Pluralistic Peace: New Perspectives for the OSCE?

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Abstract

Rather than fulfilling its core task and contributing to the normalization of the conflict between Russia and the West, the OSCE has been further driven apart by it. One of the reasons for this is that the Organization's design no longer aligns with the nature of the conflict. In this paper, we present two options for institutional transformation that would enable the OSCE to deal with this crisis. The first would limit the OSCE's range of tasks to conflict prevention and ensure its capacity to act by delegating competences to its permanent bodies. The second would place dialogue and the search for consensus at the centre. Although this would limit its ability to act, it would strengthen its legitimacy.

Keywords

Pluralistic peace, institutional design, OSCE crisis, Russia

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Introduction[1]

The "East–West relationship" – essentially the relationship between Russia and the member states of NATO and the EU – has been steadily deteriorating. Military tensions have risen to dangerous levels since the annexation of Crimea and the war in eastern Ukraine. Worst-case scenarios and suspicions have run high, and hybrid threats are proliferating. At the end of 2021, speculation grew about a large-scale Russian invasion of Ukraine in early 2022. Attempts to explore opportunities for cooperation on the basis of common interests are being discredited, and although both sides have repeatedly expressed a will to cooperate (selectively), at least in principle, polarization is increasing. In the process of polarization, boundaries between policy fields erode, and antagonistic interests prevail over common ones.

The conflict has affected virtually all institutions originally established to facilitate cooperation between Russia and the West, including the NATO–Russia Coun-

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cil and the institutionalized cooperation between Russia and the EU. The only comprehensive institution remaining is the OSCE, which comprises all European countries, the United States, Canada, the Central Asian countries, and Mongolia and which was created with the express purpose of building confidence. Given its history and institutional resources, the OSCE is in principle best suited to isolating areas of conflict and organizing cooperation in areas of common interest. Since 2014, however, the Organization has been worn down by conflict between Russia and the West. Instead of reducing tensions, it has become a theatre for conflict.

The institutional crisis faced by the OSCE is puzzling. Historically, the OSCE (and its predecessor, the CSCE) was credited with having helped to contain and transform the East–West conflict during the Cold War. In addition, the agreement that allowed the decision to create the Special Monitoring Mission in eastern Ukraine, for example, indicates that OSCE participating States still appreciate the usefulness of institutional arrangements for managing conflicts. The following question therefore arises: what explains this gap between the recognized need for conflict management and unwillingness on the part of the states concerned to properly use relevant institutions such as the OSCE for this purpose? In this contribution, we discuss whether and how this gap can be bridged by restructuring the OSCE.

We develop our argument by first revisiting the literature on institutional crises and considering how institutions become contested and, ultimately, objects of conflict themselves. Second, we apply these findings to the OSCE and its predecessor, the CSCE. On the basis of this analysis, and following our concept of “pluralistic peace”, we examine how the OSCE could be rebuilt so as to contribute to constructive conflict management. To this end, we propose two avenues of reform: an institutional deepening of the OSCE alongside a limitation of its range of tasks, on the one hand, and a return to the consensus-building format of the CSCE, on the other.

The crisis of international institutions

Researchers have traditionally understood institutions as instruments created by states for the purposes of promoting cooperation, reducing transaction costs, and thus making cooperation more efficient. Because institutions and their design – membership, thematic scope, rules and norms, organs, and voting procedures – are determined by consensus among founding member states, institutional crises were considered unlikely. That institutions can be perceived as external by their members, become contested, and exacerbate tensions rather than easing them is only gradually gaining attention.[2]

