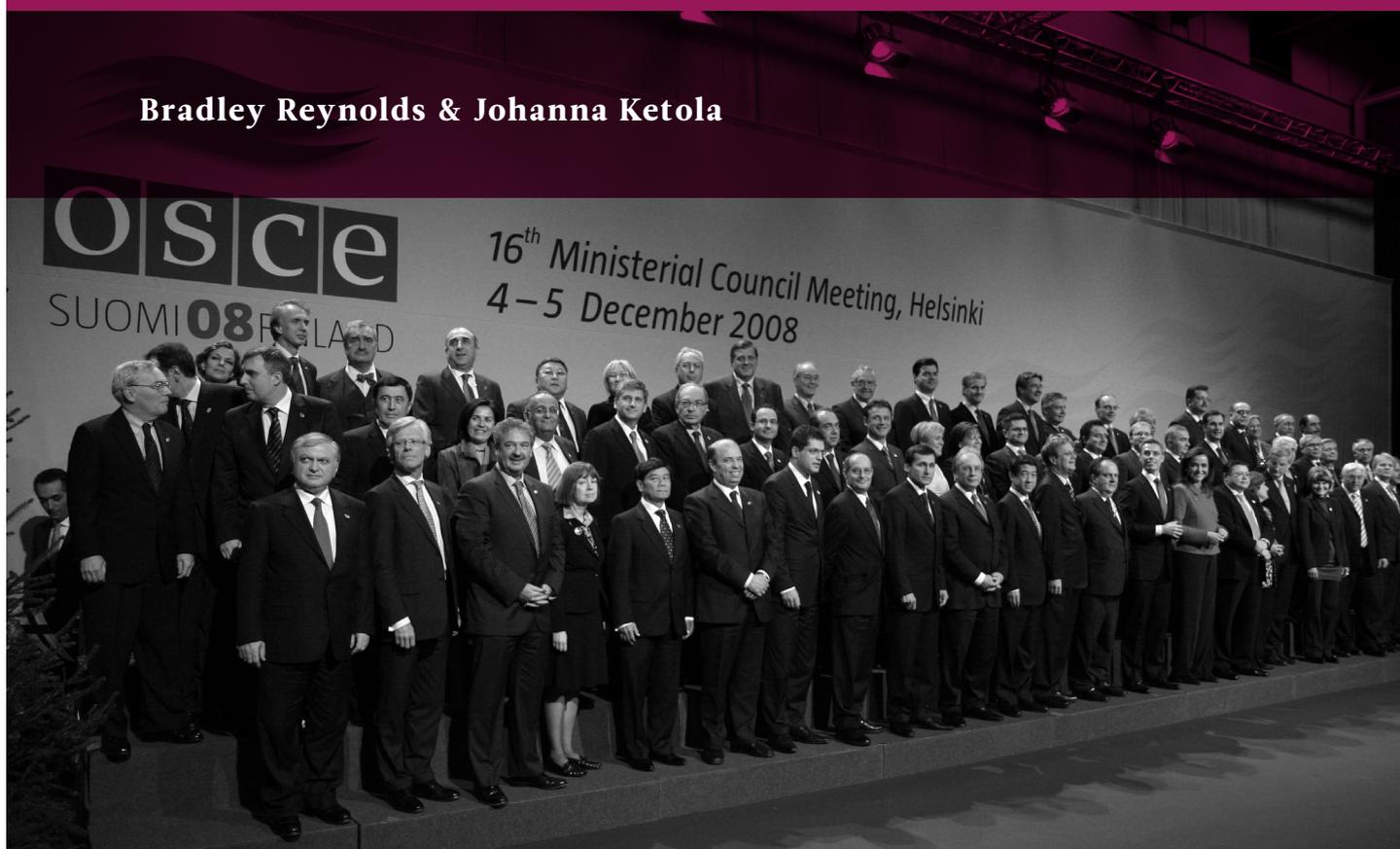


# THE OSCE AND A 21<sup>ST</sup> CENTURY SPIRIT OF HELSINKI

OPPORTUNITIES TO SHIFT SECURITY BACK TO THE PEOPLE

Bradley Reynolds & Johanna Ketola



## THE OSCE AND A 21<sup>ST</sup> CENTURY SPIRIT OF HELSINKI

### OPPORTUNITIES TO SHIFT SECURITY BACK TO THE PEOPLE

- A common understanding of the OSCE and the security it seeks to promote has been in decline since 2008. The war in Ukraine and renewed Russian invasion in February 2022 have led many to ask how to sustain the OSCE going forward.
- One consideration is to temporarily remodel the OSCE as a ‘consensus minus one’ organization to exclude Russia from decision-making. This would allow the institutional set-up and characteristics of a liberal world order institution to be maintained. Another perspective is the return to a Cold War conference model, which would facilitate dialogue with Russia and its allies despite Moscow’s active dismantling of the OSCE and its principles.
- The immediate future for the OSCE looks dim. Ahead of the 50th anniversary of the Helsinki Final Act in 2025 and in preparation for the Finnish OSCE Chairpersonship, this Briefing Paper argues that the perspectives of civil society may help retain a key tenet of the OSCE process and help reimagine a new Helsinki spirit.
- An expanded, interdimensional Moscow Mechanism may offer a via media between the two perspectives and continue to incorporate civil society perspectives into the operational work of the OSCE.



**BRADLEY REYNOLDS**

*Doctoral researcher  
University of Helsinki*



**JOHANNA KETOLA**

*Doctoral researcher  
University of Turku*

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# THE OSCE AND A 21<sup>ST</sup> CENTURY SPIRIT OF HELSINKI

## OPPORTUNITIES TO SHIFT SECURITY BACK TO THE PEOPLE

### INTRODUCTION – DEVELOPING PARAMETERS OF THE SPIRIT OF HELSINKI

Prior to the Russian reinvasion of Ukraine on 24 February 2022, a renewed debate was developing over what role the world's largest regional security organization – the OSCE (Organization for Security and Co-operation in Europe) – should play in ensuring Europe's common security.<sup>1</sup>

