Forging Consensus for Atrocity Prevention: Assessing the Record of the OSCE

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Abstract.
This essay examines the record of the Organization for Security and Cooperation in Europe (OSCE) in fostering norms and collaborative practices for preventing mass atrocities in Eurasia. Comprising fifty-seven participating states "from Vancouver to Vladivostok," the OSCE is the sole regional security organization spanning all of the members of NATO and the former Warsaw Pact. Its consensus-based approach to advancing "common and comprehensive security" has proved successful in preventing escalation or containing levels of violence in various conflicts in the Baltic states, Ukraine, Southeastern Europe, and the Caucasus. Since the late 1990s, however, rising geopolitical tensions between NATO and the Russian Federation have undermined the effectiveness of the OSCE's conflict prevention initiatives. In order for the OSCE to play a more robust role in enhancing human security in Eurasia, it will need to find a path toward rebuilding the normative consensus between Russia and its Western participating states.

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Introduction

The prevention of genocide and mass atrocities involves normative as well as practical challenges. To motivate effective action to deter or halt mass killings of civilians, it is first necessary to persuade the relevant actors of the legitimacy and necessity of such a policy. The struggle to implement robust atrocity prevention measures is often lost at the normative level. Key government decision-makers may decide that the prevention of atrocities is peripheral, or even antithetical, to "core national security interests."[1] Conversely, when the United States or other great powers do intervene to protect civilians, they may arouse suspicion from other parties. As the Albright-Cohen Genocide Prevention Task Force observed in 2008, many governments "regard assertive U.S. policies as ultimately self-interested, even or perhaps especially when framed in terms of humanitarian purposes."[2]

Comprising fifty-seven participating States "from Vancouver to Vladivostok,"[3] the Organization for Security and Co-operation in Europe (OSCE) provides a particularly salient case study of the normative dimension of atrocity prevention efforts. The OSCE is the successor to the Conference on Security and Co-operation in Europe (CSCE), established by the Helsinki Final Act of 1975 with the goal of finding "common ground through a process of dialogue, norm-setting, and consensus" among the member states of NATO and the Warsaw Pact. The CSCE was "designed as a *process*, with an informal structure that could provide flexibility" in promoting "common and comprehensive" security.[4] In the words of former OSCE Secretary-General Wilhelm Höynck, "[T]he Final Act affirmed that the respect for human rights and fundamental freedoms is an essential factor for the peace, justice, and well-being, necessary to ensure the development of friendly relations and cooperation."[5]

The end of the Cold War brought fundamental changes both to the structure and mission of the CSCE. Between 1990 and 1992, the organization established a formal institutional structure including a Secretariat, a Permanent Council of ambassadors from all participating States, the Conflict Prevention Centre (CPC), the Office for Free Elections (later to become the Office for Democratic Institutions and Human Rights or ODIHR), the Forum for Security Co-operation, and the Office of the High Commissioner on National Minorities (HCNM).[6] In 1995, the CSCE was renamed the OSCE, reflecting this formalization of its institutional structure.

With an annual operating budget for 2017 of EUR 139 million (including EUR 4.7 million for Conflict Prevention and EUR 3.4 million for the HCNM), the OSCE has been described as a "flea" in comparison to the "elephant" of the European Union (EU), whose 2017 budget was more than a thousand times larger.[7] Despite its limited resources and lack of coercive power, the OSCE has

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[1] Samantha Power, *"A Problem From Hell": America and the Age of Genocide* (New York: Basic Books, 2002), 504; Madeleine Albright and William S. Cohen, *Preventing Genocide: A Blueprint for U.S. Policymakers*, Report of the Genocide Prevention Task Force (Washington, DC: United States Holocaust Memorial Museum, The American Academy of Diplomacy, and The Endowment of the United States Institute of Peace, 2008), 1-3; Matthew Levinger, "A Core National Security Interest: Framing Atrocities Prevention," *Politics and Governance* 3, no. 4 (2015), 26-43.

[2] Albright and Cohen, *Preventing Genocide*, 95.

[3] Government of Canada, Global Affairs, "Delegation to the Organization for Security and Co-operation in Europe," July 11, 2017, accessed December 20, 2017, http://www.international.gc.ca/osce/index.aspx?lang=eng.

[4] Connie Peck, *Sustainable Peace: The Role of the UN and Regional Organizations in Preventing Conflict* (Lanham: Rowman & Littlefield, 1998), 118.

[5] Quoted in Peck, *Sustainable Peace*, 118.

[6] Ibid., 120-21; David Galbreath, "Convergence Without Cooperation? The EU and OSCE in the Field of Peacebuilding," in *The European Union and Peacebuilding: Policy and Legal Aspects,* eds. Steven Blockmans, Jan Wouters, and Tom Ruys (Leuven: T.M.C. Asser Press, 2010), 177.

[7] Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1252: Approval of the 2017 Unified*

played a critical role in preventing or containing violence against civilians in numerous regions of Europe and Central Asia. As Gregory Flynn and Henry Farrell argued in a 1999 essay, the CSCE/OSCE mechanisms for preventive diplomacy

> have proven to be the real workhorses of the international community in its attempts to control substate conflict in post-Cold War Europe…. CSCE mechanisms have been involved in managing far more potential substate conflict situations that either [NATO or the EU]… Moreover, nearly all of these missions involved circumstances where it would have been impossible for states to have used either of the other two institutions for collective intervention, because neither had been endowed with the instruments to deal with prevailing conditions.[8]