Institutions can become contested for various reasons. First, when an institution is founded, different (often conflicting) concepts and ideas shape its design. At this early stage, however, it is often unclear how its rules and procedures will play out in practice or in the face of new challenges. Second, institutions can change without the explicit consent of their member states. This can occur through changes to membership, through the influence of non-state actors, and/or through the actions of their semi-autonomous organs. Research has focused on international courts, secretariats, and field offices, on the assumption that states delegate competences to such bodies and accept the associated loss of control in exchange for greater effectiveness. However, these bodies can exercise their leeway in ways that contradict the interests of the constituent member states. Consequently, the legitimacy of the institution, which rests on the consent of all member states, can be jeopardized.[3] Third, institutions tend to be sticky. If the interests of one or more participating states change, this does not mean that the institution's rules and design will change along with them. This stickiness is particularly problematic when an organization's norms and rules reflect a particular order to be achieved, i.e. when the organization is meant to socialize (new) member states and to facilitate their convergence towards that order. If this convergence is not achieved, a gap risks opening up between the institutional norms and the social order. Such a gap has been witnessed since the early 2000s, especially in parts of the post-Communist region of Eurasia.[4]

If institutions become alienated from their members, states usually react with strategies that include reform efforts, resistance from within, the withholding of resources (such as membership fees), or even withdrawal and the establishment of alternative institutions.[5] If membership is maintained despite increasing heterogeneity within the institution, a fundamental dilemma arises between the institution's capacity to act and its legitimacy. There are then two reform options. On the one hand, states could try to limit the organization's tasks to those areas that reflect common interests. This would require an institutional re-design and might limit the legitimacy of the organization among some member states but it would strengthen the ability to act in areas of common interest by continuing to delegate competences to the institutional bodies. On the other hand, the original scope of the organization could be maintained, a path that would amount to resolving the tension between legitimacy and effectiveness at the cost of reducing the organization's ability to act.

How did the CSCE work?

The CSCE essentially corresponded to the second of the above options. Its aim was to codify peaceful coexistence between the East and the West, based on the understanding that regime change was unlikely. For the Soviet Union and the Warsaw Pact, and especially for Poland and the German Democratic Republic, this was a matter of securing Western recognition of the territorial status quo within the borders set by the Communist regimes. For NATO, and especially the Federal Republic of Germany, the aim was to make these borders more permeable and to leave open the possibility of German unification, despite recognition of the territorial status quo. The CSCE was consequently based on a compromise that involved concessions reluctantly made on both sides to establish a modus vivendi in an otherwise antagonistic situation.

Radically divergent interests and political approaches remained a reality, however, and nothing beyond the Helsinki Final Act of 1975 could be achieved. Even then, fundamental differences were left unresolved, and thus the Helsinki Decalogue includes "non-intervention in internal affairs", as insisted on by the East, directly alongside "respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion and belief", as demanded by the West.[6]

It is therefore no wonder that the Mutual and Balanced Force Reductions negotiations, initiated in parallel in 1973, were bogged down in endless disputes. At this time, there was no intention whatsoever to create an organization that could unite both sides: until 1989, only three CSCE follow-up conferences took place, held in Belgrade (1977–1979), Madrid (1980–1983), and Vienna (1986–1989), respectively. Of these, the first two were largely inconclusive. In view of the renewed deterioration of East–West relations at the beginning of the 1980s (due to the Soviet invasion of Afghanistan and the NATO dual-track decision to deploy intermediate-range nuclear weapons in Western Europe), this was hardly surprising.

Capabilities and limitations of the OSCE

The CSCE's transformation from a loose "conference" on security and cooperation to a genuine "organization" (made official on 1 January 1995) was largely due to the dissolution of the Eastern Bloc. The future, however, was uncertain. The former members of the Warsaw Pact desired a return to Europe, and Russia strove for a return to civilization. The orientation of other successor states of the USSR remained unclear, while for the West nothing had changed. Due to these divergent orientations, the OSCE remained an organization in name only. Its legal status remained as unclear as its competences, despite the creation of permanent bodies and its ample personnel and material resources. In pursuing its aim of organizing security in Europe, the OSCE drew on the achievements of the past, including the Treaty on Conventional Armed Forces in Europe and the confidence- and security-building measures of the CSCE process. Above all, the OSCE embodied a vision: a departure from the "legacy of the past" and the dawn of "a new era of democracy, peace and unity", as stated in the Charter of Paris for a New Europe.[7] For the West, this vision manifested itself in a common commitment to democracy and a market economy. In practice, this meant that the socialist model had to be transformed according to the Western script and with Western assistance. For Russia, the OSCE's vision manifested itself above all in the creation of a pan-European security structure to replace the military blocs following Germany's unification. The Russian vision did not materialize; the United States sought not only to firmly anchor a united Germany in NATO but also to secure its presence in Europe.[8] Subsequently, Russia modified its preferences: in the 1990s, Moscow first demanded that the OSCE play a leading role in the European security architecture and later settled for the idea that the OSCE should at least complement existing organizations in a coordinating capacity. This was the Russian proposal for the Charter on European Security.[9] None of this ultimately came to fruition, and hence Russia remained an outsider in the new European order.