Finnish President Sauli Niinistö framed this debate as a revival of the Helsinki spirit and proposed a need for ongoing dialogue and trust-building. While he agreed that the OSCE could use the 50th anniversary of the 1975 Helsinki Summit to once again reform the OSCE, Niinistö was hesitant to commit Finland to the endeavour and set his sights on international dialogue.<sup>2</sup>

One of the main questions pertaining to the renewal of the spirit of Helsinki focused on how to make the reinvigorated process attractive to a variety of actors, including Russia and the US. Ideas vacillated from Arctic affairs to climate change and the inclusion of China in the talks. The Finnish initiative was taken up in numerous state-level visits. In parallel during 2021, Helsinki agreed to volunteer for the 2025 OSCE Chairpersonship in honour of the institution's 50th anniversary.

The developing parameters of this debate were quickly washed away by the Russian re-invasion of Ukraine. The political climate in Europe has changed inasmuch as any proposals for constructive dialogue on European security now seem to be notions of a distant past. Political focus is now on excluding Russia from international cooperation.

At the OSCE, diplomats are discussing the possibility of replacing the consensus rule with consensus minus one. The legacy of consensus remains an expression of the emphasis on state sovereignty and the principle of equality among OSCE participating States regardless of size.

At the core of the OSCE's current and existing malaise is the question of what the OSCE of today symbolizes. Already in 2007, it was pointed out that there was no agreement on norms of human rights and democracy. The OSCE was entering “a crisis of both political substance and moral legitimacy”.<sup>3</sup>

Russian proposals for renewed dialogue on European security in 2008–2009 gave a platform to OSCE states that wanted to push back against a perceived hegemony of Western human security values in the OSCE and paralleled a growing ‘post-liberal’ sentiment in the region.<sup>4</sup>

As a result of these developments over the past 15 years, the spirit of Helsinki is currently in limbo, and so is the organization. Moscow's arrant disdain for Ukraine's right to exist has led to OSCE delegations in Vienna to reassess the value of consensus. It is feared that the organization will soon become completely incapacitated and be left without a budget, field operations, and leadership.