In recent years, however, some observers have questioned the effectiveness of the OSCE's work, remarking on the "growing futility"[9] of the OSCE as the EU has expanded its political and security-related missions. During the Cold War, a clear demarcation existed between the structure and function of the European Economic Community (EEC) and that of the CSCE: the EEC was a regional organization focusing on the economic integration of Western Europe, whereas the CSCE was an informal dialogue process promoting cooperative security measures between NATO and the Warsaw Pact. In 1993, the EEC was subsumed under the EU, which had a more comprehensive mission including a Common Foreign and Security Policy. Over the past quarter-century, a "functional convergence" has occurred between the EU and OSCE. Not only has the EU expanded eastward into the former Warsaw Pact region, it has increasingly taken on political and security functions, such as election monitoring and security sector reform, that had previously been the province of the OSCE.[10] The eastward expansion of NATO and the EU has also put the Russian Federation on the defensive. Russian leaders have argued that "instead of acting as a genuine transatlantic organization, the OSCE has evolved into an institution that seeks to act as a tool of Western influence, pushing forward an agenda of excessive intrusion and potential destabilization in Russia's neighborhood."[11] As long ago as 2006, one expert asserted: "The OSCE is in crisis. . . . There can be no doubt but that the OSCE today, as compared to its heyday during the Cold War, is a far less visible landmark on the European institutional landscape than was formerly the case."[12]

This essay will argue that the OSCE continues to play a unique and vital role in preventing and containing ethnic conflict in Europe and Central Asia, but that its greatest distinctive strength—the capacity to help foster shared political norms supporting "common and comprehensive security"—has eroded since the late 1990s. Part I of the essay will discuss the original operating concept of the CSCE and OSCE, which sought to constitute a cooperative transatlantic security community through the promulgation of shared norms. Part II will examine the erosion of the normative consensus between the Eastern and Western participating States of the OSCE since the late 1990s, focusing on some Eastern states' distrust for the Western democracy promotion agenda. Finally, Part III will examine the prospects for a more robust role of the OSCE in protecting civilians from violent conflict and mass atrocities, given the increasing tensions among Eastern and Western OSCE participating States in recent years.

Budget, June 1, 2017, (OSCE Doc PC.DEC/1252/Corr.1), accessed December 8, 2017, http://www.osce.org/permanent-council/321931?download=true; European Council, "EU Budget for 2017," November 28, 2016, accessed December 8, 2017, http://www.consilium.europa.eu/en/policies/eu-annual-budget/2017/#; Galbreath, *Convergence Without Cooperation?*, 189.

[8] Gregory Flynn and Henry Farrell, "Piecing Together the Democratic Peace: The CSCE, Norms, and the 'Construction' of Security in Post-Cold War Europe," *International Organization* 53, no. 3 (1999), 507.

[9] Galbreath, *Convergence Without Cooperation?*, 189.

[10] Ibid., 175, 189; see also Emma J. Stewart, "European Union Conflict Prevention and the European Security Architecture," in *EU Conflict Prevention and Crisis Management: Roles, Institutions, and Policies*, eds. Eva Gross, et al. (London: Routledge, 2011), 41-45.

[11] Alexandra Gheciu, *Securing Civilization? The EU, NATO, and the OSCE in the Post-9/11 World* (Oxford: Oxford University Press, 2008), 171.

[12] Pál Dunay, "The OSCE in Crisis," *Chaillot Paper*, no. 88 (Paris: Institute for Security Studies, April 2006), 7.

The OSCE Ideal: Community Building Through Norm Formation
Emanuel Adler has evocatively termed the OSCE an "imagined security community," describing the logic of the organization's founders as follows:

> [T]he OSCE has adopted the view that you must first let the largest number of people from different states *imagine* that they are part of a community; only then, when all have formally and instrumentally accepted the institution's shared normative structures and practices, do you socialize their elites and peoples by means of continual diplomatic interaction and a wide range of community-building practices.[13]

Adler's description of the OSCE community-building enterprise points to the power of norms not only to constrain or regulate behavior but also to constitute new communal identities:

> When assessing and measuring the influence of OSCE's practices, we cannot simply look at this institution's regulative tasks or short-range activities, because what matters most is the long-range effectiveness of its practices and activities as constitutive of community identity and bonds . . . [W]hat matters most is not the short-range success of the mission, seminar, or inspection, but the construction of a foundation for community practice and behavior.[14]

Although it might be tempting to dismiss the OSCE's "seminar diplomacy" as an elaborate sleight of hand, conjuring the illusion of a transatlantic community that remains purely imaginary, this would ignore the real historical impact of the CSCE/OSCE enterprise. During the 1970s and 1980s, the Helsinki Process created a space for the articulation of human rights claims by dissident groups in the Warsaw Pact, which played a role in facilitating a peaceful end to the Cold War. Since the early 1990s, the HCNM and other OSCE institutions have sought to foster "an environment characterized by shared meanings, trust, increased cooperation, and a sense of common identity."[15] For all the frustrations and setbacks involved in this project, there have also been important successes.

Of the various component institutions of the OSCE, two are particularly relevant to the mission of atrocity prevention: the Conflict Prevention Center (CPC), along with the field operations that it supports, and the Office of the High Commissioner on National Minorities (HCNM). These will be the focus of analysis for this paper.

Created in 1990, the CPC "acts as an OSCE-wide early warning focal point, facilitates negotiation, mediation, and other conflict prevention and resolution efforts, and supports regional co-operation initiatives."[16] In its initial years, the CPC focused principally on reducing risks of interstate conflict among the OSCE participating States, for example by promoting Confidence and Security Building Measures such as exchange of military information.

