# AFF

### OSCE CP---2AC

#### The OSCE fails---they can’t paper over fundamental differences AND Russian propaganda undermines their credibility

Andrew Lohsen 22, fellow in the Europe, Russia, and Eurasia Program at the Center for Strategic and International Studies in Washington, D.C., “Can the OSCE Help Resolve the Russia-Ukraine Crisis?,” CSIS, 1/12/2022, https://www.csis.org/analysis/can-osce-help-resolve-russia-ukraine-crisis

Why the OSCE Is the Wrong Platform . . . for Now

Despite these indications of the positive role the OSCE could play in resolving the current situation, there are strong counterarguments. The first is that Russia and the West remain too far apart on basic positions to make use of the OSCE’s good offices. As a veteran U.S. diplomat and former OSCE mission head concluded, the organization, like any other multilateral institution, “reflects the state of relations among the nations that make up its membership. When relations are good or most of the member states are like-minded, the organization works well. When relations are bad and there are major disagreements among members, that same organization will not function.” For the OSCE to serve as a useful platform for discussions, Russian officials and Western counterparts will need to come to Vienna with the belief that it is possible to bridge their divergent positions, and they must have an idea of where common ground might be found. It is unclear whether the faint glimmer of optimism after the January 10 bilateral meeting between U.S. and Russian leaders in Geneva will endure. While Deputy Secretary of State Wendy Sherman and Deputy Foreign Minister Sergei Ryabkov remarked on the serious and businesslike tone of the meeting, little headway was made to narrow the negotiating margins. The OSCE’s new chair-in-office, Polish foreign minister Zbigniew Rau, who assumed the one-year position at the beginning of the year, has indicated his readiness to hold a dialogue on a revised security paradigm—“provided that countries do not violate existing norms in order to gain a privileged position in such a discussion.” Unless Russia drops its more strident demands, negotiations in the OSCE track will yield the same results as talks in Geneva and Brussels.

A second concern is that disagreement on fundamental principles could lead to a crisis within the organization. In its recent proposals to the United States and NATO, and in statements by top officials, Russia offered far-fetched interpretations of “indivisible security” according to which Ukraine’s right to apply for membership in NATO presents a “legitimate” threat to Russia’s security interests. However, its disregard of the specific commitments outlined in the Decalogue suggests that Moscow is inclined to view comprehensive security as a rhetorical fig leaf rather than a shared principle guiding relations between states. Accordingly, if OSCE participating states were to engage in a deep, formal discussion of these principles, it is unclear whether they would be able to reach consensus on previous shared positions that heretofore were considered the least common denominator. Parallels between the current context and the ill-fated Corfu Process of 2008–2010, which ultimately led to a “near death experience” for the OSCE, will likely prompt several delegations to refrain from convening for a summit to consider existential questions regarding European security.

Finally, Russia has systematically undermined public confidence in the OSCE through disinformation and obstructionism. In recent years, Russia has leveled accusations of bias against the OSCE, particularly its Special Monitoring Mission to Ukraine (SMM), which was established in 2014 to report objectively on the situation in the country at a time when “little green men” began to appear in Crimea. Russian officials and press outlets frequently accuse the organization of ignoring alleged violations by Ukrainian authorities, but in reality, many of these allegations are hyperbolized or cannot be corroborated according to the mission’s strict reporting standards. Elsewhere, Russia undermined the organization’s long-standing effort to achieve a political resolution to the Nagorno-Karabakh dispute by unilaterally brokering a hasty ceasefire agreement between Armenia and Azerbaijan in 2020, despite serving as a lead facilitator of OSCE peace talks. Further examples abound. The Kremlin’s tendency to undermine the OSCE, cast aspersions on its credibility, and question its competence when it cannot be manipulated to serve Moscow’s aims has taken a toll on the organization’s reputation, particularly in Russia. This makes it more difficult for an OSCE-brokered outcome to be presented to the public or to be respected by officials and military leaders in Russia.

#### Perm do both---regulatory fora are complimentary, NOT competitive

Daniel Mügge 21, Professor of Political Arithmetic at the University of Amsterdam, “Cooperation á la carte is the way forward for EU AI regulation,” London School of Economics, 11/26/2021, https://blogs.lse.ac.uk/europpblog/2021/11/26/cooperation-a-la-carte-is-the-way-forward-for-eu-ai-regulation/

Earlier this year, the EU became the first major jurisdiction to publish a set of draft rules for artificial intelligence (AI). There are good reasons to keep close legislative tabs on AI technology. Concerns range from algorithmic discrimination and distorted democracy to ubiquitous surveillance and outright oppression.

Beyond these questions loom deeper concerns. A world saturated with machines able to predict and exploit our fears and desires fundamentally challenges human autonomy. At the same time, AI-led automation has the potential to deprive many people of their jobs once the government debt-fuelled post-pandemic boom peters out. Already, automation has driven a wedge between the upper and lower echelons of labour markets. Aided by smart machines, many highly educated workers have seen their productivity rise, while jobs with more routine tasks, in contrast, have slowly disappeared.

The European Commission proudly touts a European third way on AI regulation: rather than letting algorithms serve the state (as in China) or large corporations (as in the United States), the Brussels approach aims to put them at the service of people – ‘trustworthy AI’, as the EU slogan puts it. This entails curtailing the freedom afforded to the masters of AI – be they governments or companies.

This European approach will encounter two key obstacles. First, by most measures the EU tech sector already lags those in China and America. Slamming the breaks on AI applications is bound to widen that gap. After all, algorithms thrive on ‘learning by doing’. The creation of a European data space and coordinated seed investment by EU member states is meant to boost the homegrown sector. But whether that’s enough to make European AI more than a sideshow on the global stage is anybody’s guess.

Second, American politicians and pundits alike increasingly frame AI as a security issue. Earlier this year, the final report issued by the US National Security Commission on AI portrayed AI as a tech race between China and the United States, with the loser vulnerable to the winner’s AI supremacy. Such a dog-eat-dog tech world has little patience for the finer points of AI ethics. Hence, the report implies that Europeans would be well-advised to climb into the passenger seat of a US-led alliance of ‘freedom-loving’ tech powers and leave the steering to Washington and Silicon Valley.

These forces are pulling European states in opposite directions. Ethical concerns inspire caution, competitiveness concerns encourage European boldness, while the security-framing of AI suggests Europe should play a junior role in a Western alliance. So, what is the way forward?

Cooperation á la carte

Much of the current debate on the global dynamics of AI regulation is unduly simplistic, treating ‘AI regulation’ as though it were a single, monolithic block, to be approached either alone or in cooperation with one or the other partner. Instead, a nuanced perspective would be to recognise the enormous breadth of uses and regulatory concerns currently lumped under the AI-heading.

To be sure, with open economic borders the effectiveness of European AI rules hinges on what other major jurisdictions do – the AI field is rife with ‘regulatory interdependence’. What good are EU rules against invisible discrimination in automated CV-sorting when clients can simply use US-based services instead? What good are tight privacy rules when we can import AI systems trained on data unethically harvested from citizens abroad?