Following Russia's backslide into autocracy, this discrepancy between Western and Eastern visions for the future of Europe lost its relevance. Russia's self-image was increasingly based on its principled demarcation from the West, which at best allows for limited security cooperation. From the West's perspective, the OSCE remains a suitable platform for such contractual agreements, in particular its Forum for Security Co-operation, the Conflict Prevention Centre, and the Vienna Document on Confidence- and Security-Building Measures. However, Russia's take on the OSCE is more ambivalent. On the one hand, the OSCE reflects the country's marginalized role in European security; on the other hand, it represents the only institutionalized platform in which Moscow has a voice and weight. This ambivalence is reflected in its peculiar combination of active participation in and fundamental criticism of OSCE bodies – including calls to leave the Organization. Such calls are popular in the expert community in Moscow, as observers expect that in case of a Russian withdrawal, the OSCE will quickly collapse.

Russia's criticism of and dissatisfaction with the Organization, voiced with increasing intensity since 2004, reveals the gap that has opened up between Russian interests and the once consensually agreed rules and procedures of the OSCE. Its criticism is directed above all at the geographical focus of OSCE activities "east of Vienna" and their concentration on the human dimension, including extensive and critical election monitoring, as well as the absence of a meaningful dialogue on security policy.[10] Moscow wants to limit the activities of the Warsaw Office for Democratic Institutions and Human Rights, the Representative on Freedom of the Media, and the High Commissioner on National Minorities through a series of measures negotiated between governments. Their activities are to be integrated into the OSCE Secretariat, given detailed rules, and made subject to the consensus principle of the participating States. In short, Moscow is demanding that the OSCE "be responsive to requests from host governments, rather than pursuing its own agenda, which it perceived as a Western one".[11]

Russia's proposals would amount to a fundamental reorganization of how the OSCE works and a departure from the normative basis of the OSCE. This is unlikely to be achieved without changes to the existing format of the Organization. Compared to the CSCE, where the NATO and Warsaw Pact members negotiated as two blocs and the neutral states acted as mediators, the situation in the OSCE is far more complex. It has fifty-seven participating States, with the West forming the majority (twenty-nine NATO members plus six more from the EU), all pursuing their own interests and preferences. Achieving consensus, even on basic issues such as the appointment of Heads of institutions and the adoption of the budget, continues to prove a Herculean task.[12]

Pluralistic peace

The pursuit of "liberal peace" based on transformation and integration has failed. Instead of serving the goal of a "Europe, whole and free", it has resulted in new rifts. Russia has resisted being subsumed in the liberal political order and hence marginalized in a Western-dominated security order. Instead, it insists on cooperating on an equal footing and in recognition of normative differences. The other Eurasian autocracies in the OSCE articulate this less clearly but pursue the same goal. Hence, the strategy of striving for "liberal peace" has resulted in a policy that cultivates spheres of influence (with respective ideological undertones) and leads to ever-increasing costs for all involved.

We propose an alternative model for organizing relations between Russia and the West based on the idea of "pluralistic peace".[13] This model relies on achieving peace through "dissociation", not in the sense of building new walls but rather in the sense of clearly demarcating rights and obligations.[14] The basic idea is simple: since attempts to achieve peace through normative alignment have led to friction, we propose securing peace through the recognition of normative differences, thereby providing a more stable basis for cooperation.