Over the past two decades, the mandate of the CPC has expanded to include early warning, situation monitoring, mediation and dialogue facilitation, and support for OSCE field operations, among other roles. It supports mediation initiatives in Ukraine, Nagorno-Karabakh, Transdniestria, and Georgia.[17] The OSCE also currently deploys sixteen field operations in South-Eastern Europe, Eastern Europe, the South Caucasus, and Central Asia, addressing issues including reconciliation and human rights protection in the Balkan states, conflict monitoring in Ukraine, and the monitoring

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[13] Emanuel Adler, "Imagined (Security) Communities," *Millennium: Journal of International Studies* 26, no. 2 (1997), 249-277; Emanuel Adler, "Seeds of Peaceful Change: The OSCE's Security Community Building Model," in *Security Communities*, ed. Emanuel Adler et al. (Cambridge, UK: Cambridge University Press, 1998), 133.

[14] Adler, *Seeds of Peaceful Change*, 121; see also Flynn and Farrell, *Piecing Together the Democratic Peace*, 510.

[15] Gheciu, *Securing Civilization*, 122.

[16] Organization for Security and Co-operation in Europe, Secretariat, "Conflict Prevention and Resolution," accessed August 27, 2016, http://www.osce.org/secretariat/conflict-prevention.

[17] Organization for Security and Co-Operation in Europe, "What We Do: Conflict Prevention and Resolution," accessed December 10, 2017, http://www.osce.org/what/conflict-prevention.

and prevention of ethnic conflict in Kyrgyzstan.[18]

The HCNM, which was created in 1992 in response to the outbreak of war in Yugoslavia, has played the most robust role within the OSCE in the prevention of mass atrocities and other forms of ethnic conflict. In the 1990s alone, the HCNM was involved in mediations in thirteen states, and the OSCE deployed thirteen missions of long duration in Eastern Europe, the Caucasus, and Central Asia.[19] OSCE interventions helped prevent conflict or defuse political crises in Estonia, Latvia, the Crimea, and Albania. In other regions such as Nagorno-Karabakh, Georgia, and Moldova, the OSCE was unable to facilitate negotiated settlements to the conflicts. Nonetheless, even there its missions may have "made important contributions by keeping negotiations open and by preserving the cease-fires that… prevented large-scale violence from reappearing."[20] In recent years, the HCNM has continued its intensive and wide-ranging activities. In May 2016, High Commissioner Astrid Thors reported that over the past six months, she had traveled to ten countries—Kyrgyzstan, Serbia, Ukraine, Bosnia and Herzegovina, Georgia, Croatia, Hungary, Slovakia, Moldova, and Macedonia—for consultations on issues related to national minorities.[21]

According to the 1992 Helsinki Document, the HCNM was intended to "be an instrument of conflict prevention at the earliest possible stage." The office's mandate was described as follows:

> The High Commissioner will provide "early warning" and, as appropriate, "early action" at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgment of the High Commissioner, have the potential to develop into a conflict within the OSCE area, affecting peace, stability or relations between participating States.[22]

Under the mandate established by the Helsinki Document, the HCNM has the authority to act independently, without approval either from other OSCE authorities or from the concerned state, in order to address situations involving national minorities that have the potential to escalate into violence. Max van der Stoel, a former Dutch foreign minister who served as the first High Commissioner, has described the HCNM as "an independent, nonstate entity but with the political support of member-states… This depoliticized, multilateral approach allows the High Commissioner to employ cooperative, noncoercive problem-solving techniques…"[23]

In describing the early work of the HCNM in preventing ethnic violence in post-Cold War Europe, Van der Stoel emphasized the normative foundations of his office's authority. In a 1999 article, he asserted that

> the HCNM's independence follows naturally from the logic of international public interest that underlies the concept of comprehensive security. Indeed, I believe it is now well established that the multilateralism that created and sustains the HCNM offers opportunities to address highly charged and potentially violent situations in a somewhat depoliticized manner—at least at arm's length through an impartial intermediary.[24]

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[18] Alice Ackermann, "Strengthening the OSCE's Capacities in Conflict Prevention, Crisis Management, and Conflict Resolution" *Security and Human Rights* 23, no. 1 (2012), 11-18; Organization for Security and Co-Operation in Europe, "Where We Are," accessed December 10, 2017, http://www.osce.org/where; Organization for Security and Co-Operation in Europe, Conflict Prevention Center, *Survey of OSCE Field Operations* (Vienna: OSCE, October 2017, OSCE Doc. SEC/GAL/27/16), accessed December 10, 2017, http://www.osce.org/secretariat/74783?download=true.

[19] Flynn and Farrell, *Piecing Together the Democratic Peace*, 507.

[20] P. Terrence Hopmann, "Building Security in Post-Cold War Eurasia: The OSCE and U.S. Foreign Policy," *Peaceworks*, no. 31 (Washington, DC: United States Institute of Peace, September 1999), 45.

[21] Astrid Thors, "Address by Astrid Thors, OSCE High Commissioner on National Minorities, to the 1102nd Plenary Meeting of the OSCE Permanent Council" (speech, Vienna, June 2, 2016) OSCE.

[22] Quoted in Max Van der Stoel, "The Role of the OSCE High Commission in Conflict Prevention," in *Herding Cats: Multiparty Mediation in a Complex World*, ed. Chester A. Crocker et al. (Washington, DC: United States Institute of Peace Press, 1999), 68.

[23] Van der Stoel, *The Role of the OSCE High Commissioner*, 65.

[24] Ibid., 70.