Yet this regulatory interdependence is variegated: in some domains – say, the global spread of automated weapons systems – the EU is entirely dependent on cooperation with other major powers. In others, such as safety standards for self-driving cars, it can craft its own rules and testing procedures, quite irrespective of what others do. Some applications, such as the resilience of AI-powered infrastructure, have direct relevance for NATO as a security alliance; others, like rules for Twitter-algorithms or automated loan approval, are not security-relevant at all.

This variegated regulatory interdependence – high in some cases, low in others – invites a differentiated approach to global AI regulation. Where global standards might align with European regulatory goals, they are clearly preferrable. When such agreement is out of reach, second-best options emerge: mini-lateral solutions such as shared standards crafted in the newly minted Transatlantic Technology Council. Mutual recognition of different but equally stringent standards are also an option, as is support for private tech-industry standards.

But where EU ethical goals are best served by Brussels forging ahead on its own – as it did with the General Data Protection Regulation – it should have the courage to do so. There is no reason to think the EU will be well-served by a one-size-fits-all-AI-uses approach to international regulatory cooperation. It should not blindly give in to the ‘are you with us or against us’ logic prominent in American thinking. The diverse ethical trade-offs AI raises weigh too heavily to be tackled well in a uniform international mould.

Always heedful of which approach allows it to maximise its digital sovereignty on any particular issue, the EU should cooperate where feasible and dare to go it alone where it must. Such an á la carte approach to global regulation has served the EU well in many other fields, from finance and food safety to pharmaceuticals. There is no reason to think it would fail in relation to AI.

### OSCE CP---NATO Key---Interop

#### NATO is key---they have unique institutions for facilitating legal interoperability

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One vital and unique contribution for NATO is facilitating legal interoperability among the Allies to resolve some of the most pressing legal barriers for AI implementation in future Allied operations. Legal interoperability, a subset of larger coalition interoperability, refers to the operational coordination around partner legal obligations and interpretations.75 It ensures “that within a military alliance, military operations can be conducted effectively consistent with the legal obligations of each nation.”76 Legal interoperability is a critical component of multilateral operations that has thus far been under-examined, despite its centrality to successful military operations. This is largely because “legal factors have a bearing on everything in alliances and coalition operations—from determining basic ‘troop-to-task’ considerations to decisions regarding the targets to be engaged—and the types of ordinances that may be used.”77

To enhance legal interoperability, NATO can exert its influence on how Allies can develop and deploy AI consistent with their legal obligations through its unique standardization capacities. Historically, NATO has taken significant steps to bridge the legal gap between Allies on critical procedures that bridge responsible state behavior with such “troop-to-task” considerations. One instructive example from past operations is detention policies in non-international armed conflicts.78 The promulgation of detention standards illustrates the operational significance of NATO’s common legal procedures, even for coalitions of the willing that formally operate outside NATO structures. By way of background, the U.S.-led coalition in Afghanistan had internal debates regarding the 96-hour security detention time period.79 The United States advocated extending the 96-hour rule, where coalition partners insisted adhering to the NATO standard, even though it was not a NATO operation.80 Generally the detention example illustrates NATO legal standards providing clarity to non-NATO operations; in some cases, Allies adopt NATO standards as accepted thresholds that continue to inform coalition policies beyond NATO structures and operations.

Implementing AI in future military operations will almost certainly complicate legal interoperability as there is a lack of uniform standards, as in the detention example. Even some of the more basic implementation measures will garner legal uncertainty and Allies will inevitably navigate with minimal legal clarity and no standard procedures. Despite the roots of the legal debate stemming from the question of lethality, the most pressing (and urgent) legal issues will address the integration of necessary AI-enablers, such as data gathering and sharing.

Furthermore, NATO has coordinated initiatives to promote awareness of Allies’ legal obligations and has a dedicated office focusing on legality. This centralizes the institutional capacity to focus on alignment not only between the policies of NATO Allies, but coherence with the international community more broadly. Among others, the NATO Legal Practitioners’ Workshop and inter-organizational dialogue between NATO, the UN, and the International Committee of the Red Cross (ICRC), the latter of which has a delegation to NATO that provides legal training and education to practitioners.81 The NATO Office of Legal Affairs (OLA) itself can also play a central role in navigating the challenges to legal interoperability. As the example of detention standards illustrates, NATO has been successful in implementing legal standards which translated into operational clarity and coalition policy outside NATO operations.

As part of its focus on responsibility in its EDT agenda, NATO has opportunities to facilitate AI legal standard-setting and coalition policies to ensure safer and responsible use of AI in Allied operations.

### OSCE CP---NATO Key---OSCE Fails

#### The OSCE fails---it can’t mediate conflicts if the parties aren’t open to mediation.

Philip Remler 21, nonresident scholar at the Carnegie Endowment for International Peace, “The OSCE as Sisyphus: Mediation, Peace Operations, Human Rights,” Istituto Affari Internazionali (IAI), 2021, JSTOR, https://www.jstor.org/stable/resrep30942

Over the past decade, the Organization for Security and Co-operation in Europe (OSCE) has unwillingly been returning to its origins as a Cold War–era Conference – a forum where states and blocs, often antagonistic to one another and espousing opposing ideals, can air their frictions and hostilities and look for ways to overcome them.

A brief historical review is necessary. The Conference on Security and Co-operation in Europe (CSCE) established by the 1975 Helsinki Final Act was one manifestation of Europe’s aspiration to establish an international order to keep the peace and, as Andrei Sakharov wrote in his Nobel speech that year, to stress “the link between defense of peace and defense of human rights”.1

However, the CSCE was created without the legal personality other international organisations possessed, and operated on the principle of consensus – i.e., all “participating States” (members) must agree to every decision. The lack of legal personality, a US demand at the time, prevented the development of a strong executive and professional cadre along UN lines, and made such basic operational issues as diplomatic immunities and customs clearances dependent upon individual states. The consensus principle, advocated by the Soviet Union, blocked most unified action except in narrowly defined and relatively uncontroversial areas. To this day, these two characteristics render the organisation heavily dependent on and constrained by its participating States.

The end of the Cold War temporarily loosened those constraints and after 1989 the CSCE flowered in the prevailing spirit of pan-European cooperation. Consensus was the norm, allowing the OSCE to establish missions throughout the former Soviet Union and Balkans despite the absence of legal personality. Based on the Charter of Paris (1990), accepted by all participating States, the CSCE eventually became the OSCE in 1994 and acted as an executive organisation in matters of mediation, peace operations and the promotion of human rights and democratic governance. Russia even allowed the OSCE to establish a mission in 1995 in wartorn Chechnya; and the Office of Democratic Institutions and Human Rights (ODIHR) deployed election monitoring missions in states that had not held free elections in living memory, if ever.

The lack of legal personality and requirement for consensus were moot – for a time. But as attitudes towards Charter of Paris commitments fragmented over the last decade, these constraints resurfaced, shrinking the OSCE’s room for manoeuvre. Missions closed, mediation – never very successful – returned to individual states, and the promotion of human rights and democratic governance met a backlash that brought the organisation to a standstill. In essence, the OSCE is returning to its origins as a permanent forum for dialogue only – with extremely constrained executive action capabilities – among states and blocs, often hostile toward one another.

