only proved that Russia and the West have radically different historical narratives about the evolution of European security since 1990. Perceptions regarding the interpretation of the Helsinki Principles of 1975 are also widely diverging. The Helsinki Principles are the normative foundation of the OSCE and therefore central to stability and peace in Europe. Since the end of the Cold War, the non-intervention principle in particular has led to a fierce verbal exchange of blows between Moscow and the West. Cases in which either the West or Russia have supposedly violated the non-intervention principle play an important role in the diverging historical narratives since 1990.

Non-intervention in internal affairs is one of the ten core principles of the CSCE Helsinki Final Act of 1975.²⁸ In essence, the Helsinki Final Act represented a great compromise between East and West, also in relation to the negotiated key principles. After three years of complex multilateral East-West negotiations, the final formulations, however, were fairly vague, ambivalent, and to an extent even contradictory. The Helsinki Final Act actually allowed

opinion, however, their thesis cannot be backed up with archive evidence. Cf. Nünlist, *Krieg der Narrative*, cited above (Note 18).

27 Cf. James Goldgeier, *Promises Made, Promises Broken? What Yeltsin Was Told About NATO in 1993 and Why It Matters*, *War on the Rocks*, 12 July 2016, at: <https://warontherocks.com/2016/07/promises-made-promises-broken-what-yeltsin-was-told-about-nato-in-1993-and-why-it-matters>; James Headley, *Russia and the Balkans: Foreign Policy from Yeltsin to Putin*, London 2008. For details regarding Russia's estrangement in 1991, cf. Hill, cited above (Note 8), and Stent, cited above (Note 12).

28 The following paragraphs are based on Nünlist, *Shifting Interpretations of the Non-Intervention Principle in the OSCE*, cited above (Note 9).

each party a completely different interpretation. This reflected the diplomatic compromises made, as the CSCE Final Act was, in the words of a leading OSCE expert “a craftsmanship of diplomatic terminology, where major differences had been carefully covered up by compromise language”.²⁹

The Soviet Union stressed static elements and particularly supported the principles of non-intervention in internal affairs, sovereignty, territorial integrity, and the inviolability of frontiers, while the West challenged existing borders in Europe with a clause that explicitly made it possible to change frontiers with peaceful means, by mutual agreement, and in accordance with international law.³⁰ In addition, the West contradicted the non-intervention norm with the principles of promoting respect for individual human rights and the self-determination of peoples. In 1975, Moscow regarded human rights as an internal affair of each CSCE participating State. As the Helsinki Final Act was only a politically binding, rather than a legally binding document, in 1975 the Soviet Union did not plan to take the CSCE’s human rights commitments seriously in the future. Soviet concessions in the area of “Basket III” (co-operation in humanitarian and other fields) only came about because Soviet Leader Leonid Brezhnev did not feel obliged to actually implement individual components of the Helsinki Final Act that did not suit him.

Ironically, the Soviet position with regard to the non-intervention principle remained generally inconsistent during the Cold War. Towards the West, Moscow insisted that the non-intervention principle was sacrosanct (to prevent Western intervention in the Soviet sphere of influence), while at the same time, it was always understood to be a matter of course that the Soviet Union could intervene in its sphere of influence – even using military means, such as in Hungary (1956), in Czechoslovakia (1968), or in Afghanistan (1979). In these cases, Moscow preferred intervention over state sovereignty, and the Brezhnev doctrine clearly contradicted the non-intervention norm. Equally, the United States believed it had a right to intervene with its direct neighbours, as demonstrated by its interventions in Guatemala, Cuba, and the Dominican Republic.

As the CSCE Final Act was drawn up in vague language reflecting the differences in opinion and contradictions between East and West, the Helsinki principles were continuously subjected to different interpretations. During the Cold War, Principle VII in particular, dealing with the protection of human rights and fundamental freedoms, came into conflict with Principle VI on non-intervention in internal affairs and traditional principles such as respect for state sovereignty and territorial integrity.

29 Arie Bloed, OSCE Principles: Which Principles? Security and Human Rights 2/2014, pp. 210-220, here: p. 213.

30 For West Germany, this was a central concern early in the Helsinki process. Cf. Gottfried Niedhart, Peaceful Change of Frontiers as a Crucial Element in the West German Strategy of Transformation, in: Oliver Bange/Gottfried Niedhart (eds), *Helsinki 1975 and the Transformation of Europe*, New York 2008, pp. 39-52.