Although van der Stoel saw the HCNM's independence as a critical prerequisite for its success, he also stressed that the High Commissioner "could not function properly without the *political support* of the participating States."[25] He declared:

> Durable solutions are possible only if there is a sufficient measure of goodwill and consent from the parties directly involved. I always endeavor to find such solutions and to bring the parties to a consensus. I always try to find mutually agreeable solutions and to offer my assistance in implementing measures. I am there to assist OSCE participating States that are experiencing difficulties, and I work together with the parties on the basis of their good faith and their mutual interest in settling difficulties with a view to enjoying a more peaceful and prosperous life together.[26]

Thus, for example, he stressed that "the protection of persons belonging to national minorities has to be seen as essentially in the interest of the state"; and conversely, that "solutions that allow for the full realization of the aspirations of persons belonging to minorities should be sought as much as possible within the framework of the state itself."[27]

Van der Stoel was careful to emphasize the convergence of shared values and interests that motivated the members of the OSCE community. This convergence was emphasized by the very blandness of his own professional title: he was not the "High Commissioner *for* National Minorities"—an advocate or ombudsman for threatened ethnic groups—but rather the "High Commissioner *on* National Minorities," charged with preventing and managing substate conflicts related to minority rights.

From the outset of the Helsinki Process, there have been normative tensions within the OSCE community-building enterprise. The Helsinki Final Act recognized not only the inviolability of European borders but also the principle of self-determination—which had the potential to redraw borders. Likewise, it asserted the principle of noninterference in states' internal affairs while also guaranteeing respect for human rights—which legitimated human rights monitoring of the Warsaw Pact states. In addressing conflicts over minority rights, the OSCE has emphasized the importance of resolving such conflicts without disrupting existing borders. In OSCE practice, write Flynn and Farrell,

> The norm of self-determination was not only subordinated to the norm of inviolability of borders; it was also effectively removed as an independent principle of international relations in Europe separable from the norm of democracy. Self-determination was to be directly and exclusively related to creating political institutions that would protect cultural and ethnic differences within common frameworks, rather than using these differences as a basis in themselves for separation.[28]

In the next section, we will examine several case studies that illustrate how the normative authority of the OSCE has played a role in preventing or containing ethnic violence in Europe and Central Asia, as well as how that authority has eroded since the late 1990s.

Case Studies: The Declining Normative Authority of the OSCE
Although the OSCE's mandate contains no formal provision referring to the prevention of genocide or mass atrocities, several of its diplomatic interventions during the 1990s played an important role in defusing crises that had the potential to result in large-scale violence against civilians. Its efforts were generally more effective in regions that had not yet reached the boiling point—such as

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[25] Ibid., 70-71.

[26] Ibid., 72-73.

[27] Ibid., 73.

[28] Flynn and Farrell, *Piecing Together the Democratic Peace*, 527.

Estonia, Latvia, and Crimea—than in active conflict zones such as Bosnia, Chechnya, or Nagorno-Karabakh.

After the Soviet Union annexed Estonia and Latvia in 1940, significant Soviet military bases were established in both republics, and large numbers of ethnic Russians moved into the region. By 1989, a third of the population of Estonia and 42 percent of the population of Latvia consisted of Russians and other Slavic nationalities. When the Baltic states achieved their independence in 1991, tensions intensified between the Baltic and Slavic ethnic groups, particularly in Estonia and Latvia. Ethnic Estonians and Latvians, resenting the half-century-long Soviet "occupation" and the accompanying suppression of their national languages and cultures, denied citizenship rights to ethnic Russians who had entered the country after 1940. The countries' Russian minorities, many of whom had supported independence, felt betrayed by the restrictive citizenship laws. The Russian government weighed in by vocally supporting the Russian minorities; and, in October 1992, it suspended the withdrawal of Russian military forces from the Baltics, citing its concern for the violation of Russian minority rights. Outside observers grew concerned that Russia might capitalize on the crisis to justify military intervention in the Baltic states.[29]

The OSCE's conciliation efforts between the Baltic governments and their Russian minorities included the establishment of missions of long duration in Estonia (1992-2001) and Latvia (1993-2001), along with numerous visits by the HCNM, Max Van der Stoel. The OSCE missions steered clear of recommending wholesale revisions to the countries' restrictive citizenship laws, but encouraged them to implement the laws with greater lenience and to make it easier for members of minority groups to pass the citizenship tests, for example by expanding access to language classes to enable Russian speakers to pass language exams. At the same time, the missions consulted extensively with the leaders of the minority communities in both countries, urging them to accept and cooperate with the national governments, rather than taking destabilizing actions that might have provoked Russian military intervention.[30]

The Crimean Peninsula, whose population was about 67 percent ethnic Russian, had been transferred as a "gift" to the Soviet Republic of Ukraine by Nikita Khrushchev in 1954. The issue of the Crimeans' national identity became salient only after 1991, when Ukraine achieved independence. When a nationalist Russian was elected the first president of Crimea in 1994, he proposed secession from Ukraine, provoking a political crisis. As in Estonia and Latvia, the OSCE's intervention involved the establishment of a mission of long duration (1994-1999) and a series of visits by the HCNM. Van der Stoel's office also organized several conferences and seminars that successfully sought to harmonize the constitutions of Crimea and Ukraine, establishing a special status for Crimea as an autonomous region within Ukraine.[31]

In describing the OSCE's approach to addressing the crises in Estonia, Latvia, and Crimea, Terrence Hopmann observes:

> Issues of identity are virtually impossible to settle through negotiations based on a traditional bargaining process. Instead, they require what has become known as a problem-solving approach to negotiations. This negotiation process prescribes a number of negotiating behaviors that are quite different from traditional, confrontational bargaining. The parties should approach the conflict as a problem to be solved jointly rather than as a conflict to be "won." They should treat the dispute essentially as a "non-zero-sum" game, in which both parties stand to lose from escalation while both may gain from mutual accommodation.[32]

Several features of the geopolitical context of these conflicts were favorable to this problem-solving approach. The Russian government of Boris Yeltsin actively supported the

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[29] Hopmann, *Building Security*, 16; Flynn and Farrell, *Piecing Together the Democratic Peace*, 508; Natalie Mychajlyszyn, "The OSCE and Conflict Prevention in the Post-Soviet Region," in *Conflict Prevention: Path to Peace or Grand Illusion,* ed. David Carment et al. (Tokyo: United Nations University Press, 2003), 135-36.