The OSCE’s efforts span a broad range of activities within the three “dimensions” of its original mandate: security and political-military affairs (with an emphasis on mediation), economics/environment and the “human dimension”, including human rights and governance. The three overlap and “cross-dimensional” activities are frequent. Conflict mediation, peace operations and the promotion of human rights and democracy remain among OSCE’s most important activities to this day and offer evidence to assess the state of the organisation.

1. Mediation

Mediation became crucial to OSCE efforts in the 1990s with the outbreak of armed conflicts in the wake of the Soviet collapse. The OSCE has mediated in several “frozen conflicts” in the former Soviet space (namely Karabakh in Azerbaijan, South Ossetia and Abkhazia in Georgia and Transdniestria in Moldova) and in Ukraine, a conflict that was on its way to becoming frozen even as intense fighting raged. As an OSCE Head of Mission succinctly put it, “the conflicts themselves are not frozen – only the peace processes are”.2 The last ten years have seen progress through international mediation in only one of the four “traditional” frozen conflicts listed below. Because the OSCE’s efforts regarding the conflict in Ukraine are so bound up with its observer deployments there, they will be examined in the following section on peace operations.

Azerbaijan, Armenia and the Karabakh conflict: The Karabakh conflict began in 1988 and intensified to full-scale military operations in 1992, ending in Armenian military victory and a ceasefire in 1994 that left the Karabakh Armenians in control of large areas of Azerbaijan but without international recognition.3 Large-scale hostilities broke out again briefly in April 2016 and for an extended period between September and November 2020, during which Azerbaijan reclaimed lands it had lost and the southern part of Nagornyy Karabakh.4

In 1992 the Italian CSCE Chair-in-Office attempted to convene a Minsk Conference to resolve the conflict. It never met: the sides imposed mutually contradictory conditions for participating. The Chair then created a Minsk Group to steer negotiations. The Group’s co-chairs – Russia, France and the United States (US) since 1997 – took over its functions, but in practice acted autonomously on behalf of their three countries, not the OSCE. After Dmitry Medvedev assumed the Russian presidency in 2008, Russia came to dominate the mediation process. Medvedev, eager for foreign affairs accomplishments in what he called Russia’s “sphere of privileged interests”, mediated negotiations between Armenia’s Serzh Sargsyan and Azerbaijan’s Ilham Aliyev, convening them to eleven summits during his presidency. The US and French co-chairs became passive. They helped prepare papers for the negotiations and received debriefs afterwards but played no role in the meetings themselves. After the failure of Medvedev’s final attempt in Kazan in 2011, the Minsk Group ceased to play a significant role. It made no contribution to mediation following either the April 2016 fighting or the more recent hostilities in September–November 2020, in both of which Russia mediated unilaterally. After the 2020 war, Azerbaijan’s President Aliyev bluntly stated that the OSCE Minsk Group played no role in resolving the conflict.5

Georgia and the Abkhazia/South Ossetia conflicts: Hostilities broke out in both regions with the dissolution of the Soviet Union in late 1991. By 1993 Russianbacked separatists had emerged victorious and forced Georgia to accept Russian peacekeeping forces. Since then the sides in these conflicts have never engaged in good-faith negotiations on a political settlement. The CSCE was mandated to lead mediation in South Ossetia and deployed unarmed military monitors there; in Abkhazia it assisted the United Nations (UN), which mediated negotiations and maintained a large observer mission mandated only to observe Russian peacekeepers. After the 2008 Russia-Georgia war, Russia recognised both separatist polities as independent states and blocked renewal of both the UN and OSCE mandates. Those missions closed. The European Union (EU) Monitoring Mission in Georgia took on the patrolling function in October 2008.

Since then, the OSCE has co-chaired the Geneva International Discussions (along with the UN and the EU) and the Incident Prevention and Response Mechanism, which meets in Ergneti, near the Georgian–South Ossetian frontline. Neither forum covers political resolution of the conflicts. They deal with day-to-day security and humanitarian issues. The most political issue is the process of “borderisation”: Russian peacekeepers fencing off territory previously controlled by Tbilisi. In 2014–15, following the Crimea crisis, Russia concluded treaties that integrated significant executive authorities of the entities into the respective Russian government institutions, including the foreign affairs, military and security apparatuses.6 This crypto-annexation has put the process of resolving the overarching political conflict into a further deep-freeze.

Transdniestria conflict: 7 In 1991 pro-Soviet forces, fearing that Moldova would unify with Romania, declared independence on the left bank of the Dniester River. A short war followed in which Russian and local forces secured the separation of Transdniestria from the rest of Moldova and the deployment of a Russian peacekeeping force to protect it. Communication between populaces on both sides of the river remained robust, however, with constant crossings for family visits, commerce, education and transit. Because the lack of a settlement caused little inconvenience and there has been no threat of resumed combat, there has been correspondingly little impetus to reach a compromise settlement. In 2003, while official negotiations were ongoing mediated by the OSCE, Russia and Ukraine, Russia opened a secret second channel of negotiations, aiming to secure peace on its own terms, including favourable geopolitical orientation and military basing rights in Moldova. The attempt failed. In 2006 official negotiations were broken off.

The past decade has seen some progress from OSCE mediation between the two banks of the Dniester, as well as repeated Russian attempts to bypass the “5+2” process in which Russia, Ukraine and the OSCE mediate, with the US and the EU participating as observers. Before 2009, the Communist government in Moldova tried to persuade outside powers to force unconditional capitulation on Transdniestria. From 2009, when a pro-European government gained power, the OSCE focused its attention on laying the groundwork for renewing official negotiations: promoting one-on-one meetings between the two sides’ negotiators, resurrecting moribund sectoral working groups, hosting conferences with security officials from both sides in Germany and Austria, and working with the EU and United Kingdom (UK) on dialogue projects.

In June 2011, Russia tried once again to bypass the OSCE and broker a peace unilaterally. The attempt failed when Russia’s negotiator circulated three different – and mutually contradictory – draft declarations within ten days.8 Soon thereafter, in September 2011, the OSCE persuaded the leaders of Moldova and Transdniestria to restart official negotiations. This success, however, owed more to the leaders themselves than to the OSCE. Moldovan premier Vlad Filat was willing to ignore his cabinet and advisors to meet Transdniestrian leader Igor Smirnov at Bad Reichenhall, in Germany. For his part, Smirnov was aware that Russia wanted to oust him and would oppose him in upcoming Transdniestrian “presidential” elections, and he therefore sought support from the West. On such a flimsy basis, the renewed negotiations went nowhere: Smirnov was out a few months later. His successor, more obedient to Russia, obstructed progress. The OSCE redoubled its efforts, especially under the German chair in 2016. Much progress has been made on the “packet” under discussion since then, but that packet consists of humanitarian and confidence-building measures that may improve the lives of people on both sides of the river but do not comprise a comprehensive resolution of the conflict.

That episode illustrates several important points: mediators do not make peace, the sides in conflict do (indeed, mediators who are also involved in the conflict, and therefore also have a stake in the outcome, can play a negative role). The willingness of the sides’ leaders to make peace is wholly dependent on their calculations of what will preserve and increase their power. Humanitarian and confidence-building measures do not threaten the power or lives of leaders. While they do not settle conflicts, negotiating them is valuable for three reasons: 1) the measures themselves have intrinsic value; 2) they give the sides a stake in, and familiarity with, the negotiations that produce them, preparing the sides to move on to more substantive negotiations; and 3) negotiating these measures gives sides a forum for raising their concerns, which can prevent or delay a recurrence of active hostilities.