In order to maintain the world's largest regional security organization, many parties agree that keeping Russia as a member is critical to maintain the possibility of dialogue, although it will compromise the operational capacity of the OSCE.<sup>5</sup> But this comes at a high price for civil society in the region, whose perspectives on security should be continuously incorporated into the discussion on European security. Ideally, this should be done by all existing OSCE institutions, especially through OSCE field missions. However, if this proves to be impossible, civil society voices should be strengthened through non-consensus-based tools such as the Moscow Mechanism.

This Briefing Paper looks at both the limitations on and possibilities for reviving the spirit of Helsinki ahead of the 50th anniversary and in preparation for Finland's rotating OSCE Chairpersonship during the same year. The analysis is based on interviews with civil society representatives who are familiar with

1 Frank Evers and Argyro Kartsonaki (eds.), ‘The Future of the OSCE: Government Views’, *OSCE Insights* 5/2021, Special Issue (Baden-Baden: Nomos, 2022), <https://doi.org/10.5771/9783748911456-05>; at the Budapest Summit of the CSCE in 1994, it was decided that the name would be changed from the Conference on Security and Co-operation in Europe (CSCE) to the Organization for Security and Co-operation in Europe (OSCE).

2 Sauli Niinistö, ‘It's Time to Revive the Helsinki Spirit’, *Foreign Policy*, 8 July, 2021, <https://foreignpolicy.com/2021/07/08/its-time-to-revive-the-helsinki-spirit/>.

3 Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, Institute for Peace Research and Security Policy at the University of Hamburg, Working Paper 17 (2007).

4 Richard Weitz, ‘The Rise and Fall of Medvedev's European Security Treaty’, *German Marshall Fund of the United States* (2012), <http://www.jstor.org/stable/resrep18640>; Philipp Lottholz, *Post-Liberal State building in Central Asia: Imaginaries, Discourses and Practices of Social Ordering* (Bristol: Bristol University Press, 2022).

5 Cornelius Friesendorf and Stefan Wolff (eds.), ‘Russia's War Against Ukraine: Implications for the Future of the OSCE’, *OSCE Network Perspectives* 1/2022 (OSCE Network of Think Tanks and Academic Institutions, 2022).



Former OSCE Chairman-in-Office, Finnish Foreign Minister Alexander Stubb, looks at a map of the region during a visit to Tbilisi, 21 August 2008.

Source: OSCE/ German Avagyan (CC BY-ND)

OSCE activities in Ukraine, the South Caucasus, and Central Asia. These were complemented by anonymous background discussions with diplomats. The paper concludes that while reviving the spirit of Helsinki has previously enjoyed limited success, it is time to reimagine what a 21st century Helsinki spirit might look like.

### THE SPIRIT OF HELSINKI – IMPLEMENTATION BY INSPIRATION

Over the past 50-plus years, Finland has been a key actor in shaping the Conference on Security and Co-operation in Europe (CSCE), the subsequent OSCE, as well as the spirit of Helsinki. Proposals for an all-European security conference initially surfaced in the 1950s as a Soviet initiative to solidify a post-World War II division of Europe. Introductory Soviet attempts were deferred as they were seen as disingenuous and for propaganda purposes. The Soviets then courted neutral countries, starting with Austria from 1966 to 1968 to propose a similar conference on their behalf, but were again rebuffed. Finland was next on Moscow's list. Unlike Austria, Helsinki saw proposing a European security conference as an opportunity to ease Soviet pressure on Finnish neutrality and

to deal with the pending question of recognition of the two German states.<sup>6</sup>