[30] Hopmann, *Building Security*, 17-18; Flynn and Farrell, *Piecing Together the Democratic Peace*, 508.

[31] Hopmann, *Building Security*, 24-25.

[32] Ibid., 26.

OSCE's diplomatic engagement in Estonia and Latvia, because Yeltsin saw the missions as a means of protecting the rights of Russian minorities in both countries while defending his credibility against his own nationalist domestic critics. Government officials in Estonia, Latvia, and Ukraine, by contrast, viewed the OSCE's involvement as a means of strengthening their countries' ties to the West and breaking their dependence on Russia. These governments' desire to join the EU provided leverage to OSCE mediators, who were able to sustain their conflict prevention efforts even in the face of staunch criticism from nationalist leaders in the Baltics, who denied that there was any conflict to prevent. Finally, the United States was itself able to exercise coercive leverage on behalf of the OSCE's efforts: in 1994, the U.S. Senate voted to suspend all aid to Russia until it completed the withdrawal of its military forces from Estonia.[33]

Since the late 1990s, however, the OSCE has rarely been able to rely on such a supportive context for its mediation efforts. For example, the carrot of potential EU membership, which provided a powerful motivation for leaders of the Baltic states, has not been available to bolster mediation efforts in Central Asia or the Caucasus. To the contrary, writes one commentator, the presence of an OSCE mission "is often unfavorably perceived as an indication of an unstable area, thereby warding off necessary foreign investment and weakening the country's economic development in these areas."[34]

A greater challenge to the OSCE collaborative problem-solving efforts has been the rising tension between Russia and the West. During the early 1990s, Yeltsin and other Russian leaders embraced the organization as the potential centerpiece for a future collaborative European security architecture. In subsequent years, however, the Western participating States placed increasing emphasis on expanding NATO and the EU, to the detriment of the OSCE. The expansion of NATO to include Poland, Hungary, and the Czech Republic in 1999, and an additional seven states including the Baltic republics in 2004, drove home the view among Russian leaders that the OSCE was "erecting a wall within itself, artificially dividing its members into the NATO and EU members, and the rest." Under these new conditions, declared Russian Foreign Minister Sergei Lavrov, "NATO deals with security issues, the EU with economic issues, while the OSCE will only monitor the adoption of these organizations' values by countries that have remained outside the EU and NATO."[35]

In the late 1990s, Western criticisms of Russia's military campaign in Chechnya, along with Russian unhappiness over NATO's bombing of Kosovo and Serbia, created further frictions, which intensified after the election of Vladimir Putin as President of the Russian Federation in 2000. Russia's leaders increasingly expressed suspicions that the OSCE agenda was "destabilizing its neighborhood and in the long run potentially also Russia itself."[36] They were particularly unhappy with the work of the Office for Democratic Institutions and Human Rights (ODIHR), which they saw as "regionally biased against the East."[37] Beginning in 2002, Russia sent its own observers to monitor elections in the post-Soviet states, alongside monitors from the OSCE and EU, in order to counter the "Western bias" in ODIHR's conclusions. On Russia's insistence, the OSCE also sent observers to monitor elections in Western participating States, including Canada and the United States.[38] Russian leaders accused the OSCE of being a tool of Western interests in Ukraine both during the Orange Revolution of 2004 and during the political crisis of 2014, and bridled at ODIHR's repeated criticisms of election irregularities in Belarus. Unnamed Western states, claimed

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[33] Ibid., 17; Mychajlyszyn, *The OSCE and Conflict Prevention*, 148; Heather Hurlburt, "Preventive Diplomacy: Success in the Baltics," in *Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post-Cold War World*, ed. Bruce W. Jentleson (New York: Carnegie Corporation of New York, 2000), 103.

[34] Mychajlyszyn, *The OSCE and Conflict Prevention*, 140.

[35] Sergei Lavrov, "Democracy, International Governance, and the Future World Order," *Russia in Global Affairs* 3, no. 1, (2005) 151-52, quoted in Dunay, *The OSCE in Crisis*, 70; see also Gheciu, *Securing Civilization*, 171.

[36] Dunay, *The OSCE in Crisis*, 71; see also Stewart, *European Union Conflict Prevention*, 42.

[37] Galbreath, *Convergence without Cooperation?*, 179.

[38] Ibid.; Organization for Security and Co-Operation in Europe, Office for Democratic Institutions and Human Rights, "General Elections, 8 November 2016," accessed December 10, 2017, http://www.osce.org/odihr/elections/usa/246356.

Putin in 2007, were "trying to transform the OSCE into a vulgar instrument designed to promote the foreign policy interests of one or a group of countries."[39]

Over the past decade, the OSCE has been largely stalemated in its efforts to resolve many protracted conflicts on the periphery of the Russian Federation, including Nagorno-Karabakh, South Ossetia, and Transdniestria; and it has struggled to respond to Russia's military interventions in Georgia and Ukraine. In dealing with the crisis in Syria since 2011, the OSCE's response has largely been confined to a few statements addressing the refugee crisis. Syria is not a state partner of the OSCE, so the organization has no official mandate vis-à-vis events in that country. Moreover, as Alice Ackermann points out, the EU and OSCE sometimes establish an informal "division of labor" in their efforts: for example, the OSCE has taken the lead role in addressing the conflict in Ukraine, while the EU and UN have played more prominent roles with respect to Syria.[40] Nonetheless, given the profound implications of the Syrian civil war for international security within the boundaries of both Eastern and Western participating States of the OSCE, a more robust joint response would have been desirable.[41]