2. Peace operations: The case of Ukraine

A peacekeeping role has often been raised for the CSCE/OSCE, first in 1992 with the suggestion of “Yellow Beret” OSCE peacekeepers for the Karabakh conflict. OSCE observers were deployed in the South Ossetia conflict from 1992 to 2008. An OSCE Chair’s Personal Representative participated in a supporting role in implementing the Dayton Accords for Bosnia and Herzegovina from 1995 to 2015. The OSCE rapidly deployed an international police presence to Kyrgyzstan during widespread unrest in 2010.

The OSCE peace operations in Ukraine since the crisis erupted in 2014 – the Special Monitoring Mission (SMM), the Trilateral Contact Group (TCG) and the Observer Mission at the Russian Checkpoints Gukovo and Donetsk (OM) are, together, the largest endeavour the OSCE has undertaken in the last decade, and perhaps the most consequential. Today they deploy over 700 monitors from 44 OSCE participating States. The military and political situation changed rapidly in 2014– 15, with armed hostilities in eastern Ukraine falling into three phases: “hybrid war”, Ukrainian “anti-terrorist operations” and a Russian-backed counter-offensive. Finally, the conflict cooled into a simmering pattern of ceasefires with frequent violations.

Flexibility was the key to the SMM’s transitions through these phases. It was created before armed hostilities broke out in eastern Ukraine. Negotiations on forming a mission for national reconciliation began on 2 March 2014. By 21 March, when the OSCE Permanent Council authorised the SMM, unrest was engulfing much of eastern Ukraine and Russia had annexed Crimea. The project staff quickly found themselves becoming conflict monitors. Russia’s price for agreeing to the deployment was barring the SMM from Crimea. The monitors were not allowed to operate in areas along the Russian border and had no enforcement powers. The OSCE’s lack of a legal personality meant that the SMM had to use the umbrella of the NATO office in Kyiv merely to open a bank account.

The Mission’s initial reporting9 describes the outbreak of civil unrest: on 1 March in Donetsk, on 6 April in Luhansk and Kharkiv, on 12 April in Sloviansk and Kramatorsk, and by 17 April in Mariupol. Civil unrest quickly turned into what came to be known as a “hybrid war”.10 In Ukraine the term meant Russian “little green men” (that is, Russian military units operating on the ground without insignia) and pro-Russian separatist forces hiding among activists, pretending to be Ukrainian civilians as they took over city governments by occupying buildings. A campaign of this type depends for success on the target state treating all opposing forces – fighters and civilian protestors alike – as fellow citizens and refraining from using force against them. On 17 April the foreign relations chiefs of Ukraine, Russia, the United States and the European Union met in Geneva. Their statement called for de-escalation measures and called upon the SMM to play a leading role in helping Ukrainian and local authorities implement them.11 Daily SMM reports track the spread of unrest fomented by “armed opponents of the central government”.12 Although the government in Kyiv announced that it was engaged in an “antiterrorist operation”,13 this appears to have been aimed at militarily useful objectives outside the main towns, such as airfields, leaving city administration buildings in the hands of “activists”.

The hybrid war stage ended abruptly on 2 May, when in Odessa Ukrainian proMaidan forces, including “Right Sector” militants, treated “little green men” and anti-Maidan civilian protestors alike as armed invaders, not citizens. Forty-two burned to death in the building they had occupied.14 Over the next few weeks SMM teams mostly reported consolidation of the sides: the separatists strengthened their hold over parts of the Donetsk and Luhansk regions, while Ukrainian authorities regained control over cities outside those regions.

The second phase of the conflict began in late May with heavy clashes in the Donetsk region as Ukrainian “anti-terrorist” operations began in earnest. Repercussions for the SMM were immediate. On 26 May, separatists detained four SMM observers based in Donetsk. On 29 May, four observers based in Luhansk were taken prisoner. Both teams spent the next month in captivity.15 On 28 May, eleven observers were detained west of Donetsk, but were released later the same day. The SMM made a point of continuing its work in both regions, demonstrating the international community’s resolve not to be intimidated. As clashes increased, the mission gradually changed from observing hybrid war to monitoring full-scale hostilities.

Initially, Ukrainian forces met with some success, leading Russia to accept international talks in the Normandy Format (France, Germany, Ukraine and Russia) on 6 June. That meeting in turn led to an 8 June meeting of the Trilateral Contact Group (OSCE, Russia, Ukraine), chaired by the experienced Russian-speaking Swiss diplomat Heidi Tagliavini, who was appointed as special representative by the OSCE’s Swiss Chair-in-Office. Thus the OSCE, which had a presence on the ground in eastern Ukraine, was tasked with conducting the day-to-day negotiations that Germany and France had put in motion. Petro Poroshenko, elected president of Ukraine on 5 May, took office on 7 June and by 20 June had proposed a peace plan. Peace negotiations began in earnest, paving the way for the 27–28 June release of the two groups of OSCE observers who had been held captive by separatists since late May.

Russia took steps, however, to roll back Ukraine’s advances on the battlefield. The third phase of the conflict was marked by a more or less open (though rigorously denied) Russian military presence in Donetsk and Luhansk. Moscow sent both personnel and heavy weapons across the border. As the Russian presence grew, the separatists were able to reverse Ukrainian gains. An early event of this new stage was the downing of a Malaysian airliner over Ukraine on 17 July 2014, killing all 298 persons aboard. A Dutch Safety Board forensic investigation, granted access through OSCE intervention, confirmed that the cause was an anti-aircraft missile from a Russian-military BUK system spotted earlier in the hands of separatists. The Dutch Ministry of Justice later identified and charged some alleged perpetrators.16 Energised by the atrocity, the international community again deputised the OSCE. The OSCE Permanent Council decided on 18 July to deploy observers to two Russian crossing posts, Gukovo and Donetsk, on the separatist-controlled part of the border between Ukraine and Russia to observe traffic between Russia and the separatists.17 However, the observers were limited to static posts.

Diplomatic efforts continued over the summer in the Trilateral Contact Group (TCG). Observers believe the driving force came from Germany, which was careful never to give the impression that it was acting unilaterally so as not to raise historical memories and suspicions. France was Germany’s partner in the Normandy Format and the OSCE was the face of the West in the TCG. On 5 September 2014, the TCG signed the Minsk Protocol, which established a ceasefire in place and mandated autonomy talks for Donbas under Ukrainian law. However, the ceasefire left a Ukrainian salient at Debaltseve, a rail and road junction controlling traffic between Luhansk and Donetsk. In January 2015 a Russian-backed offensive began that over the next month encircled, besieged and shelled the town; the US charged that Russian artillery was responsible for the shelling.18 A Normandy Format meeting in Minsk proclaimed another ceasefire on 12 February 2015 (“Minsk II”), but the offensive continued until Ukrainian troops abandoned Debaltseve on 18 February.

Throughout this period the SMM patrolled in zones of combat and shelling, staying in close touch with both the Ukrainian military and the Joint Control and Coordination Commission (JCCC) set up between Ukrainian and Russian military authorities. The SMM reported extensively on shelling of civilians by both sides as well as movements of heavy weapons to the separatists.19 The SMM enhanced its capabilities in October 2014 by deploying uncrewed aerial vehicles to places inaccessible to patrols.20 The SMM thus adapted to the outbreak of full-scale combat by reporting objectively on what both combatant sides would have preferred to remain lost in the fog of war.