As the Cold War proceeded, the CSCE became an indispensable forum for Finland to expand its room for manoeuvre and to solidify its image as an independent actor in global affairs. It also allowed the spirit of Helsinki, which signified an adjustment of mutual interests among great powers and other states, as well as a commitment to the power of value politics and civil societies in promoting change, to solidify as a foundation for European security. Numerous Helsinki committees were established throughout Europe to help hold governments accountable for their human rights commitments outlined in the 1975 Helsinki Final Act. Scholars have sometimes referred to the impact of this increased civil society activism as 'the Helsinki effect'.<sup>7</sup>

In a post-Cold War environment, Finland continued its commitment to maintaining the CSCE as a significant forum for discussing European security. Helsinki hosted the 1992 CSCE Summit, which laid the groundwork for many of the institutional structures that the

<sup>6</sup> Thomas Fischer, "A Mustard Seed Grew into a Bushy Tree": The Finnish CSCE Initiative of 5 May 1969', *Cold War History*, 9:2 (2009), 177–201.

<sup>7</sup> Janne Taalas and Kari Möttölä, 'The Spirit of Helsinki 2.0 – The Finnish OSCE Chairmanship 2008', in IFSH (ed.), *OSCE Yearbook 2009* (Baden-Baden: Nomos, 2010), 319–332; Daniel Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton: Princeton University Press, 2001).

OSCE holds dear today. Finnish contributions to the CSCE, and then the OSCE in the 1990s were critical for establishing the idea of ‘comprehensive security’ that has come to define the OSCE as an institution rather than a Cold War conference.

In the 21st century, Finland’s previous Chairpersonship of the OSCE came at a pivotal moment, at what some might consider a visible starting point of irreversible post-Cold War security deterioration. The 2008 Finnish Chairpersonship was characterized by the War in Georgia as well as Russian President Dmitry Medvedev’s proposals for a new legally binding European security treaty. Finnish efforts to create a Helsinki spirit 2.0 seemed to be preoccupied with resurrecting the Helsinki spirit horizontally among state actors rather than vertically, incorporating civil society more broadly.

Subsequent attempts to resurrect a common purpose by invoking the spirit of Helsinki seldom live up to the legacy of the landmark 1975 conference on European security. Aside from the 2008 Finnish Chairpersonship, the 30th anniversary, 40th anniversary, and 2017 Austrian Chairpersonship all marshalled efforts to revive the spirit of Helsinki.

As part of the OSCE Helsinki +40 reform efforts in 2015, Finnish President Niinistö underscored that “the most urgent task is to end violence in Ukraine” and that if building mutual understanding fails, “we might see more anniversaries of mistrust than I care to predict”.<sup>8</sup> These words ring ominously true today.

Perhaps it is time not necessarily to call for the revival of the Helsinki spirit, but for a reimagining of what a 21st century Helsinki spirit might look like. In reimagining OSCE tools, it may be easier to accept that while the institution may be a minor player in European security politics, it still retains an important operational role in supporting civil society. These voices should not be treated as secondary or as external factors during deliberations on the future of the OSCE, but rather as an inherent part of the process.

## A SPIRIT OF HELSINKI ALL THE WAY DOWN

There are two levels in the spirit of Helsinki discussion that often coincide but sometimes conflict. One level can be highlighted by the Sakharov Foundation’s Reviving the Helsinki Spirit initiative, which focuses on

the spirit of Helsinki as a legacy of the various Helsinki human rights commissions that developed following 1975. On the high-politics level, there is President Niinistö’s initiative, which focuses on state-level dialogue, also grounded in a firm commitment to human rights principles.

These levels are accentuated due to the nature of the OSCE. For example, it is sometimes argued that the OSCE is not widely discussed beyond government circles. Russia’s blatant dismantling of the organization’s *acquis* again emphasizes this dynamic. In Vienna, it seems that the focus is on retaining Russia within the OSCE, but also on creating new enforcement mechanisms to preserve the institution’s values, threatens to marginalize civil society in discussions of renewal.

