

EXPERTISE



In Troubled Waters: The OSCE in Times of War



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The core idea of the CSCE, to achieve security in Europe through confidence-building and cooperation among all States, has been shaken. Russia is waging war against Ukraine and sees itself in conflict with the “collective West”. The OSCE and its contractual foundations have been weakened, trust has been lost and work processes have been disrupted. It is unclear what will happen next. So far, however, no participating State has questioned the existence of the organization. The OSCE has unique forums and instruments with which it can continue to work. It must prepare for the day when it can once again play a role in European security policy and conflict mediation.

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The Organization for Security and Co-operation in Europe (OSCE) was founded in its basic form in 1975 with the Helsinki Final Act and the Conference of Heads of State or Government as the CSCE.

Shortly before the 50th anniversary of its founding, the foundations of the CSCE are fragile. The principles on which the signatories agreed in the Final Act and which still apply to the 57 participating States today have been de facto abrogated by Russia with its war of aggression against Ukraine and by Belarus with its support for the invasion. The Final Act states:

The participating States will respect each other's sovereign equality and individuality and all rights inherent in and encompassed by their sovereignty, including in particular the right of each State to juridical equality, to territorial integrity and to freedom and political independence. They will also respect each other's right freely to choose and develop its political, social, economic and cultural system and its right to determine its laws and regulations. (Helsinki Final Act, 01.08.1975, p. 4)

The basis of any cooperation, trust and adherence to common standards no longer exists between Russia and most OSCE States. Russia's war has now thrown Europe back to its pre-1973 status in terms of security, confidence-building and peace, when the first negotiations on security and cooperation in Europe began.

The CSCE was conceived, developed and expanded to strengthen security and cooperation in Europe between the hostile blocs, the communist and the liberal world, between East and West: 35 States, including the Soviet Union and the US, signed the Helsinki Final Act on August 1, 1975, committing themselves to respect and implement ten principles: 1. sovereign equality, respect for the rights inherent in sovereignty, 2. refraining from the threat or use of force, 3. inviolability of frontiers, 4. territorial integrity of States, 5. peaceful settlement of disputes, 6. non-interference in internal affairs, 7. respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief, 8. equal rights and self-determination of peoples, 9. cooperation among States, 10. fulfillment in good faith of obligations under international law. (Helsinki Final Act, 01.08.1975).

They undertook to implement these principles in the three areas (called baskets in the CSCE's jargon) of security, economy and environment, as well as human rights and humanitarian issues. For the communist states of Eastern Europe, the Final Act brought recognition of their state sovereignty and the guarantee of their borders, while the Western states saw the greatest significance of the document in the strengthening of human rights. Following the collapse of the communist regimes in Central and Eastern Europe in 1989, the CSCE States met in November 1990 and adopted the Charter of Paris for a New Europe. The emphatic tone reflected the hopes associated with overcoming the East-West conflict:

Europe is liberating itself from the legacy of the past. The courage of men and women, the strength of the will of the

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peoples and the power of the ideas of the Helsinki Final Act have opened a new era of democracy, peace and unity in Europe. Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries. (Charter of Paris for a New Europe. Paris 19-21.11.1990)

Following the dissolution of the Soviet Union, Yugoslavia and Czechoslovakia, a total of 22 new States joined the CSCE. Russia replaced the Soviet Union as the legal successor. In December 1994, the Budapest summit decided to transform the CSCE into an organization. It began its work on January 1, 2015. Today, the OSCE has around 2,200 employees, 1,600 of whom work in the twelve field missions in Eastern Europe, the South Caucasus, the Western Balkans and Central Asia. The annual budget amounts to around 140 million EUR. In addition, there are around 40 million EUR in special funds from voluntary contributions by individual participating States. In addition to the Secretariat in Vienna, there are three independent OSCE institutions: the High Commissioner on National Minorities (HCNM), the Representative on Freedom of the Media (RFOM) and the Office for Democratic Institutions and Human Rights (ODIHR). While the High Commissioner on National Minorities works more in the background and with quiet diplomacy for the rights and protection of minorities in the participating States, the Representative on Freedom of the Media works more publicly to promote media freedom and the protection of journalists in the OSCE area. The largest institution is the Office for Democratic Institutions and Human Rights (ODIHR) with around 150 employees. It monitors the protection of human rights in the 57 States, supports democracy-oriented civil society and is responsible for observing elections and assessing whether the electoral process is free, equal and fair. The work of the ODIHR in particular has made the OSCE known to a wider public.