This model of pluralistic peace draws on the experiences of the CSCE and the period of East–West détente. At that time, the relevant adversaries acknowledged that denying each other the right to exist would only cement the confrontation. Instead, it was necessary to recognize their differences so as to gradually overcome them. The pluralistic peace model adapts these experiences to the present conditions, which are characterized by a much more complex pattern of delineation and interdependence. For example, according to pluralistic peace, demarcation would follow not geography but subject areas. This would grant Russia a say in security policy but not in the economic and political order of its neighbouring states. In principle, pluralistic peace is based on a strategy of disassociating those areas that lead to disputes between Russia and the West.

A pluralistic peace approach would seek not to eliminate mutual dependencies but to subject them to common rules. Importantly, it would not involve the subordination of universal values to national interests; it is not universal values that are in question but their use as a goal and means of international politics. It thus supports two opposing strategies for restructuring the OSCE, one of which would increase the OSCE's degree of institutionalization while the other would decrease it.

Two paths toward restructuring the OSCE

In its present form, the OSCE is not effective in reducing tensions between Russia and the West and has instead become a stage for confrontation. Following the notion of liberal peace, the West has insisted on maintaining the institutional status quo, claiming that the norms agreed in the Charter of Paris continue to constitute the central point of reference regulating participating States' conduct. Russia, however, insists that the status quo no longer reflects international ideas and the international balance of power. Russia would prefer to bring the OSCE's activities even further under its control and to give more weight to its own normative preferences – or at least to reduce the extent to which they are questioned. These diverging positions have led to mutual blockades and a policy of "muddling through", which have prevented effective conflict management and conflict transformation.[15]

In line with the "muddling through" approach, little has been done beyond appealing to OSCE participating States to give the OSCE a more prominent place in their political agenda,[16] to allocate "substantially more political attention and resources" to the Organization,[17] and to initiate "a return to diplomacy".[18] These minimalistic appeals are based on the pessimistic view that since there cannot be agreement on a new status quo, only small steps towards "pragmatic cooperation" and a new "modus vivendi" are possible.[19] What is necessary is a review of the conceptual foundations of the OSCE that takes into account the fact of normative heterogeneity and deepening confrontation. However, in contrast to the classic East–West conflict, when both blocs essentially existed as separate entities, the current situation is marked not only by political and military antagonism but also by interdependence and cooperation in the human dimension and in areas of common economic interest. Nonetheless, this cooperation suffers from mutual "securitization" and the parties' perception of each other as a threat. Sanctions and countersanctions aimed at protecting against actual and perceived risks have resulted in further distancing between the two sides. Consequently, interdependence has become a perceived risk.

One possible strategy for dealing with this is to strengthen areas of cooperation and to isolate them from areas of confrontation, such that the former cannot be used for political gain. This cannot be achieved simply by insisting on maintaining the normative foundations of the OSCE. Although all participating States are rhetorically committed to both the Helsinki principles and the Charter of Paris, implementation is lacking. Different interpretations of these principles have paralyzed the OSCE. Hence, if comprehensive membership is to be maintained despite normative heterogeneity, only two paths for restructuring the OSCE are open: increasing the degree of the OSCE's institutionalization or lowering it.

Upgrading the OSCE to an effective instrument for peacekeeping and conflict management

The first pathway would be to increase and deepen the OSCE's level of institutionalization in the politico-military dimension. This is a dimension in which participating States have a common interest and acknowledge the advantages of the OSCE over other organizations. This is also a dimension where actions are needed to contain the potential for conflict, which continues to grow. The main tasks of the politico-military dimension are the following:

- Striking a balance between the principles of sovereignty and free choice of alliance, on the one hand, and indivisible security, on the other, as well as identifying security mechanisms for those states whose alliance status is disputed.[20] In line with the pluralistic peace model, this could be achieved along functional lines and with criteria that take into account the conflict context and the potential for cooperation in policy areas related to security, the economy, and political authority.[21]
- Establishing rules for the grey zone of informational cross-border activities.
- Encompassing the broad area of conventional arms control, military confidence building, and conflict prevention and management in Europe, especially in regions that are not covered by other European politico-military structures.