After new frontlines stabilised in Donbas, the role of the OSCE began to resemble other frozen conflicts, albeit with failures of successive ceasefires, widespread ceasefire violations and continued casualties.21 The SMM and OM monitored and reported to the international community; the TCG, meeting every two weeks, negotiated on day-to-day issues; and the SMM liaised with the Joint Control and Coordination Commission – which took on the form of combined military commissions seen in other frozen conflicts, e.g., the Joint Control Commission in the Transdniestria conflict.

This frozen-conflict system was disturbed in 2016, during Germany’s term as OSCE Chair-in-Office, when foreign minister and OSCE Chair Frank-Walter Steinmeier cast aside Germany’s usual behind-the-scenes approach and proposed a formula for holding elections according to Ukrainian law in separatist-controlled areas. The OSCE would monitor the elections, and if it judged them to be free and fair, an interim self-governing status would be initiated in exchange for the return of Ukrainian control over its borders. Despite some back and forth, and endorsement in 2019 by Ukrainian President Volodymyr Zelensky, the initiative failed; the separatists ignored the formula and held their own unrecognised elections in 2018.

To summarise, through the SMM, the Observer Mission at the border points and the TCG, the OSCE has performed a valuable service since 2014 in maintaining and managing the international involvement in a dangerous conflict in the heart of Europe and keeping the international community informed. Flexibility and nimble navigation of bureaucratic procedures allowed for quick deployment and rapid adaptation to changing politico-military environments. The OSCE was able to give institutional support to the Normandy process and, through the TCG, to blunt suspicions of German leadership. One factor for success was Russia’s continued view of the OSCE as neutral – according to one analyst, the first Russian officers to participate in the JCCC even wore OSCE armbands.22 This contrasted sharply with Russia’s evolving assessment of the EU. In 2008 Russia agreed to EU observers in the wake of its war with Georgia. With Vladimir Putin’s return to the presidency, the Russian government adopted the view, previously limited to the military/security services, that the EU was a rival, not a partner.

But the SMM came at a cost. Just as the OSCE gave Germany a multilateral screen, it did the same for Russia, lending a veneer of legitimacy to Russia’s assertion that it was a mediator, not a belligerent. Russia also limited SMM/OM activity: Russia’s proxies in Donbas constrained and intimidated the SMM; and while static observers could see groups of men of military age and bearing crossing the border, heavy weapons later seen inside Ukraine entered through crossings beyond their view.

3. Democracy and human rights

In 2020 the OSCE underwent a leadership crisis. The terms of the four leaders of its premier institutions – the Secretary General, the Director of the ODIHR, the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media (RFoM) – expired in July. They had been appointed three years earlier in a package deal, and their renewal was expected by consensus. But on 11 June, Azerbaijan announced that it would oppose renewing the RFoM, the French politician Harlem Désir, for his “excessive criticism” of the state of free speech in Azerbaijan.23 Turkey and Tajikistan followed by opposing the renewal of ODIHR Director Ingibjörg Sólrún Gísladóttir, an Icelandic politician; ODIHR had often targeted those countries on human rights grounds. In retaliation France and Iceland, supported by Canada, Norway and Armenia, vetoed extensions for Secretary General Thomas Greminger, a Swiss diplomat; and HCNM Lamberto Zannier, the Italian diplomat who had previously served two terms as OSCE Secretary General.24 The OSCE’s institutions were thus left leaderless for six months, until a new package deal to fill the posts was reached on 4 December at the OSCE’s annual Ministerial Council meeting in Tirana.25

What caused this crisis? ODIHR had been critical of human rights and elections practices since its inception in 1991; the RFoM had been criticising the persecution of journalists since 1998; and their criticisms had frequently caused irritation in OSCE participating States, especially those “east of Vienna”. But no state had ever blown up the process of choosing a slate of leaders for the institutions. What led Azerbaijan – followed quickly by others – to take this step?

To answer this question, we must look back to the OSCE’s origins. The Helsinki Final Act of 1975 represented a grand bargain between East and West. The Soviet Union achieved recognition of its sphere of influence: its political, economic and security bloc in Eastern and Central Europe. In return, the West received Eastern recognition that respect for human rights was a universal obligation and therefore that human rights anywhere were of legitimate concern everywhere. 26 By the end of World War II, democracy had become the only legitimate form of governance – had it not been, the “Democratic” People’s Republic of Korea and the German “Democratic” Republic would have chosen different names – but the Helsinki Final Act, adopted while Leonid Brezhnev ruled the Soviet Union, makes no mention of democracy or the rule of law. That was remedied in 1990 by the adoption of the Paris Charter.27 As new states emerged and joined the CSCE/OSCE, they, too, assumed the Charter’s commitments to democratic governance, rule of law and respect for human rights as universal ideals – the price of admission to a Europewide organisation in which small states could speak on equal footing with the large.

To actualise those ideals, the Charter established many of the OSCE’s current institutions: the Secretariat, the Conflict Prevention Centre and the Permanent Council (originally the Committee of Senior Officials), all now in Vienna; and a Committee for Free Elections (now ODIHR) in Warsaw. The Charter mandated a Geneva conference in 1991 that led to the creation of the office of the High Commissioner on National Minorities in The Hague. It mandated the parliamentary outreach that became the OSCE Parliamentary Assembly based in Copenhagen. The institutions created by the Paris Charter began the process of turning the CSCE into the OSCE: from a Conference to an Organization with executive functions, still dependent on a consensus of the participating States to ratify its actions, but with rudimentary policy-making capability. That capability grew exponentially in the early 1990s with the establishment of many field presences, mostly in the new states, often war-torn, that emerged from the ruins of the Soviet Union and Yugoslavia. Each field presence possessed the latitude to pursue programmes and policies to promote peace, security, democracy, the rule of law and respect for human rights in places where all these were, when the Charter was adopted, in very short supply.

The hard truth, however, is that regardless of the hopes and dreams of many, democracy failed to survive in most of the former Soviet Union outside the Baltics. In Central Asia, Communist Party first secretaries remained in place, making a seamless transition to presidencies-for-life. In the South Caucasus, democratically minded nationalists only briefly replaced the party leaders. In 1992, warlords overthrew Georgia’s Zviad Gamsakhurdia and installed former Party first secretary and Politburo member Eduard Shevardnadze as a figurehead president. To gain real power, Shevardnadze allied with both old Party figures and young democrats. In Azerbaijan, Abulfaz Elchibey and his democratic allies in the Popular Front took power in 1992, upon which Islam Karimov, Uzbekistan’s Party boss turned president for life, reportedly commented, “Such a man will survive one year”.28 One year later, Elchibey was indeed ousted in favour of former Party and KGB boss and Politburo member Heydar Aliyev. Levon Ter-Petrosyan survived in Armenia until 1998, when he was ousted by the even more nationalistic Robert Kocharyan. In Belarus, Alexander Lukashenko won the first presidential election in 1994 and then installed a Soviet-style authoritarian regime. More democratic – but extremely corrupt – governments emerged in Ukraine and Moldova. Most significantly, democracy failed in Russia, where Boris Yeltsin’s initial promise was drowned in corruption, organised crime and impoverishment. In all these countries – with only partial exceptions in Ukraine, Moldova, Georgia and Armenia – the very concept of democratic governance as an ideal was discredited.