Despite the constant violation of principles that Russia is committing through its war in Ukraine, at first glance nothing has changed in the way the OSCE works or its composition. Unlike the Council of Europe and the UN Human Rights Council, there is no provision for the suspension or expulsion of a participating State. There are no effective sanction mechanisms. The Permanent Council composed of 57 ambassadors meets every Thursday; the Forum for Security Cooperation, various working groups and subcommittees as well as the foreign ministers meet once a year, most recently in Skopje in November 2023. The OSCE's decisions are based on consensus. An attempt to exclude Russia or Belarus by abolishing the consensus rule would probably not only fail due to the veto of other States, but would also put the OSCE to the test (Only in 1992 the exclusion of Yugoslavia (Serbia and Montenegro) was decided by "consensus minus one". It is highly controversial whether a consensus minus two (for Belarus and Russia) would be feasible and useful.)

Unlike the Council of Europe and the UN Human Rights Council, there is no provision for the suspension or expulsion of a participating State. There are no effective sanction mechanisms.

Since the annexation of Crimea and the unleashing of the war in Donbass, the work of the OSCE has been overshadowed by Russia's aggression against Ukraine. Statements by the States are repeated on a weekly basis, there is no longer any real dialogue at the political level and there is silence in some forums. At the Ministerial Council meeting in Skopje, the Ukrainian and the three Baltic ministers refused to attend due to the presence of Russian Foreign Minister Sergei Lavrov. US Secretary of State Antony Blinken left before the official opening. And in early 2024, Russia threatened to [stop sending delegates](#) to the OSCE Parliamentary Assembly, which repeatedly condemned Russia's war of aggression by a large majority. A corresponding decision by the State Duma was initially postponed, allegedly out of consideration for the interests of allied states from Central Asia. On July 3, 2024, the Duma and the Federation Council finally decided to [withdraw the Russian delegates](#) from the OSCE Parliamentary Assembly after they were repeatedly denied entry.

Dissolution of the holistic concept of security

The comprehensive concept of security on which the OSCE is based emerges from the three baskets of the CSCE Final Act: it has a politico-military dimension, an economic and environmental dimension and a human dimension. These three dimensions are to be interlinked in the OSCE's work. This approach only works in part, as the individual dimensions no longer function per se and it is therefore no longer possible to link them. The foundations of the politico-military dimension, which consist primarily of agreements on arms control and confidence-building measures, transparency and the exchange of information, de facto no longer exist.

Russia suspended the Conventional Armed Forces in Europe Treaty (CFE), which limited the number of heavy conventional weapons systems in Europe, in 2007 and the NATO states followed suit in 2011. Russia terminated the Treaty at the end of 2023. At the end of 2020, under President Donald Trump, the US withdrew from the Open Skies Treaty, which governed joint inspection flights over national territories. Russia's withdrawal followed in 2021. With the start of the war of aggression against Ukraine on February 24, 2022, Russia also suspended confidence-building measures such as the inspection and verification visits of land forces provided for in the Vienna Document on Confidence-Building Measures, as well as the agreed Annual Exchange of Military Information (AEMI), as agreed in the CSCE's Final Act.

Despite intensive negotiations, the participating States have been [unable to agree](#) on the modernization and adaptation of existing arms control instruments and their expansion, for example to include new technologies, for years. The Structured Dialogue for Information Exchange and Confidence Building introduced under the German OSCE Chairmanship in 2016 to minimize the risks of an unwanted military escalation made only slow progress and came to a complete standstill with Russia's invasion.

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There is also an OSCE Special Representative for Combating Human Trafficking. The States that are often skeptical of each other in the OSCE have a great interest in solving these concrete and pragmatic issues: Western states, for example, are supporting the five Central Asian states in border demarcation and the Western Balkans states in profiling passenger data in air traffic and in the cross-border introduction of new investigation procedures to combat human trafficking.

This concrete but very limited cooperation between the participating States also exists in the second dimension of economy and environment. This involves economic connectivity, such as the removal of trade barriers, the harmonization of environmental standards, the fight against climate change or at least adaptation to its consequences. These topics are rather uncontroversial and in the interest of all OSCE States. At the 2021 Ministerial Council meeting in Stockholm, the 57 participating States were able to agree on a declaration on climate change with rare unanimity. They tasked the OSCE Secretariat with developing corresponding activities and cooperation.