After 1989, however, Western and Soviet interpretations did converge. In 1991, a new consensus was reached in the CSCE regarding how the controversial non-intervention principle should be interpreted in future. In the preamble to the final document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, the CSCE participating States declared in October 1991 “categorically and irrevocably” that the human rights commitments undertaken within the framework of the CSCE, were “matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”.³¹

This substantial and ground-breaking new interpretation and the drastic limit on the non-intervention principle applied not only to the human dimension, but also to the politico-military dimension of the CSCE/OSCE. The “Code of Conduct on Politico-Military Aspects of Security” also confirmed in 1994 that the full respect for all CSCE principles and the implementation of all CSCE commitments were “of fundamental importance for stability and security, and consequently constitute a matter of direct and legitimate concern” to all CSCE participating States.³²

This “golden era” of converging interpretations of the Helsinki principles remained, however, very short. Already during the war in Bosnia, there was again a battle for sovereignty over interpretation. Russian President Boris Yeltsin denounced NATO air strikes on a Bosnian-Serb command post in April 2014 as “genocide” against the Serbs. The military strikes carried out by NATO against Serbia during the Kosovo War in 1999 without the authorization of the UN Security Council were also seen by Russia as a military aggression and a violation of the Helsinki principles and of international law in general.

Following Kosovo’s unilateral declaration of independence, there was a radical turnaround in Russia’s traditional position in 2008. While the Western humanitarian intervention in Kosovo in 1999 had been criticized, Russia now made reference to the developing “Responsibility to Protect” principle (R2P) to justify Russian military intervention in Georgia and the occupation and diplomatic recognition of the territories of Abkhazia and South Ossetia, which were seceding from Georgia, despite the violation of the principle of territorial integrity that this meant. In return, the West now suddenly began to emphasize sovereignty, the non-intervention principle, and territorial integrity in order to reject Russia’s justification.

Again, just as during the Cold War, there was an ironic contradiction between the Russian narrative, according to which Western interventions represented a violation of the Helsinki Principles and international law, and Russian

31 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 3 October 1991, p. 29, available at: <https://www.osce.org/odihr/elections/14310>.

32 OSCE, Code of Conduct on Politico-Military Aspects of Security, DOC.FSC/1/95, Budapest, 3 December 1994, p. 15, available at: <https://www.osce.org/fsc/41355>.

self-perception, according to which Russian (military) interventions in “near abroad” countries such as Georgia or Ukraine were of course legitimate.

In 2014, the Ukraine crisis made it clear how radical the differences between the respective preferences for specific Helsinki principles had become. Today, the West advocates territorial integrity, existing borders, and the territorial status quo – and thus also argues for non-intervention in internal affairs. Russia, however, now supports self-determination (such as in Abkhazia, South Ossetia, and Crimea) and change – a drastic renunciation of the traditional support in Moscow for the principles of state sovereignty and territorial inviolability (for example, support for Serbia in the case of Kosovo).

Ukraine, European Security, and Détente in the 21st Century

Five years after the outbreak of the Ukraine crisis, it is clear that 2014 will go down in history as a definitive turning point in the estrangement of Russia from the West. Russia’s previous ambivalence as a difficult partner or antagonist has been clarified – by then, Russia had begun to see itself as the antithesis to the West, and the US and NATO again perceive Russia as a threat and enemy.

In the history of the OSCE, 2014 also holds a prominent place. In fact, the Ukraine crisis and the regression into the East-West conflict meant a considerable comeback for the Organization in the short term as a useful instrument for crisis management and a unique inclusive and consensus-based platform for dialogue. However, at the same time, 2014 also marks the definitive end to an era of a shared vision of a security community from Vancouver to Vladivostok, as was always expressed automatically in OSCE jargon from Paris 1990 to Astana 2010.³³

For the time being, the West is still clinging to the old vision from 1975-1990 and believes there is fundamentally no need to set new rules for peaceful co-existence in Europe purely because Russia has deliberately broken these rules. The Ischinger report used the metaphor of traffic laws, which do not need to be changed even though they are violated every day.³⁴ However, the basis for such a debate is probably not so simple.

For now, Russia is playing for time in the hope that the world will become increasingly multipolar and the West and the US will further lose their positions of relative clout and power, as well as their normative influence and the proven magnetic effect of democracy and freedom. At the same time, however, it is anything but foreseeable which rising power could replace the United States, for example, with its still impressive “soft power” in the coming years

33 Cf. Nünlist, Testfall Ukraine-Krise [The Ukraine crisis as test case], cited above (Note 4); Christian Nünlist, Back in Business. The OSCE and conflicts in Europe’s neighbourhood, Global Governance Spotlight 1/2016, available at: <https://www.sef-bonn.org/en/publications/global-governance-spotlight/12016.html>.

34 Cf. Back to Diplomacy, cited above (Note 7), p. 5.

and decades – and neither China nor Russia seem to hold particularly good cards in this regard.³⁵

For the OSCE, of course, it is not a good omen if its participating States battle over historical narratives, key principles, and visions for the future and their positions diverge radically. At any rate, it is not a fortunate development for the OSCE, which is perceived as a “fair weather organization”, and since 1990, has primarily acted as an agent for apparently universally accepted Western values to the East and exported democracy and human rights in order to expand the security and stability zone eastwards.