Similarly, discussions on the OSCE tend to attract the same familiar faces in academia, diplomacy, and even ‘professional’ civil society who circulate among OSCE missions and projects. To make the spirit of Helsinki something that is understood universally, rather than simply as an adage among the OSCE ‘family’, non-OSCE experts should be incorporated more openly into reform discussions.

Against the backdrop whereby civil society actors in the OSCE represent an underused potential,<sup>9</sup> the proposals presented in this paper attempt to connect the two levels of the Helsinki spirit. By emphasizing civil society voices and definitions of security, state-level dialogue can be more reflective, returning to the original idea of the CSCE, where security should be conceptualized in a wider context. Security of the state was intended to be inseparable from the safety of its citizens. What defines security should not be prescribed from Vienna without giving agency to the people whose security is at stake.

## VIEWS FROM THE GROUND

The perspective of civil society on the ground may help revive a truly comprehensive version of the OSCE as focus shifts to if and how to sustain the OSCE beyond 2022. It should be imperative for the promoters of and believers in comprehensive, human-centred security to ask about perceptions of security among the more than one billion inhabitants of the OSCE area.

Findings from interviews conducted for this paper suggest that a view of the OSCE from the perspectives of civil society representatives differs from that of the official level. The discussions also indicate a

<sup>8</sup> Presidential Administration of Finland, ‘Speech by President of the Republic of Finland Sauli Niinistö at the OSCE PA annual meeting in Helsinki on 6 July 2015’, STT, 6 July, 2015, <https://www.sttinfo.fi/tiedote/speech-by-president-of-the-republic-of-finland-sauli-niinisto-at-the-osce-pa-annual-meeting-in-helsinki-on-6-july-2015?publisherId=3981&releaseId=30390298>.

<sup>9</sup> Wolfgang Zellner, ‘Old and New Challenges for the OSCE’, in IFSH (ed.) *OSCE Yearbook 2016* (Baden-Baden: Nomos, 2017), 33–44.



Staff of OSCE Project Co-ordinator in Ukraine works with youth to raise their awareness of human rights, to inform about threats of trafficking in human beings and to build zero tolerance to domestic violence, Kyiv, 15 September 2010.

Source: OSCE (CC BY-ND)

discrepancy between the comprehensive security approach promoted on paper and that in practice.

Initial observations indicated that the comprehensive approach to security for local actors in these regions is not always recognized as being fully ‘comprehensive’ or transparent. The organization is chiefly associated with elections, and particularly with the Office for Democratic Institutions and Human Rights (ODIHR) election observation.

Ukrainian civil society actors highlighted that the OSCE brings added value to issues such as dialogue, transboundary cooperation on environmental issues, Roma and ethnic minority rights projects, and electoral integrity. There was also a strong feeling that the OSCE should do more to focus on the prevention of conflicts, even if this meant changing consensus principles. Despite the ongoing war, the interviewees seemed optimistic that the OSCE would survive and that it would have a role in post-war rehabilitation and reconstruction.

The OSCE was recognized as a distinctive security organization that has been able to help citizens in the OSCE region in tangible ways despite limited resources compared with much more significant financial donors such as the EU or the US. Ukrainian respondents also generally agreed that cooperation between civil society actors and the OSCE is running smoothly. Sometimes,

however, there were feelings that dialogue is pursued too early when it might be better to use other tools from the OSCE toolbox first. This was largely seen when not all parties are genuinely interested in dialogue as a means to a solution, thus taking unfair advantage of the OSCE mantra of dialogue as an end in itself.

Additionally, Ukrainian actors in general aligned themselves more with the idea that the OSCE should be an implementer organization that promotes the Helsinki principles as they are, rather than an organization that is open to dialogue with alternative value systems. This perspective is understandable and rethinking key tenets of the OSCE may be necessary if its membership contains belligerent nations, where one is actively utilizing rules and procedures to stifle its opponent.

As a rule, OSCE support for human rights is seen as indispensable, but some were concerned that the OSCE would simply become a second and weak Council of Europe. From the perspective of one Central Asian interviewee, human rights, fair elections, and development are what people want and need, but these projects are not always associated with ‘security’. In short, security evokes images of elite perceptions, such as ‘regime stability’, and is associated with male-dominated power structures such as the police and armed forces.