The Office of the Coordinator of OSCE Economic and Environmental Activities (OCEEA) is part of the Secretariat and works together with the field offices on issues such as good governance, combating corruption, money laundering and the financing of terrorism, facilitating transport, trade and border crossings, and labor migration. This second dimension has so far played a rather subordinate role: only 3.5 percent of the OSCE budget is used for activities in this area. The third dimension is in a similarly poor state as the politico-military dimension. Some participating States have long since abandoned the consensus on democracy, free elections and the rule of law, as laid down in the [Charter of Paris](#). It says:

Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

It is not only the political situation in Belarus or Russia that is in open contradiction to this voluntary commitment. The governments torpedo every effort by the OSCE in the areas of democracy promotion, rule of law, human rights, civil society and freedom of the press. Turkmenistan, Kyrgyzstan, Azerbaijan and Turkey also regularly prevent decisions to strengthen civil society and human rights and obstruct the work of the High Commissioner on National Minorities, the Representative on Freedom of the Media and the Office for Democratic Institutions and Human Rights.

The conviction of 1990 that all OSCE States are moving towards democracy and the rule of law is no longer a consensus. For years, the Ministerial Council has been unable to make any groundbreaking decisions in this area.

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The two-week annual meeting in the third dimension, the Human Dimension Implementation Meeting (HDIM), which is intended to bring together civil society and representatives of all OSCE States, could also no longer take place as an official OSCE event from 2022. Russia has repeatedly refused to give its consent, thereby blocking funding from the OSCE budget. Since then, the annual meeting has had to be held as an event of the State holding the OSCE Chairmanship. It is financed from its budget and by voluntary contributions from other member States. Official representatives of Russia, Belarus, Turkmenistan and Kyrgyzstan no longer participate in the annual meetings and accompanying events attended by hundreds of civil society representatives. They thus evade critical dialogue and are no longer accountable to their own citizens. Western OSCE States also have to face criticism from civil society at these meetings, such as the US over the death penalty or other states over disproportionate police violence.

Russia and other countries have been strongly criticizing the election observation by the ODIHR for years. Originally, election observation was intended to safeguard and confirm fair and free elections. Today, autocratic states describe international election observation as harassment and interference in their “internal affairs”. The [ODIHR's methodology](#), which has been developed over the years, is regarded worldwide as the gold standard for elections observation at the local, regional and national level, even though the OSCE observers are only active in the OSCE area. Russia and Belarus [accuse the ODIHR](#) of applying double standards and have not invited the ODIHR since 2021 or they issue the invitations so late that a mission of several hundred short-term observers becomes impossible.

Weakness and impotence in conflict resolution

The [Charter of Paris](#) decided to establish a Conflict Prevention Center in the OSCE Secretariat in Vienna to “assist the Council in reducing the risk of conflict”. The conflict cycle of early warning, conflict prevention, crisis management and post-conflict rehabilitation was developed on the basis of the OSCE’s comprehensive concept of security. The Conflict Prevention Center is intended to provide analytical and operational support to the OSCE Chairmanship, the missions, the bodies and the various negotiation formats in all conceivable areas.

Regional conflicts that the OSCE has been or is involved in regulating, for example through negotiations, include the Geneva talks on the conflict over South Ossetia and Abkhazia, the 5+2 negotiations on the Transnistria conflict, the Minsk Group negotiations on the conflict over Nagorno-Karabakh and, from 2014-2022, the conflict “in and around Ukraine”, as it is known in the OSCE parlance. In the so-called frozen and protracted conflicts in Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh, the OSCE played primarily a management role. It attempted to implement the [political decisions and agreements of the conflict parties](#) in a very fragile environment, defuse controversies, promote solutions and facilitate pragmatic understanding on site. The conclusion after decades of mediation by the OSCE is sobering. There has been no significant political progress or measurable improvements

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in any of the conflicts. In fact, the opposite is true. The conflict between Armenia and Azerbaijan escalated into war several times; in September 2023, after another war, Azerbaijan occupied [Nagorno-Karabakh](#) displacing over 120,000 Armenians.

Efforts to resolve the ethno-territorial conflicts in Georgia have come to a standstill. In Transnistria, where the international community had long considered solutions to be promising due to the relations between the conflicting parties, the 5+2 talks are no longer feasible since Russia became a party to the war in Ukraine. Even the direct line between Tiraspol and Chisinau, which still functioned in the 1+1 format and was accompanied by the OSCE, is on the verge of collapse following the Tiraspol regional parliament's staged [request for help from Moscow](#).

In all conflicts, the OSCE has gradually lost its role as a mediator and has been replaced by the EU as an actor and observer on site, mostly in response to the blockade by those OSCE members that are also parties to the conflict: The EU has its own missions in Georgia (EUMM since 2008), Armenia (EUMA since 2023) and Moldova (EUPM since 2023) as well as its own Special Representative for the South Caucasus. Since the EU has offered Moldova and Georgia the prospect of opening accession negotiations, the EU has become particularly attractive to these partner states, while the OSCE's reputation has declined.