Given the manifold conflicts between the participating States of the OSCE and the blockades faced by the Organization, its institutions must be strengthened in order to ensure its capacity to act. Such strengthening would require the development of organs that would allow the OSCE to act effectively in the areas of early warning, mediation, and peacekeeping. A strong Secretary General who has a broad organizational basis and is able to manage and lead would be essential in this regard. UN peacekeeping bodies could serve as a model. For the OSCE to act effectively as a regional security organization along the lines envisaged in Chapter VIII of the UN Charter, it would also need to implement decision-making procedures that balance the principles of legitimacy and effectiveness. Proposals from the 1990s aimed at establishing a European "Executive Council" similar to the UN Security Council would be an option.[22]

In accordance with the pluralistic peace model, this pathway would come with two prerequisites: first, the principles of coexistence would have to constitute international law binding on all participating States; second, the OSCE would have to limit the scope of its activities to ensure its ability to act.

Restructuring the OSCE into a consensus-building conference

The second path would limit the OSCE to being a space for dialogue. It would retain ist three broad dimensions of activity, but it would operate as a permanent conference rather than requiring adherence to and implementation of the liberal norms enshrined in the Charter of Paris.

Such an arrangement would have the advantage of political inclusivity and procedural informality. Precisely because it would relinquish procedures that produce binding decisions, it would create space for discussion and the pursuit of common ground, despite normative differences. To ensure informality, this arrangement would also abandon institutional coercive mechanisms such as “naming and shaming”. Semi-autonomous bodies such as the Office for Democratic Institutions and Human Rights are an obstacle from this perspective because they embody a risk for some participating States, reducing their willingness to engage in dialogue. In the human dimension, the OSCE would adhere to its norms while acting with political flexibility. In many cases, not only are dialogue and quiet diplomacy better suited to dealing with sensitive individual cases, but they are also more effective in reaching agreement on rules for mutual exchange.

The transformation of the OSCE into a permanent conference would reduce its operational capacity to act, as participating States would only be left with ad hoc arrangements, such as the Special Monitoring Mission in eastern Ukraine. Willingness to engage could grow, however, since the participating States would no longer have to fear losing control.

Reversing the trend of ever-growing confrontation with and through the OSCE?

Despite the avenues for reform outlined above, any optimism should remain limited. The crisis faced by the OSCE reflects the state of affairs between Russia and the West. Accordingly, the chances of improving this relationship by reforming and reactivating the OSCE are slim. The OSCE comprises states with highly divergent interests, political approaches, and expectations. Moreover, the OSCE must prove its comparative advantage over other organizations. Its success in this regard since 1990 has been limited, and its relative appeal has only further declined since the beginning of the 2000s.

Nevertheless, the OSCE offers opportunities to address these challenges and reverse the typical “steps to war”. Theories on the outbreak of war assume that territorial conflicts escalate to the level of war when actors engage in strategies such as power demonstrations, alliance building, and armament and when boundaries between policy areas become blurred as a result.[23] If this path is to be reversed, it is important to stabilize engagement in areas of common interest, build confidence in the area of security, and at least freeze territorial conflicts. In Europe, this applies with particular urgency to the conflict in eastern Ukraine.

The OSCE will not be able to reverse these steps to war unless its participating States accept that pressure and threats will not force the “other side” into agreement. Although this view has had few supporters in Moscow and in the Western capitals, in the absence of alternatives it is gaining traction.[24] As a forum for military confidence building, and given its engagement in eastern Ukraine, the OSCE provides the right platform for developing a way out of the escalating confrontation. If the OSCE is to play a constructive role in this conflict, however, it must engage in institutional restructuring that takes normative differences into account. The reform paths presented here are ideals and can be combined to some extent. Nevertheless, they would appear to offer the most feasible ways out of the crisis facing the OSCE in particular and East–West relations in general.

Notes

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