Furthermore, the baggage of the OSCE as the host of unsuccessful conflict settlement mechanisms was felt, especially in the South Caucasus. The perceived inability of the OSCE to resolve conflicts in the region strains and limits expectations. One interviewee in the Caucasus pointed out that in the former Soviet space, there is limited memory of what the CSCE accomplished during the Cold War. At the same time, interviewees recounted a history of the CSCE as fostering dialogue during the Cold War, recognizing that there is a need for such an actor once again. In the words of one expert, when Europe is sick and in need of a doctor, that is the role that the OSCE should play.

Respondents from Central Asia and the South Caucasus offered a reserved response to the Russian renewed use of force in Ukraine. While there was general aversion, the Russian invasion was not opposed as vehemently as it is on average in Europe. This is telling and a helpful starting point for a revived OSCE. Western leaders should consider that their certainty may only be regional and not universal. This is a key challenge going forward that needs to be addressed.

One of the constant complaints among civil society actors and experts interviewed for this project was that high politics in Vienna inhibits what the OSCE can really do. This seemed to create a general sense of apathy towards an OSCE of the future. It is important to remember that the 1975 Helsinki Final Act was not only a victory for inter-state diplomacy but also a motivating force for dissidents and human rights defenders from Vancouver to Vladivostok.

## **THE MOSCOW MECHANISM AS A COMPREHENSIVE SECURITY TOOL**

Within the wider context of considering new mechanisms to hold Moscow accountable for its disregard of numerous international agreements, delegations in Vienna are considering ways to develop a stronger consensus minus one rule for the OSCE.

In a similar but conciliatory spirit, this paper proposes a multilevel approach via expanding the existing Moscow Mechanism. This could effectively be developed by utilizing the mechanism more often, thus setting a precedent, rather than building a consensus.

The Moscow Mechanism (MM) is in effect a fact-finding mission to address blatant human rights violations, which requires support from only 10 OSCE participating States to be invoked. The mission is led by at least one expert, and three at most, from a

pre-existing roster created by participating States. After either in-country or distance research is undertaken, a formal report on the issues inquired upon is submitted to the OSCE Permanent Council. There are no requirements for follow-up, but MM report recommendations can be addressed to the OSCE, the country in question, or the international community.

The MM, while invoked by delegations in Vienna, has a strong precedent of incorporating civil society voices. It is a tool that has been previously activated at the lobbying of civil society organizations. Previous rapporteurs' MM methodologies have largely relied on local and international civil society testimonials to compile recommendations for further action.<sup>10</sup> Previous MM reports motivated action from international NGOs in cooperation with OSCE participating States to devise creative implementation mechanisms, as was the case in response to the 2020 (Belarus) and 2022 (Ukraine) MM reports.

MM reports also have analytical value for cataloguing international efforts on a given issue. The 2022 MM report, in addition to investigating and documenting potential war crimes in Ukraine, also offered an effective overview of all international efforts to date responsible for investigating and documenting international humanitarian law violations in the war.

Recommendations to increase the use of the Moscow Mechanism are not new. However, existing recommendations propose expanding its use to save the human dimension. Due to the OSCE's comprehensive, inter- and cross-dimensional approach to security, the Moscow Mechanism could be creatively applied to issues in the politico-military and environmental and economic spheres, which inevitably have an impact on human rights and human security. While this may be difficult for politico-military issues, it may be more feasible for dealing with economic and environmental issues, which governments such as Russia and Kazakhstan previously highlighted as a potential issue area for building confidence and reducing tension in the region.<sup>11</sup>

This interdimensional use of the Moscow Mechanism on a more consistent basis could be an appropriate response to Russian vetoes on existing mandates of the OSCE Special Monitoring Mission and OSCE Project Co-ordinator in Ukraine. While a strengthened MM

<sup>10</sup> Wolfgang Benedek, 'The Use of the OSCE Moscow Mechanism and its Potential', Graz Law, Working Paper Series Working Paper No 22-2021.