The fact that the OSCE has lost its role as a mediator and conflicts have escalated again can only be partially attributed to the organization. The more or less strong personal commitment and the activities of the respective Special Representative have a strong influence, as do the political interests and capabilities of the respective OSCE Chairmanship. However, the OSCE is only partially suited to resolving conflicts: In the absence of political will on the part of the conflicting parties or pressure from an influential third country, the OSCE can only manage the conflict and achieve improvements and relief, for example for the local population, at a low level. This is where the organization's added value lies.

Ukraine is a special case. On the one hand, these restrictions also applied to efforts to defuse this acute conflict. Following the outbreak of the conflict in Donbas in spring 2014, which was initiated by Russia, the Trilateral Contact Group met for the first time in June 2014 under the leadership of Heidi Tagliavini, Special Representative of the OSCE Chairperson-in-Office in Ukraine. The format consisted of representatives of Russia, Ukraine and the OSCE was agreed following an informal meeting of the heads of state and government in Normandy. Germany and France had played a mediating role there.

Until February 2022, the OSCE Chairmanship appointed four Special Representatives, who also chaired the Trilateral Contact Group and worked with the four coordinators of the Security, Political, Humanitarian and Economic Working Groups on the implementation of the Minsk Agreements. They had great difficulty in achieving substantial results. All too often, both sides, Ukraine and Russia, as well as the representatives of the so-called "People's Republics" in their wake, lacked the will to make even small economic or humanitarian improvements for the population on the ceasefire

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line, the so-called “contact line”, or to seriously address the exchange of prisoners. In addition, the Normandy format political negotiations between Russia and Ukraine, mediated by Germany and France, on the implementation of the Minsk Agreements stalled at the level of the presidents and their advisors, over which the OSCE had little influence.

Nevertheless, the OSCE managed to establish a comprehensive and relatively large Special Monitoring Mission (SMM) in Ukraine during the acute conflict. It began its activities in April 2014 and was tasked with monitoring the situation throughout Ukraine, including the occupied Donbas region (Russia did not accept the annexed Crimea as part of the Mission’s mandate and denied the Special Monitoring Mission any access), and reporting to the Permanent Council and the OSCE Chairmanship on an ongoing basis. Almost 1,400 people worked temporarily in the mission, including almost 700 international observers from 45 countries, including Russia. [The Mission](#) had its own budget of around 110 million EUR, in addition to the regular OSCE budget. In addition, there was a small OSCE mission on the border between Russia and Ukraine near Gukovo and Donetsk with a dozen international observers, as well as the regular OSCE Project Office in Kiev, which was primarily intended to support reform projects in the areas of democracy, rule of law and social cohesion.

With the establishment of the Special Monitoring Mission and its steadily growing staff and technical equipment, the OSCE succeeded in creating an instrument on site and, as a mediator in the Ukraine-Russia conflict, in gaining a special position compared to other international organizations such as the UN. Nevertheless, the Special Monitoring Mission was constantly exposed to obstructions and physical attacks on technology and personnel, particularly from the separatists. All parties to the conflict repeatedly questioned the Mission’s reports. They accused it of bias, blindness or inaction.

Originally, the Special Monitoring Mission was primarily intended to observe and publicly report on the growing tensions in Donbass following Russia’s occupation of Crimea. However, the Mission was overwhelmed by the fighting in spring 2014. It was suddenly the only permanent international representation in the combat zone. The civilian, unarmed and only lightly protected observer mission, which was launched in April 2014, before the outbreak of fighting in Donbass, was confronted with a heated conflict and, according to the Minsk Agreements of September 2014 and February 2015, was also supposed to perform military tasks. For example, it was to carry out verifications on both sides of the contact line, monitor the withdrawal of heavy weapons and document compliance with the ceasefire and any violations of it. The OSCE and the Mission found it difficult to adapt to this new range of tasks. The OSCE was not prepared to settle an armed conflict: The Mission’s structures were not designed for this, military expertise was lacking, and there was no clear division of responsibilities between the Mission, the Secretariat and the Conflict Prevention Center in Vienna. The annually rotating OSCE Chairmanship, which is supposed to assume political control, all too often had neither the capacity nor the willingness to assume responsibility, so that operational decisions were made solely by the Head of Mission in Kiev. It is remarkable that during the seven-year presence of the Special Monitoring Mission in

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the Donbas and on the line of contact, there was only one serious mine accident resulting in one death and two injuries – despite the massive security risks to which the Mission was exposed and the hasty withdrawal of the Special Monitoring Mission in the first days of the war in 2022.