If we take as a proxy for democratic governance the peaceful transition of power from one leader to an elected opponent without the intervention of a revolution, coup or uprising, how many times has this happened in the former Soviet Union (outside the Baltics)? Never in Central Asia, where presidents have left only through revolution or death – or, in the case of Kazakhstan, retirement in favour of a personally designated successor. Never in Russia, where Yeltsin designated his successor, who has remained in power since, though nominally changing positions. Never in Armenia or Azerbaijan, and in Georgia not until 2013, and never since. The only states to experience multiple peaceful democratic transitions of government were Ukraine (1994, 2010 and 2019) and Moldova (1997, 2001, 2016 and 2020).

In place of democratic ideals, nascent autocrats nurtured an ideology of grievance – based on the real lawlessness and impoverishment of immediate post-Soviet life – that blamed early attempts at democracy for abasing their countries. In Russia, the Putin narrative holds that the early 1990s represented a period of misery, disgrace and weakness that the West exploited to expand at Russia’s expense, promoting Western – not universal – “interpretations” of democracy and human rights as a means of keeping Russia subjugated. This narrative has found widespread acceptance both inside and outside Russia. It has given political cover to other states adopting overtly authoritarian measures. They use it to buttress an ideology asserting that Western “interpretations” of democracy and human rights are a transplant that corrodes traditional values, a club to bludgeon sovereign countries into weakness and submission.29

The OSCE, in its efforts to promote democratic governance and respect for human rights, never developed an effective strategy to counter this narrative. ODIHR heads and other OSCE officials presented – and continue to present – the issue in simple terms: participating States had undertaken solemn commitments to universal ideals and needed to live up to them. Civil society activists who flocked to ODIHR’s Human Dimension Implementation Meetings in Warsaw, Europe’s largest annual human rights conferences, believed the most effective way to get wayward states to live up to these commitments was to “name and shame” those who did not, unaware that figures such as Vladimir Putin could exploit naming and shaming by the West to boost their domestic standing.

ODIHR election monitoring missions were sent out to “east of Vienna” and “west of Vienna” countries with equal frequency – ODIHR was sensitive to criticism that it thought only “east of Vienna” was worth monitoring – but found far more to criticise in the east, especially in Azerbaijan and Central Asia. From 1999 to 2020 ODIHR issued thirty statements and reports expressing concern, criticism or condemnation of Azerbaijani elections or human rights practices and thirty-five about Kazakhstan, but only sixteen on Russia and eleven on Hungary (mostly about Roma/Sinti issues). The RFoM similarly found much to criticise in Azerbaijan: for the same period, the Representative issued seventy-four statements of concern, criticism or condemnation on Azerbaijan (mostly for high-profile prosecutions of journalists), but only thirty-eight about Kazakhstan and seventeen about Hungary. On Russia the RFoM issued few statements until Putin’s return to the presidency in 2012 but has issued ninety-four since then.

OSCE efforts to promote democratic governance and respect for human rights in states unreceptive to that message has resembled, over the last two decades, Sisyphus pushing the boulder uphill, with the slope steepening after Russia’s annexation of Crimea in 2014. Already hobbled since the financial crisis of 2008 by a “zero nominal growth” budgetary policy, the OSCE suffered from a structural disadvantage imposed by the consensus principle: all decisions require unanimity, including annual consent on the budgets and mandates of field presences. To be sure, field presences had closed in the past: host countries joined the EU and no longer needed the programmes or services provided by OSCE missions, or the single purpose for which some presences were established became obsolete (e.g., the Representative to the Estonian Expert Commission on Military Pensioners). But in 2010 Belarus took a new step: it closed the Office in Minsk, whose director was vociferous in raising democracy and human rights issues. The crisis of 2014 emboldened those who resented OSCE criticisms. In 2014 Azerbaijan downgraded the OSCE Office in Baku to a Project Coordinator and closed it entirely the following year. In 2017 Armenia followed suit, closing the Office in Yerevan.

It was only a matter of time before participating States threatened breaking consensus to promote other demands, and in 2020 Azerbaijan set off the cycle that vacated the leadership positions in ODIHR, RFoM, HCNM and the Secretariat. Now that participating States have seen what is possible, it cannot be unseen and will be difficult to reverse. While it will be the task of the 2021 Swedish Chair-inOffice (CiO) and her successors to help re-establish the institutions to carry out their tasks effectively, the threat of any participating State’s breaking consensus reminds the institutions of the cost of doing their jobs. In a Zoom webinar with the Carnegie Endowment for International Peace on 28 January 2021, CiO Ann Linde, Foreign Minister of Sweden, reiterated – in the same words as previous OSCE officials – determination to press for respect for human rights and democracy as commitments undertaken without reservation by participating States. The drama continues.

Conclusion

The OSCE has met with decidedly mixed results over the last ten years. OSCE mediators’ best efforts were no more successful than in the twenty preceding years. A mediator cannot make peace if the sides – or in some cases, their patrons – do not want it. The Special Monitoring Mission in Ukraine can be judged as a success in keeping the international community informed and involved but the consensus principle and the lack of a legal personality, which render the OSCE heavily dependent on its participating States, make it impossible for the OSCE to go beyond the bounds set by those states, especially when the latter are belligerents. That limitation is even more severe in the case of promotion of democratic governance and human rights. Participating States can – and did – disrupt all activities in these areas. What do these cases tell us about where the OSCE is heading?

In 2016, following Russia’s annexation of Crimea and the war in eastern Ukraine, the OSCE established a Structured Dialogue to work on “challenges in the wider politico-military sphere” in areas on which East and West were still capable of finding common ground.30 It followed an earlier attempt at dialogue, the Corfu Process, created by the Greek CiO in 2009 in the wake of the Russian-Georgian War and Medvedev’s proposal for a new European security treaty.31 The Structured Dialogue can be viewed as a return to the CSCE of 1975: a permanent conference of states, most affiliated with rival security, political and/or economic blocs, whose purpose was discussing issues of European security and cooperation. Given the continuing difficulties the OSCE faces in carrying out executive functions, the question participating States must ask themselves becomes: “what future do we want for the OSCE?” If the answer is a return to the 1975 CSCE, they need do nothing: the Structured Dialogue is that future, barring only window dressing. A return to 1975 would still leave the OSCE a valuable organisation, especially since some participating States appear to look forward to a return of blocs, spheres of influence and a more Westphalian and less multilateral world.

If, however, the participating States want an OSCE capable of carrying out the executive functions needed to mediate peace, mount effective observer missions and promote the democratic and human rights commitments they undertook at Helsinki in 1975 and Paris in 1990, they must agree to strengthen the OSCE’s executive capabilities and give the organisation more autonomy from their own day-to-day pressure. They can start this process in three ways: the first – and admittedly most difficult – is to amend the process of achieving consensus in choosing the leadership of OSCE institutions to negate direct threats from participating States with a particular grievance – the drama we saw in 2020. We can only hope that the certainty of a stalemated organisation – in every function – will serve to concentrate minds.