The Path Forward: Building Cooperative Capacity for Atrocity Prevention
In an October 2016 interview, OSCE General Secretary Lamberto Zannier observed that "the OSCE as a security organization is facing a very complicated environment," because of the "return of geopolitics" involving "divisions in Europe that we haven't seen in a long time," aggravated by global challenges including terrorism along with migration stemming from violent conflicts and the effects of climate change. Zannier observed:

> As the OSCE was built in a divided environment to bridge the gulf between opposing sides, today the convergence of all these problems is eroding the effectiveness of the tools that were created at that time. So we are facing a situation where we may have more division, and the tools that we developed to address the problems coming with the divisions are not functioning… as well as they were. So engagement, creating a space of dialogue in spite of the differences and the bitter debates… remains the key task for all of us.[42]

In the bitter aftermath of the 2016 presidential election in the United States, where the Russian intelligence services allegedly sought to undermine the campaign of Democratic candidate Hillary Clinton in order to tip the result to Republican candidate Donald Trump, such constructive dialogue has become more challenging than at any time since the end of the Cold War. Having long complained of Western meddling in Russia's "near abroad" through democracy promotion initiatives and support for the "Color Revolutions," the Putin regime has effectively turned the tables on its Western counterparts. Russia is alleged to have "cultivated an opaque web of economic and political patronage" throughout much of Central and Eastern Europe,[43] as well as to have forged connections with right-wing parties in Western Europe including the UKIP in Britain and the National Front in France.[44] The heated accusations of ill will on both sides have further narrowed the already constricted avenues for cooperation between the OSCE's Eastern and Western participating States.

[39] Quoted in Martin Nilsson, "Organization for Security and Co-operation in Europe," in *International Organizations and the Implementation of the Responsibility to Protect: The Humanitarian Crisis in Syria,* ed. Daniel Silander et al. (New York: Routledge, 2015), 182.

[40] Alice Ackermann, personal communication, October 2016.

[41] Nilsson, *Organization for Security and Co-operation in Europe*, 180-183.

[42] Lamberto Zannier, "Unsere Instrumente funktionieren nicht mehr so gut." *Internationale Politik und Gesellschaft Journal*, October 2016, accessed December 10, 2017, http://www.ipg-journal.de/videos/artikel/unsere-instrumente-funktionieren-nicht-mehr-so-gut-1506/.

[43] Heather A. Conley, *The Kremlin Playbook: Understanding Russian Influence in Central and Eastern Europe* (Washington, DC: Center for Strategic and International Studies, October 2016), accessed December 20, 2017, https://www.csis.org/analysis/kremlin-playbook.

[44] Fredrik Wesslau, "Putin's Friends in Europe," *European Council on Foreign Relations*, October 19, 2016, accessed December 20, 2017, http://www.ecfr.eu/article/commentary_putins_friends_in_europe7153.

As one scholar has written, the OSCE is "*par excellence*, a 'soft security' institution with extremely few material resources at its disposal." Unlike other regional organizations such as the EU and NATO, the OSCE cannot exercise coercive power by imposing economic sanctions or threatening the use of military force. Nor, in the current geopolitical environment, can it credibly offer material rewards such as the prospect of EU membership, which served as a powerful incentive for cooperation by the Baltic governments in the 1990s. The effectiveness of the OSCE depends on its ability to "use its moral authority as a principled organization and its limited amount of cultural capital (e.g. technical expertise) to exercise symbolic power."[45]

In the current polarized international security environment in Eurasia, it is increasingly difficult for the OSCE to assert universally recognized moral authority. During the 1970s and 1980s, the CSCE took shape as a dialogue process between NATO and the Warsaw Pact in a period of high international tension and distrust, which eased temporarily during the decade after the fall of the Berlin Wall. To some degree, the rising frictions between the Russian Federation and its Western counterparts have returned Europe full circle to the geopolitical atmosphere that surrounded the CSCE's founding.

Even in an inhospitable geopolitical context, the OSCE can make several valuable contributions to protecting civilians threatened by violent conflict in Eurasia: conflict prevention, crisis management, cooperative problem-solving, and the promotion of norms favoring peaceful coexistence of diverse ethnic and national groups. The remainder of this essay will address each of these aspects of the OSCE's work in turn.

Conflict Prevention. During the recent period of rising tensions between the Eastern and Western factions of the OSCE, a number of efforts have been made to bridge this geopolitical divide and develop more constructive strategies for mitigating threats of violent conflict. In 2008, Russian President Dmitry Medvedev and French President Nicolas Sarkozy called for a new European security dialogue to discuss post-Cold War security arrangements.[46] In 2009, the Greek Chairmanship of the OSCE launched a series of dialogues known as the "Corfu Process," which sought "to strengthen the Organization's responsiveness to conflict in all its phases," including "early warning, early action, dialogue facilitation and mediation support, and post-conflict rehabilitation."[47] These dialogues culminated in 2011, under the OSCE's Lithuanian Chairmanship, in Ministerial Decision No. 3/11 on Elements of the Conflict Cycle, which affirmed "the Organization's commitment to revisiting its approaches to conflict prevention and conflict resolution for the twenty-first century."[48] Among other things, Ministerial Decision No. 3/11 called for the establishment of a systematic conflict early warning system and a more robust mediation-support capacity. Unfortunately, there has been limited practical follow-through on many of its recommendations.[49]

Crisis Management. Some of the most intractable conflicts in the OSCE region—e.g. those in Ukraine, the South Caucasus, Moldova, and Nagorno-Karabakh—are located in areas on the periphery of the Russian Federation where Russia has a strong vested interest in the outcome. Given the OSCE's lack of material instruments of leverage, the organization is unlikely to be able to successfully mediate such conflicts that have become locked into a "security competition" frame. Nonetheless, it can help contain violence by focusing international attention on events in the conflict zones, monitoring developments, and providing early warning of potential escalation. The presence of an OSCE field mission or visits by the HCNM may also provide channels of

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[45] Gheciu, *Securing Civilization*, 149.