Following the attack on Ukraine on February 24, 2022, Russia refused to extend the mandate for the Special Monitoring Mission. It therefore expired on March 31, 2022. By this time, the Mission had already been evacuated from Ukraine. Russia had already allowed the mandate of the Border Mission to expire six months earlier. The Project Office had to close on June 30, 2022. This meant that there were no longer any official OSCE observers on site. Shortly after the withdrawal of the Special Monitoring Mission in Donbass region, which was under the control of the de facto authorities of the “Donetsk People’s Republic”, three local members of the Mission were arrested on a pretext in April 2022. They have been in captivity ever since. Russia refuses to release these members of an official OSCE Mission who had been working on site with Russia’s consent. Efforts by the Secretary General and the OSCE Chairmanship to secure their release have so far been unsuccessful.

Administrative and institutional paralysis

By vetoing the extension of the OSCE presence in Ukraine, Russia has demonstrated that it is prepared to harm the organization and limit its scope for action. As the OSCE’s consensus rule de facto gives each participating State a veto right, any State can prevent important decisions on the activities and internal administration of the OSCE or use them as a bargaining chip to advance its own interests. Other states, such as Armenia and Azerbaijan, have also made use of this de facto right of veto to obstruct the other party to the conflict. For example, Azerbaijan ensured that the OSCE Program Office in Armenia had to be closed at the end of 2016. Russia prevented any official condemnation of its own war against Ukraine and further OSCE’s measures. Russia also indirectly threatened to close further missions and took this step de facto in the case of the OSCE Mission in Moldova, which is primarily intended to work on resolving the Transnistria conflict: Due to Russia’s objection, the Mission was extended for only six months, although the extension is usually one year.

Russia blocked Estonia’s taking over of the 2024 OSCE Chairmanship. It was only shortly before the Ministerial Council in Skopje that a non-NATO State, Malta, was found to take over the Chairmanship. Normally, the chair is elected unanimously at least one year in advance. Finland will take over the Chairmanship in 2025. The Finns’ goal of using the 50th anniversary of the signing of the Helsinki Final Act to initiate a renewal of the OSCE in Helsinki and hold a Summit of Heads of State and Government is unlikely to come to fruition in the foreseeable future: In response to Russia’s war of aggression and because of its own security interests, Finland has joined NATO. Finland’s president sees no possibility for a direct dialogue with Russia.²³ This would further paralyze the OSCE.

In contrast to the EU, the OSCE Chairmanship has a strong role to play. It assumes political control of the organization for twelve months

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and is involved in many operational decisions of the Secretariat and the missions and can strongly influence their working methods and priorities. In times of crisis, it is therefore also important to have a chair with strong leadership and appropriate capacities, which at the same time relies on the expertise of OSCE staff and not just on its own Foreign Ministry, which as experience has shown only deploys additional officials for the duration of the Chairmanship who are often unfamiliar with the internal processes of the OSCE. It is also up to the country holding the Chairmanship to decide how strongly it will exercise its role as mediator between the 57 States and also approach difficult states such as Russia and Belarus. When Poland held the OSCE Chairmanship in 2022, it virtually ceased contact with the two states, making informal agreements within the OSCE difficult or impossible.

Together with the current Chairmanship, the previous and future Chairmanships form the troika, which is intended to ensure the exchange of information. The previous Chairmanship is responsible for the Asian partners Afghanistan, Australia, Japan, South Korea and Thailand, while the future Chairmanship is responsible for the Mediterranean countries Algeria, Egypt, Israel, Jordan, Morocco and Tunisia, with whom regular meetings are held. These states also participate in the Ministerial Council as observers. Russia also prevented the extension of the four top OSCE positions until the Ministerial Council meeting in November 2023 and then only agreed to a nine-month extension as a package. In addition to the German Secretary General Helga Schmid, this concerns the High Commissioner on National Minorities, the Representative on Freedom of the Media and the Head of the Office for Democratic Institutions and Human Rights. It is now up to the Maltese Chairmanship to work behind the scenes until September 2024 to find a consensus-based package solution for the appointment of these four positions in order to ensure the smooth functioning and interaction of the four institutions and to prevent the OSCE from sliding into even more difficult waters. Given the current political climate, this task is like squaring the circle. Since 2022, the adoption of the budget has also failed due to Russia's resistance. The OSCE has been operating on a provisional budget for three years. In previous years, there was zero growth. In fact, the budget is continuously shrinking, which further restricts the capacity to act and the flexibility of all institutions. To make matters worse, Russia has also refused to pay its share of the OSCE's annual budget of around 8.4 million EUR since 2022.

In addition to these serious difficulties with regard to the budget, top positions and the Chairmanship, the organization has been plagued by problems concerning its internal structure for years. One area of conflict is the contributions. National contributions are based on the gross domestic product. The scale of contribution was established in 2005. The contributions of the large Western countries to the overall budget are relatively high at 10 to 14 percent, while the contributions of the Eastern countries are relatively low, although the economic power of these countries has increased considerably. France and the US have long been calling for a fundamental [reform of the contributions](#).