Secondly, participating States should agree on a legal personality for the OSCE that will allow it to carry out basic day-to-day tasks that are now barred – as we saw, the SMM in Ukraine could not even open its own bank account. In this regard the position of the United States will be key, since it represented the original resistance to a legal personality and a stronger executive. Historically, “Jacksonian”32 US legislators, suspicious of internationalism, led that charge. After four years of Jacksonian foreign policymaking by the Trump Administration, President Joseph Biden and his team face an uphill battle in credibly asserting that a return of US commitment to internationalism will outlast the new Administration.33 One step in rebuilding credibility would be strengthening the OSCE’s executive capabilities – furthering the twin goals of re-engaging with multilateralism and re-engaging with Europe.

Lastly, states committed to democracy, the rule of law and respect for human rights need to work together to come up with a better argument for furthering those goals among all participating States. Merely doubling down on insisting that these are universal ideals to which those states undertook commitments has not proved effective in the past and is unlikely to be effective in the future. States now undermine the OSCE acquis not by challenging democracy, legality or human rights per se, but rather the meaning ascribed to them by Western powers. Calling those ideals aspects of geopolitical struggle, a community of “illiberal” states now claims the right to define them in Orwellian oxymorons. The democracies of Europe, still the majority, are fragmented but also diverse – which also means they have voices that can bridge the divide.

#### The OSCE’s non-binding---that wrecks conflict resolution

A. M. Skryabina 18, А. М. Скрябина, researcher at at Mariiskii State University, “ОБСЕ как субъект контроля за соблюдением прав человека в Европе, или почему неэффективна ее деятельность,” or, “The OSCE as a subject of monitoring the observance of human rights in Europe, or why its activities are ineffective,” Марийский государственный университет, 2018, pp. 392–394, translated by Yandex

ОБСЕ или Организация по безопасности и сотрудничеству в Европе – довольно молодая организация по поддержке безопасности и стабильности относительно своих коллег, таких как ООН, ЕС или НАТО, создана лишь в 1975 году. Создание Организации по безопасности и сотрудничеству в Европе было направлено на закрепление 10 принципов хельсинкского Заключительного акта Совещания по безопасности и сотрудничеству в Европе: суверенного равенства, неприменения силы и ее угроз, нерушимости границ, территориальной целостности государств, мирного урегулирования споров, невмешательства во внутренние дела, уважение прав человека и основных свобод, включая свободу мысли, совести, религии и убеждений, равноправие и право народов располагать своей судьбой, сотрудничество между государствами и добросовестное выполнение обязательств по международному праву. И по сей день, со времен образования первых организаций по обеспечению мирного порядка, таких, как Лига Наций, главной целью мирового сообщества остается поддержание безопасности и контроль за соблюдением прав человека.

В 1995 году ОБСЕ стала первой организацией, отвечающей за общеевропейский порядок. Ее спектр действий направлен на предупреждение кризисов и конфликтных ситуаций, их урегулирование и постконфликтная реабилитация. Помимо решения вопросов экономики и экологии, укрепления мира и безопасности в Европе, немаловажным аспектом деятельности ОБСЕ является защита прав людей. Уважение прав человека и основных свобод является ключевым элементом всеобъемлющей концепции безопасности ОБСЕ. Во-первых, идет борьба с торговлей людьми. Действия ОБСЕ против торговли людьми координируются Управлением Специального представителя и координатора по борьбе с торговлей людьми. Во-вторых, идет обеспечение гендерного равенства, свободы религии, слова, передвижения, СМИ. В-третьих, ОБСЕ выявляет, ищет пути разрешения напряженности между этническими представителями и устанавливает стандарты прав для групп меньшинств. Создано Бюро по демократическим институтам и правам человека (БДИПЧ), которое представляет собой институт по содействию обеспечению прав человека, развитию демократии и утверждению верховенства закона.

Рассмотрим работу организации на примере Республики Кыргызстан. В летнее время жители сел югозапада страны сталкиваются с проблемой нехватки поливной воды. Здесь проживают представители различных этнических групп, и ограниченный доступ к воде может привести к конфликтам. ОБСЕ организовала курсы посредников для местного населения для того, чтобы обученные «вестники мира» могли помочь разрешить разногласия в своих общинах. Центр ОБСЕ в Бишкеке стремится к долгосрочному позитивному воздействию на жизнь жителей Кыргызстана, работая в таких сферах, как укрепление отношений между общинами, укрепление надлежащего управления, содействие защите прав человека и верховенства закона, а также продвижение гендерного равенства. Так, браки по договоренности все еще реальны для многих молодых женщин Кыргызстана. Большое количество таких браков распадаются, и часто женщина остается одна, затрудняясь справиться со сложившейся ситуацией. ОБСЕ поддерживает местные организации, в том числе сеть «Женских Инициативных Групп», которые оказывают помощь и содействие женщинам, оказавшимся в подобной ситуации.

Все бы хорошо, но везде есть свои изъяны и недостатки. По нашему мнению, деятельность ОБСЕ недостаточно эффективна. Начнем с того, что организация не может принуждать государства к миру, так как это прописано в Хельсинкском документе 1992 года. Она не является доминирующей на фоне своих коллег, таких как ЕС и ООН. Ей отведена роль «гуманитарного контролера», который действует в своих геостратегических интересах, а не следует задаче восстановления мира в том или ином регионе. Явным примером, на наш взгляд, является ситуация в Украине, где велись ожесточенные бои в районах Донбасса, Краматорска, Донецка. Насколько было известно из СМИ, представители ОБСЕ были в местах напряженности, но это не привело к какому-либо немедленному разрешению противоречий.

Можно долго рассуждать о проблемах деятельности ОБСЕ и, хотя при ее гибкой, мобильной работе, она остается ограниченной в своих полномочиях, что влияет на выполнение своих обязанностей, таких как обеспечение миропорядка на территории Европы, ведь, повторимся, ОБСЕ не имеет права силой принуждать страны к миру. По нашему мнению, организация нуждается в реформах, так как нет ничего неизменного. Всему в этом мире нужно развиваться.

[TRANSLATION]

The OSCE or the Organization for Security and Co–operation in Europe is a fairly young organization to support security and stability relative to its counterparts, such as the UN, EU or NATO, established only in 1975. The creation of the Organization for Security and Co-operation in Europe was aimed at consolidating the 10 principles of the Helsinki Final Act of the Conference on Security and Co-operation in Europe: sovereign equality, non-use of force and its threats, inviolability of borders, territorial integrity of States, peaceful settlement of disputes, non-interference in internal affairs, respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion and beliefs, equality and the right of peoples to have their own destiny, cooperation between States and the faithful fulfillment of obligations under international law. To this day, since the formation of the first organizations to ensure a peaceful order, such as the League of Nations, the main goal of the world community remains to maintain security and monitor the observance of human rights.