[46] Organization for Security and Co-operation in Europe, "Restoring Trust: The Corfu Process," December 1, 2010, accessed December 20, 2017, http://www.osce.org/mc/87193.

[47] Alice Ackermann, "Forty Years of the Helsinki Final Act – Forty Years of Conflict Management," in *Četrdeset godina od potpisivanja helsinškog završnog akta / Forty Years Since the Signing of the Helsinki Final Act*, ed. Mina Zirojević et al. (Belgrade: Institute of Comparative Law, 2015), 46; Organization for Security and Co-Operation in Europe, Ministerial Council, *Decision No. 3/11 – elements of the conflict cycle, related to enhancing the OSCE's capabilities in early warning, early action, dialogue facilitation and mediation support, and post-conflict rehabilitation,* (Vilnius: OSCE, December 7, 2011, OSCE Doc. MC.DEC/3/11).

[48] Ackermann, *Forty Years*, 46-47.

[49] Ibid.

communication between leaders of rival groups, which may help keep a lid on violence even in the absence of a formal settlement.

In Ukraine, for example, the OSCE Special Monitoring Mission (SMM) has tracked the living conditions of the 1.8 million IDPs from Crimea and Eastern Ukraine since 2014, offering recommendations for how the government of Ukraine and international donors can meet the needs of IDPs and enhance relations between IDPs and host communities.[50] The SMM issues daily spot reports on security conditions in Eastern Ukraine, monitoring compliance with the Minsk ceasefire agreements, and "engages with authorities at all levels, as well as civil society, ethnic and religious groups and local communities to facilitate dialogue on the ground."[51] Astrid Thors, who served as High Commissioner on National Minorities from 2013 through 2016, also engaged in efforts to "facilitate a dialogue between national minorities and the Ukrainian authorities on issues of common concern." For example, she co-hosted a 2016 roundtable in Kyiv on "Strengthening the Institutional Framework Related to Inter-ethnic Relations in Ukraine in the Context of Decentralization." Asserting that "improved policies in the field of inter-ethnic relations would help to consolidate Ukrainian society and would increase stability in the country as a whole," the HCNM has worked to provide a platform for Russian and other minority communities in Ukraine to express concerns about the protection of their language and cultural identities.[52]

In less geopolitically sensitive regions, such as Central Asia and the Balkan states, the OSCE may have greater potential for robust conflict prevention and crisis response—but its record in achieving this potential has been uneven. For example, in May and June 2010, HCNM Knut Vollebaek issued urgent warnings to the OSCE Permanent Council on the risk of interethnic violence in Kyrgyzstan, asserting that the situation represented "one of the OSCE's biggest challenges since the 2008 war in the Caucasus."[53] When violence between ethnic Kyrgyz and Uzbeks erupted in southern Kyrgyzstan that June, however, the OSCE Permanent Council displayed no appetite for a robust response. In the words of one commentator, "The lack of collective will by the participating States and the Kyrgyz interim government's inability to take substantial steps in managing the conflict in Kyrgyzstan significantly curbed the OSCE's room for maneuver."[54]

Cooperative Problem-Solving. Even in geopolitically contested settings where a comprehensive settlement remains elusive, the OSCE may be able to promote incremental progress toward peaceful coexistence of rival groups. For example, in Georgia, where the OSCE field mission was closed down on Russia's insistence in 2008, the HCNM has "encouraged the effective implementation of the State Strategy for Civic Equality and Integration for 2015-2020 and Its Action Plan," and has "continued to support a project to facilitate interaction between the political parties in the country and national minority representatives, including by bringing them together to discuss topical issues on televised talk shows."[55] In Moldova, High Commissioner Thors worked with the parliament to establish a "joint working group with members of parliament and the People's Assembly of Gagauzia" to improve "the functioning of the Gagauz autonomy," and she has worked with the OSCE Mission to Moldova to address cultural and linguistic issues surrounding the status of Transdniestria.[56] Thors also remained engaged in addressing issues related to citizenship rights, political representation of ethnic minorities, and protection of minority languages in a wide

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[50] Organization for Security and Co-Operation in Europe, Special Monitoring Mission to Ukraine, *Conflict-related Displacement in Ukraine: Increased Vulnerabilities of Affected Populations and Triggers of Tension within Communities* (Vienna: OSCE, August 26, 2016), accessed December 10, 2017, http://www.osce.org/ukraine-smm/261176.

[51] Organization for Security and Co-Operation in Europe, Special Monitoring Mission to Ukraine, "Mandate," accessed December 10, 2017, http://www.osce.org/ukraine-smm/117729.

[52] Thors, *Address to the 1102nd Plenary Meeting*, 4.

[53] Knut Vollebaek, "Early Warning to the (Special) Permanent Council on 14 June 2010" (statement, Vienna, June 14, 2010), OSCE, 2; Frank Evers, "OSCE Conflict Management and the Kyrgyz Experience in 2010: Advanced Potentials, Lack of Will, Limited Options," *CORE Working Paper* 24 (Hamburg: Institute for Peace Research and Security Policy at the University of Hamburg, March 2012), 32.

[54] Evers, *OSCE Conflict Management*, 40.

[55] Ibid., 6-7.