Interestingly, however, since 2014, the OSCE has again reinvented itself as a “bad weather organization” like the CSCE had been in the Cold War. The CSCE was not originally a community of values like the EC/EU or NATO, but rather came into being as a dialogue project between two antagonistic blocs in the East-West conflict. It was always an important trademark of the CSCE to overcome differences and to reduce ideological divides with dialogue, the search for consensus, and confidence-building measures. The strength of the OSCE has therefore always been in bringing states with very different values from different cultures and with different historical experiences together around one table to negotiate common rules for peaceful coexistence.

The West is therefore currently facing a dilemma: How can the “sacred” OSCE Documents from 1975, 1990, 1999, and 2010 be adapted to the political realities that have come about since 2014 without renegotiating and watering down the Helsinki Principles? No one in the West wants a “Helsinki II”, as the West does not want to abandon the achievements of the Helsinki process lightly. However, a multilateral dialogue about disputed narratives and contentious interpretations of the OSCE principles, i.e. a kind of “Paris II”, could represent a golden middle way, avoiding both a “Helsinki II” and a “Yalta II” – a deal between the great powers above the heads of all the other participating States.³⁶

Interestingly, Adam Daniel Rotfeld argues in a similar direction. In an 2017 essay, he recognizes the fact that liberal Western values are no longer accepted as the basis of a global order. As today only a third of all 193 UN Member States can be considered liberal democracies, Rotfeld argues, a new code of conduct for international relations must be negotiated. A new co-

35 Cf. Joseph S. Nye Jr., What China and Russia Don't Get About Soft Power, *Foreign Policy*, 29 April 2013, at: <https://foreignpolicy.com/2013/04/29/what-china-and-russia-dont-get-about-soft-power>; Joseph S. Nye Jr., How Sharp Power Threatens Soft Power, *Foreign Affairs*, 24 January 2018, at: <https://www.foreignaffairs.com/articles/china/2018-01-24/how-sharp-power-threatens-soft-power>.

36 Cf. Wolfgang Zellner (principal drafter) et al., *European Security – Challenges at the Societal Level*, Hamburg 2016, pp. 15-16, 21-23, 25-26; Christian Nünlist, *The OSCE and the Future of European Security*, CSS Analyses in Security Policy 202/2017; Kari Möttölä, *Present-at-the-(re)creation: The US Grand Strategy Shaping the European Security Order at a Crossroads of Fluctuation, Rupture or Transformation*, conference paper for ISA annual meeting, Baltimore, MD, 22-25 February 2017, p. 5 and p. 13; Reinhard Krumm, *Multipolar oder multilateral? Sicherheitsordnungen 2.0 zur Auswahl*; Wiener Kongress, Jalta, Helsinki [Multipolar or multilateral? Selecting Security Orders 2.0: Congress of Vienna, Yalta, Helsinki], Vienna 2018.

operative security system would have to take account of the relatively declining significance of the old (Western) powers and the growing role of states such as Russia, China, and India in the polycentric world order that is on the horizon. As one of the most renowned OSCE doyens, Rotfeld calls upon the West to stop grieving nostalgically for the world of the past (1945-2014) and accept the new realities in world politics. To allow the current situation to continue with no commonly accepted rules is, in his view, more dangerous than setting new rules, even if these new rules are consequently less advantageous for the West than those set after 1945.³⁷

To do this, the West must accept a painful relative loss of power and prestige, ultimately acknowledging that the victory march of liberal democracy in the 21st century has, for the moment, come to an abrupt halt. However, no alternative seems convincing either. The West could adopt an ostrich strategy, burying its head in the sand and insisting that Moscow also took part in the negotiations and signed up to the CSCE vision of a commonly agreed European security order in 1975 and 1990 – and that the principles and advantageous, pro-Western interpretation of the 1990s continue to be the best and only way for the OSCE in the future. This strategy would essentially amount to holding out for better times – in particular for the post-Trump and post-Putin era.

The history of the OSCE, however, gives reason to hope that in the 21st century, a new *détente* could come about. The OSCE should take confidence in its diversity and use it as a strength rather than regretting it as a weakness. In the OSCE, different interests, values, and opinions come together in an endeavour to sustain dialogue and in the hope of finding compromises that are acceptable to all parties. The OSCE's uniqueness and added value lie in the fact that in the OSCE, Russia, Turkey, and Central Asian states also sit at the table and speak as equals. In the world of today, the OSCE offers one of the few spaces where dialogue is possible, even when parties are in disagreement. In the OSCE, each side is forced to hear the other side – which is increasingly rare in today's societies. It may be difficult to create consensus in the OSCE, but once this can be achieved, the inclusive, consensus-based approach of the OSCE holds the promise of more legitimate, more sustainable, and fairer solutions.

37 Cf. Adam Daniel Rotfeld, *The International Order. In search for new rules*, Poznań 2017, pp. 32-34.