<sup>11</sup> Harry Hummel, 'How to Rescue the OSCE Human Dimension', Security and Human Rights Monitor, 4 October 2021, <https://www.shrmonitor.org/how-to-rescue-the-osce-human-dimension/>; Frank Evers and Argyro Kartsonaki (eds.), 'The Future of the OSCE: Government Views', OSCE Insights 5/2021, Special Issue (Baden-Baden: Nomos, 2022), <https://doi.org/10.5771/9783748911456-05>.

cannot replace these missions, it could offer a uniform procedure with robust civil society participation for publishing a formal report on specific issues to which the OSCE has brought added value.

For example, in Ukraine NGOs have been doing extensive work to document environmental destruction for future legal action and reconstruction plans. There are complaints that there may be future struggles with the Ukrainian legislator, which recently decided to stop requiring environmental impact assessments. This could cause difficulties in fostering a post-war green recovery.

An OSCE Moscow Mechanism report could catalogue both the political-regulatory and structural developments during the war, and publish a report to organize discussion between government, civil society, and international actors on an environmentally conscientious reconstruction of Ukraine. Similar reports in cooperation with NGOs were previously under the purview of the OSCE Project Co-ordinator in Ukraine. A 2017 report outlined the environmental situation in the Donetsk and Luhansk regions and offered extensive recommendations and an overview of existing environmental projects. The need for ongoing ecological monitoring was a primary conclusion. With the closure of the OSCE Project Co-ordinator in Ukraine, an MM analytical report could assess the environmental impact of the ongoing war across Ukraine and build on this previous OSCE-civil society cooperation.<sup>12</sup>

## CONCLUSIONS

The OSCE may be going through an existential crisis with the Russian reinvasion of Ukraine. This, however, might offer an opportunity to reassess perceptions of security across the OSCE region and refocus on the people that the OSCE claims to provide security for, rather than the elite projects that are fought over in Vienna. Daring to

change might be needed to break the mould of conflict that mutual actions have fashioned for the 21st century.

Focusing on security perceptions on the ground rather than on what capitals define as security perceptions for the region may help the OSCE find its added value in a new international security environment. Focusing more on the process than any obvious outcomes would resemble the original Helsinki process of the 1970s where the dialogue on European security was open-ended. Implementation of values would still be an intended outcome, but accepting that the OSCE is only one facet in a larger ecosystem of international organizations and donors may help sidestep administrative battles over implementation.

When possible, conducting these discussions in the region rather than in the old Europe may also change the conversation dynamic by bringing a security dialogue closer to the people. It may also make the OSCE a more transparent and accessible organization outside the small 'professional civil society' that commonly works with OSCE initiatives.

Exploring the needs, desires, and hopes among the populations in the OSCE region in a more systematic and meaningful manner would be in line with the comprehensive security approach enshrined in the OSCE acquis. If successful, the outcomes could provide ideas on how to steer the OSCE towards a new era.

The OSCE is a recognized quality standard for election observation and fact-finding missions. A strengthened MM, by means of precedent and application, would build on this reputation in calling attention to issues that might go unaddressed by other international donors or organizations.

OSCE advocates have been slow to change the organization's premises in the hope of cooperation eventually returning. It is true that one day security and cooperation in Europe will have to be rebuilt. 2022 should leave no doubt that the OSCE should be utilized and equipped with new tools for a new era. Tools that can revive trust in the OSCE as a process that will support people's voices as they advocate their own security every day. /

<sup>12</sup> Kajsa Pira, 'Planning for a Green Recovery', Ekodiya, 11 June, 2022, [en.ecoaction.org.ua/planning-for-a-green-recovery.html](https://en.ecoaction.org.ua/planning-for-a-green-recovery.html); OSCE, *Environmental Assessment and Recovery Priorities for Eastern Ukraine* (Kyiv: Vaite, 2017).