[56] Ibid., 10-11.

range of other countries including Kyrgyzstan, Croatia, Serbia, Bosnia-Hezegovina, Macedonia, Hungary, and Slovakia.[57]

Norm Promotion. Over the past twenty years, the OSCE has issued a number of statements of principles regarding the protection of minority rights, including the Hague Recommendations Regarding the Education Rights of National Minorities (1996), the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations (2008), and the Ljubljana Guidelines on Integration of Diverse Societies (2012).[58] In documents such as the Charter for European Security, adopted at the Istanbul summit of 1999, it has also reaffirmed its commitment to "preventing the outbreak of violent conflicts wherever possible" and "to settle conflicts and to rehabilitate societies ravaged by war and destruction."[59] Beyond affirming these principles related to human security, the OSCE has sought to memorialize its operational approach to conflict prevention in documents including "The OSCE Concept of Comprehensive and Co-operative Security" (2009) and the Ministerial Decision No. 3/11 on Elements of the Conflict Cycle (2011).[60]

Scholars disagree about the efficacy of the OSCE's efforts to transform norms governing relations among diverse ethnic groups in Eurasia. Some observers, such as Wolfgang Zellner, have argued that the HCNM has been relatively successful in "de-securitizing" relationships between states and minority groups by "introducing international minority rights standards as the frame of reference for majority, minority and kin-States." The HCNM, Zellner asserts, has facilitated "substantive short-term solutions with a view towards sustainable long-term solutions under local ownership."[61] Others have taken a more skeptical view: David Galbreath and Joanne McEvoy contend that "the HCNM's role in societal security often appears to maintain the status quo 'state vs. minority' logic of the European minority rights regime," and that the OSCE as a whole has been unable to transform the "zero-sum context" of interethnic relations in Eurasia.[62]

Despite the sometimes disappointing results of its conflict prevention and crisis management initiatives, the OSCE remains a vital component of the Eurasian security architecture, both because of its inclusive membership structure and because of its core mission to advance "common and comprehensive security" through a consensus-based approach. Yet, for the organization to play a robust role in addressing the urgent security challenges in contemporary Eurasia, it is essential that its participating States share a genuine consensus about the importance of protecting civilians threatened by violent conflict.

One stumbling block to productive cooperation between the Eastern and Western participating States of the OSCE has been mutual suspicion over the other side's motives. In Zellner's words, "what the U.S. regards as democratization, Russia takes as destabilization."[63] As Alistair Miskimmon and Ben O'Loughlin have observed, a profound misalignment has emerged between Russian and

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[57] Thors, *Address to the 1102nd Plenary Meeting*, 2-10.

[58] Ibid., 13-16; Jennifer Jackson-Preece, "The High Commissioner on National Minorities as a Normative Actor," *Journal on Ethnopolitics and Minority Issues in Europe* 12, no. 3 (2013), 77-82; Organization for Security and Co-Operation in Europe, High Commissioner on National Minorities, *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations & Explanatory Note* (Vienna: OSCE, June 2008); Organization for Security and Co-Operation in Europe, High Commissioner on National Minorities, *The Ljubljana Guidelines on Integration of Diverse Societies & Explanatory Note* (Vienna: OSCE, November 2012).

[59] Quoted in Nilsson, *Organization for Security and Co-operation in Europe*, 176.

[60] Organization for Security and Co-Operation in Europe, Conflict Prevention Centre, *The OSCE Concept of Comprehensive and Co-operative Security: An Overview of Major Milestones* (Vienna: OSCE, June 17, 2009, OSCE Doc. SEC.GAL/100/09); Ackermann, *Forty Years*, 46-47.

[61] Wolfgang Zellner, "Working without Sanctions: Factors Contributing to the (Relative) Effectiveness of the OSCE High Commissioner on National Minorities," *Journal of Ethnopolitics and Minority Issues in Europe* 12, no. 3 (2013), 30. See also Knut Vollebaeck, "The Challenge of Diversity: Is Integration an Answer?" *Security and Human Rights* 21, no. 3 (2010), 213-219; Franzisca Zanker, "Integration as Conflict Prevention: Possibilities and Limitations in the experience of the OSCE High Commissioner on National Minorities," *Security and Human Rights* 21, no. 3 (2010), 220-232.

[62] David Galbreath and Joanne McEvoy, "European Organizations and Minority Rights in Europe: On Transforming the Securitization Dynamic," *Security Dialogue* 43, no. 3 (2012), 274, 281.

[63] Wolfgang Zellner, "Managing Change in Europe: Evaluating the OSCE and its Future Role: Competencies, Capabilities, and Missions," *CORE Working Paper* 13 (Hamburg: Center for OSCE Research, 2005), 13; see also Dunay, *The OSCE in Crisis*, 73.

Western narratives about the post-Cold War order. Rather than being recognized as "co-constitutor of this emerging system," since the early 1990s "Russia has complained of being excluded from the major decisions affecting it." Consequently, Russia "feels mis-recognized," driving a "cycle of miscommunication, generating frustration on all sides and restricting the scope for cooperation."[64]

During the 1970s and 1980s, the CSCE explicitly avoided establishing a democratization agenda, which the Western participating States recognized as a bridge too far for their Soviet counterparts. Instead, participants in the Helsinki dialogue process focused on promotion of human rights and other aspects of the "human dimension" of security, in an effort to build mutual trust and lay a foundation for a broader range of security cooperation activities.

In the current period of retrenchment in relations between NATO and the Russian Federation, it is essential for the OSCE to seek areas of common ground that can serve as a focal point for constructive engagement. A narrowing and deepening of the OSCE's mission, refocusing on the objectives of promoting human security in regions afflicted by conflict, might help rebuild the normative consensus between Eastern and Western participating States and increase the OSCE's operational effectiveness.

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[64] Alister Miskimmon and Ben O'Loughlin, "Russia's Narratives of Global Order: Great Power Legacies in a Polycentric World," *Politics and Governance* 5, no. 3 (2017), 114, 118.

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