The costs of the OSCE are moderate compared to an international organization such as the UN, and the contributions of the participating States are relatively low. Germany's [compulsory annual contribution](#)

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amounts to around ten million EUR, and another seven million EUR are voluntary payments. By comparison, Germany annually contributes around 212 million US dollars into the UN budget.

The organization's lack of legal status remains a serious structural problem. The OSCE has no status under international law like the United Nations, but is a political organization; it lacks a founding treaty that is binding under international law as a fixed legal framework. The OSCE can therefore only make political decisions. However, these are not legally binding. This special legal status has considerable consequences for the OSCE and its staff: Without a legal personality anchored in international law, there are no uniformly guaranteed privileges and immunities. The status of the OSCE and its staff therefore depends on the regulations enacted in the individual participating States or agreed with the OSCE. The OSCE therefore operates within a [legal patchwork](#).

There are also limitations in terms of personnel, since only a good third of the 2,200 staff members are employed by the OSCE itself. Two thirds of the posts are filled by staff seconded by national ministries or corresponding institutions. The rotation and fluctuation among these so-called "secondees" is high. On the one hand, the practice of secondment, the security of the seconded staff and the financial remuneration varies greatly from country to country and is more or less attractive. Secondly, the duration of employment in the OSCE is limited to a maximum of ten years. This means that the OSCE is not a career organization and is not attractive enough for many international experts in the long run. Despite having its own selection process, the OSCE is heavily dependent on the quality of those seconded by the States. The necessary balance of the national origins of secondees also imposes constraints on the organization when filling higher-ranking positions.

Waiting for better times – and what the OSCE is currently unable to do

The OSCE is not in a position to fulfill the conditions for its preservation, i.e. the implementation of the principles on which it is based. As long as the participating States do not agree on a new binding foundation for their cooperation, the organization will remain on the sidelines. There is nothing to suggest that Russia will stop its war in Ukraine in the foreseeable future. Until then, an agreement with Russia on the European security architecture in Europe is hardly possible. A ceasefire of any kind would hardly change anything. The trust of almost all OSCE participants in Russia has been permanently destroyed.

It is also not foreseeable that the OSCE could play a role in negotiations on ending the war – under whatever conditions – as negotiations are more likely to take place at intergovernmental level. Moreover, the OSCE Chairmanship would have a key role to play. However, Malta is hardly in a position to initiate and drive forward negotiations. Russia is also unlikely to allow Finland, a new NATO member and an upcoming chair, to play the role of mediator and host.

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Nevertheless, the OSCE remains one of the few forums in which the Western states and Russia can engage in dialogue about their relationship. The OSCE was once created for this exchange on issues relating to the security of states and people in difficult times. For the time being, it is important to maintain existing formats such as the Permanent Council and the Forum for Security Co-operation, even if meetings there are now highly ritualized and there is no longer any real dialogue. But informal channels are also important and must be protected in order to be prepared for Day X and to be able to talk to even the most difficult partners again. The OSCE is not only valuable because it potentially enables dialogue with Russia and Belarus. The states of Central Asia, the Western Balkans and the US are also important regional cornerstones. Agreements and consultations among these states or like-minded states are important in order to coordinate and prepare political decisions and to use the established channels between partners for diplomatic exchanges, even if the necessary consensus is a long way off. Today, there is no participating State, neither Russia nor Ukraine, that generally questions the continued existence of the OSCE.

The OSCE administration needs to prepare itself. It should draw lessons from the valuable experience of the Special Monitoring Mission, from the extensive use of technology for monitoring or from the previously inadequate management structures, should the OSCE one day be asked to establish a new mission. The OSCE should then be in a position to set up a more robust, militarily protected mission in order to be present even in a hot conflict. Plans have already been made in the context of the Nagorno-Karabakh conflict. The main focus is on self-protection. The missions should be equipped with protective gear and armored vehicles and the personnel should consist of military personnel instead of civilians, so that the OSCE missions can also operate in a buffer zone. Previous experience with the Special Monitoring Mission has shown that the necessary structures, procedures and internal guidelines do not yet exist within the OSCE.

Major structural reforms of the organization will remain impossible for the foreseeable future as long as the participating States are unable to agree on the basis of their cooperation and Russia is unwilling to live up to its commitments. Until then, the structures and expertise, for example on conventional arms control, should be preserved. Some observers are already singing the swan song for the OSCE. They are calling for a “back to square one” – to the Helsinki Conference format.²⁸ But that would mean giving up established structures, even though there are no alternatives to the OSCE in sight.

What the OSCE can do: Activities without the principle of consensus

The OSCE should continue to work in those areas where it still functions. The OSCE has shown in the past that it can also make use of its possibilities within the framework of existing instruments. One option would be to look for ways to make decisions without consensus or to circumvent the consensus rule.

One example is the Moscow Mechanism. In order to document

The OSCE administration needs to prepare itself. It should draw lessons from the valuable experience of the Special Monitoring Mission, from the extensive use of technology for monitoring or from the previously inadequate management structures, should the OSCE one day be asked to establish a new mission.

Russia’s war crimes in Ukraine and the repressions in its own country, the OSCE has repeatedly used the Moscow Mechanism for Russia and Belarus.²⁹This procedure was long regarded as one of the sharpest swords in the OSCE and has only very rarely used to document blatant human rights violations in a participating State and then discuss them in the forum of 57 States. The State concerned is called upon to cooperate with an independent commission of inquiry comprised of international experts. However, the investigation initiated by at least ten States can also be carried out without the participation of the State concerned. Since 2022, the mechanism has already been invoked seven times against Russia and Belarus, most recently on February 29, 2024 by 45 States in connection with Russia’s treatment of Ukrainian civilian prisoners.

The OSCE is thus helping to document human rights violations in Ukraine with international and local NGOs and state institutions. This documentation could form a basis for future criminal proceedings. It also provides a well-founded analysis to counter Russia’s propaganda.

	States involved	
Human rights situation in Belarus	17	September 2022
Human rights violations in Ukraine in the course of the Russian war of aggression I	45	March 2022
Human rights violations in Ukraine in the course of the Russian war of aggression II	45	June 2022
Human rights situation in Russia	38	June 2022
Human rights situation in Belarus	38	March 2023
Human rights violations in the course of the abduction of Ukrainian children to Russia	45	March 2023
Human rights violations in the course of the abduction of Ukrainian children to Russia	45	February 2024

Table 1: Application of the Moscow Mechanism by the OSCE, source: www.osce.org/odihr/human-dimension-mechanisms

The discussion of the reports in the Council of 57 shows that there is no Business as usual in times of war. The High Commissioner on National Minorities, the Representative on Freedom of the Media and the Office for Democratic Institutions and Human Rights also contribute to the documentation of blatant human rights violations in Russia and Belarus and thus give rise to public reporting.

Extra-budgetary funding

The OSCE has also succeeded in maintaining or establishing a presence in Ukraine. The Support Program Ukraine was established in summer 2022 as the successor to the Project Office in Kiev, which was closed following Russia’s veto. The Support Program Ukraine is now managed by the Secretariat in Vienna and financed from

special funds provided by like-minded states. The [Support Program Ukraine](#) can largely continue the projects of the former Project Office in the areas of good governance, rule of law, democratization, human security and environmental protection. With a budget of almost 29 million EUR, over 70 local and eight international staff members, this structure is a first in the history of the OSCE, as is the close consultation and coordination by the Secretary General due to political implications. The funding of non-consensus-based OSCE activities was already common practice in the past in order to facilitate cooperation between individual interested participating States in all three dimensions and to enable concrete projects to be implemented through the missions or independent institutions in the regions. It is now become the instrument of choice to enable concrete practical cooperation between the missions, host countries and external experts from other participating States and support the implementation of the reform efforts of the participating countries. Also Extra-budgetary funding is increasingly being used to finance conferences such as the annual meeting in the third dimension, the Human Dimension Implementation Meeting for meetings of representatives of civil society. The meeting is of great interest to the Western states in particular, but actually requires a consensus decision in order to use regular OSCE budget funds for it. However, as Russia has also vetoed this, these funds are not available.

New topics and practical projects

For the five Central Asian states, the OSCE remains an important forum and a window to the West, allowing the countries to maintain contacts with European and Western states and implement joint projects. The Central Asians see themselves as [independent states](#) and not as pawns of Russia and China. Due to their geostrategic location and growing interest in economic exchange, the Central Asian states are interested in a stable and secure environment. However, their borders are often fragile because there are still disputes over their course and Afghanistan, as a direct neighbor of Turkmenistan, Uzbekistan and Tajikistan, poses a massive security problem. Mongolia, the only democratic state in Central Asia, is also seeking ties with the democratic West in accordance with its foreign policy concept of the four neighbors (Russia, China, the EU and the US). In its economic cooperation with the Western states, Central Asia is looking for room for maneuver beyond the Chinese New Silk Road Initiative and to develop its own expertise in the areas of environmental protection, climate change and resource conservation. The two large neighbors Russia and China are [neglecting these issues](#).

The OSCE's work is particularly constructive in those countries where the government and the population recognize the OSCE's activities as added value and see them as a means of driving forward their own reforms. The Western Balkan states see this cooperation as supporting their efforts to join the EU. The OSCE missions support the implementation of reforms in the security sector, for example, by bringing national security authorities up to international standards in the fight against crime and equipping them accordingly. In Central Asia, the governments see the OSCE as a way to promote regional intergovernmental cooperation and their own economies. For example, the OSCE has been successfully implementing a project in the second dimension for several years to improve the connectivity of

The Western Balkan states see this cooperation as supporting their efforts to join the EU. In Central Asia, the governments see the OSCE as a way to promote regional intergovernmental cooperation and their own economies.

ports in the South Caucasus region with Central Asian states. The [Green Port Initiative](#) is intended not only to strengthen trade links between the countries concerned, but also to set environmental standards and achieve greater environmental protection.

Strengthening cooperation with civil society

Last but not least, the OSCE institutions and formats offer the opportunity to work even more closely with civil society in individual participating States. Until now, it has largely been left to the Office for Democratic Institutions and Human Rights (ODIHR) to engage in events and dialogue with NGOs from the respective countries, for example when it comes to respect for human rights or the rule of law. The intergovernmental forums in Vienna have hardly addressed the issue when the 57 meet “among themselves”.

Although the Civic Solidarity Platform (CSP), with almost 100 member organizations from 34 participating States, exists as an official NGO forum of the OSCE, the work and visibility of the network are very much limited to the meetings in the third dimension, above all the two-week Human Dimension Implementation Meeting in Warsaw. Nevertheless, it is a good tradition that at the Parallel Civil Society Conference, which takes place directly before the Ministerial Council at the end of the year, the foreign ministers of the current and following Chairmanships attend the meeting of the Civic Solidarity Platform and receive the recommendations of the NGO representatives. However, it is largely up to the respective chair, including in the OSCE committees, to decide whether and to what extent to involve civil society in official OSCE activities. The activities of the Civic Solidarity Platform, which, in addition to networking, primarily promotes the exchange of experience among its members and cooperation in projects on regional conflicts, torture prevention and environmental protection, are only recognized by a few participating States and even less often supported financially, usually only by the Western states.

The increased involvement of civil society representatives in committee meetings in Vienna, also outside the third dimension, would be an opportunity for the States to hear first-hand reports and experiences. This is because NGOs often have better access on site, know the needs of the population and report more openly than State representatives. They can provide impetus and highlight the problems that the participating States and institutions should pursue. In the case of reporting within the framework of the Moscow Mechanism, this cooperation is already working and enabling the experts commissioned to provide well-founded reviews and assessments in the first place.

However, the Warsaw-based Office for Democratic Institutions and Human Rights could also contribute more to strengthen civil society in certain areas, especially with NGO representatives from countries where civil society is suppressed or where the ODIHR is not welcome.

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The ODIHR's election observation has experienced increasing pressure, some participating States are no longer allowing long-term and short-term observers into the country and resources are becoming increasingly scarce. Alternatively, local election observers should be strengthened by promoting and supporting their network, skills and know-how, but also by utilizing them. The election observers can serve as a reliable source of independent and long-term observation, not only on election day, but in the weeks and months leading up to the elections, when the influence of the media on voters is at its greatest. They can also work on site in the long term, long after the international observers have left the country, to advocate for the implementation of the ODIHR recommendations, for example on the electoral reform, and monitor progress.

While the ODIHR often tends to work behind the scenes, NGOs can advocate for improvements primarily through public relations work. The ODIHR should communicate its knowledge and methodology more strongly and contribute to the networking of election observation organizations (like ENEMO, EPDE).

Even in difficult times, it is possible for the OSCE to be active on site, continue its work and receive support from the participating States. These pragmatic solutions on a small scale will not replace structural issues on a large scale. But until the time comes to seriously and openly tackle the major issues of the post-war security architecture in Europe, the OSCE must not wait on the sidelines, but should use its instruments and structures where it can. This is the only way the organization can remain attractive to governments throughout the OSCE area.

About the author:



Thomas Vogel became Co-Director at the European Exchange in April 2024. He had been working for six years at the German Federal Foreign Office on OSCE, Security Policy, Eastern Europe and Russia. Before that, he worked as a Foreign Policy Adviser at the European Parliament focusing on democracy support, the rule of law and the civil society in EU Neighbourhood countries. Before joining the European Exchange, Thomas worked as a director for an organisation implementing security sector reforms globally on behalf of the German Federal Foreign Office, the UN and the GIZ. He studied communications and linguistics at the Leipzig University and the University of Bergamo (IT).

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