In 1995, the OSCE became the first organization responsible for the pan-European order. Its range of actions is aimed at preventing crises and conflict situations, their settlement and post-conflict rehabilitation. In addition to addressing economic and environmental issues, strengthening peace and security in Europe, an important aspect of the OSCE's activities is the protection of human rights. Respect for human rights and fundamental freedoms is a key element of the OSCE's comprehensive security concept. Firstly, there is a fight against human trafficking. OSCE actions against human trafficking are coordinated by the Office of the Special Representative and Coordinator for Combating Human Trafficking. Secondly, gender equality, freedom of religion, speech, movement, and the media are being ensured. Thirdly, the OSCE identifies and seeks ways to resolve tensions between ethnic representatives and sets standards of rights for minority groups. The Office for Democratic Institutions and Human Rights (ODIHR) has been established, which is an institution for the promotion of human rights, the development of democracy and the establishment of the rule of law.

Let's consider the work of the organization on the example of the Republic of Kyrgyzstan. In the summer, residents of villages in the south-west of the country face the problem of lack of irrigation water. Representatives of various ethnic groups live here, and limited access to water can lead to conflicts. The OSCE has organized mediation courses for the local population so that trained "messengers of peace" can help resolve differences in their communities. The OSCE Center in Bishkek strives to have a long-term positive impact on the lives of Kyrgyz residents by working in areas such as strengthening community relations, strengthening good governance, promoting human rights and the rule of law, and promoting gender equality. So, arranged marriages are still real for many young women in Kyrgyzstan. A large number of such marriages break up, and often a woman is left alone, finding it difficult to cope with the current situation. The OSCE supports local organizations, including a network of "Women's Initiative Groups" that provide assistance and assistance to women who find themselves in a similar situation.

Everything would be fine, but there are flaws and shortcomings everywhere. In our opinion, the OSCE's activities are not effective enough. Let's start with the fact that the organization cannot force states to peace, as it is prescribed in the Helsinki Document of 1992. It is not dominant against the background of its colleagues, such as the EU and the UN. It is assigned the role of a "humanitarian controller" who acts in his geostrategic interests, and does not follow the task of restoring peace in a particular region. A clear example, in our opinion, is the situation in Ukraine, where fierce battles were fought in the areas of Donbass, Kramatorsk, Donetsk. As far as it was known from the media, OSCE representatives were in places of tension, but this did not lead to any immediate resolution of the contradictions.

One can talk for a long time about the problems of the OSCE's activities and, although with its flexible, mobile work, it remains limited in its powers, which affects the performance of its duties, such as ensuring world order in Europe, because, again, the OSCE has no right to force countries to peace. In our opinion, the organization needs reforms, since nothing is unchangeable. Everything in this world needs to evolve.

#### OSCE is wrecked

Daniel Trachsler 12, analyst at CCS Analysis in Security Policy, “The OSCE: Fighting for Renewed Relevance,” CCS Analysis, No. 110, March 2012, https://www.files.ethz.ch/isn/141518/CSS-Analysis-110-EN.pdf

Loss of relevance

For about ten years now, the OSCE has been struggling against a loss of relevance. This challenge stems from a number of reasons: firstly, competition from other actors; secondly, paralysis of the organisation due to an East-West split; and thirdly, its diffuse profile and low degree of visibility. Europe’s security architecture has changed, and the OSCE has become less attractive as a consequence. The expansion drives of NATO and the EU were crucial factors. Numerous countries joined these two organisations, which had more to offer their members than the OSCE did: concrete security guarantees as well as economic and financial prowess. NATO and the EU also introduced frameworks of association apart from full membership, reducing the importance of the OSCE’s encompassing nature.

The OSCE also faced competition in its areas of activity. With the establishment of a common security and defence policy, the EU became active in areas that had previously been regarded as core competencies of the OSCE, e.g., election monitoring, conflict mediation and field missions (e.g. EUPM in Bosnia-Herzegovina, EUMM in Georgia after the 2008 war). This led to a duplication of competencies on unequal terms, as Brussels has vastly greater resources. There is also an overlap between the OSCE and the Council of Europe, particularly in the human dimension of security (e.g., promotion of human rights and democracy). Vienna and Strasbourg have established co-ordination mechanisms. A clearer division of labour exists with NATO, which as a defence alliance guarantees the military security of its members. The UN, in turn, has recognised the OSCE as a regional organisation, while the OSCE itself regards support for the UN, e.g. in the area of conflict prevention, as one of its tasks. Here, too, co-operation and division of labour are crucial. There is no argument over jurisdiction when it comes to authorising sanctions and coercive measures, which is done under the aegis of the UN Security Council.

The renewed East-West divide within the OSCE is also problematic, since it weakens the organisation’s ability to act. NATO/ EU countries stand in opposition to Russia and other likeminded states, in the context of the generally tense political relations between Moscow and Washington, in particular with regard to the Eastern expansion of NATO and the US development of a missile defence shield. OSCE-specific factors are also important, specifically the erosion of the normative consensus among member states and the crisis of confidence this has entailed. With the end of the Cold War, the OSCE’s human dimension gained in importance. In Copenhagen (1990) and Moscow (1991), member states agreed that obligations relating to the human dimension (human rights, democratisation, good governance) could not be considered as exclusively domestic affairs. The introduction of relevant instruments (“Moscow mechanism”) implied a curtailment of the sovereignty principle.

This development is meeting with increasing resistance from Moscow. The dominant view in Russia is that the co-operative strategy of the 1990s has failed. Western states, it is believed, have ignored Russian security interests, e.g., with regard to missile defence and the CFE treaty, and there is a widespread perception that the West has not respected Moscow’s sphere of interests, as evinced by its support of the “colour revolutions” in Central Europe. Russia makes three accusations in particular: First, that the human dimension within the OSCE is overemphasised at the expense of the political/military dimension. Secondly, that the OSCE resolves the tension between state sovereignty (territorial integrity, non-intervention, inviolable borders) and fundamental rights of the people (human rights, self-determination) in a lopsided manner favouring the latter (e.g., when recognising the independence of Kosovo). And thirdly, that the geographic equilibrium of the OSCE’s activities has been lost. The OSCE, according to this view, essentially only intervenes ‘east of Vienna’, although relevant issues also exist further West (e.g., Basque country, Northern Ireland). This criticism culminated in 2007, when Russian President Vladimir Putin accused the OSCE of having degenerated into a vulgar instrument of asserting Western interests.

Due to the consensus rule, the split between East and West paralyses the organisation. Member states failed to pass a joint action plan at the Astana summit and did not agree on final statements at several ministerial meetings. The budget was also the subject of frequent dispute. The rift has led to key OSCE missions not being extended or their mandates being watered down (e.g., Georgia, Belarus, Uzbekistan). Similarly, Moscow tried to strengthen political control over the relatively independent OSCE institutions (ODHIR, HCNM, RFM). The current logjam has also impeded any clarification of the OSCE’s legal status and the passing of an OSCE convention. The Western states suspect that Russia would use this as an opportunity to weaken the organisation’s competencies and limit the autonomy of its institutions.

The OSCE’s low degree of visibility is also not helpful to its reputation. Usually, the organisation only enjoys media coverage during election-monitoring campaigns and summit meetings. Aside from that, it rarely creates positive headlines. Its most important successes (such as the missions in Kosovo, Croatia, and Bosnia) are a thing of the past. In Europe’s “frozen conflicts”, e.g., in Transdniestr or Nagorno Karabakh, where the OSCE has long been active, progress is a long way off. The hard day-to-day work that the OSCE performs competently in many places (e.g., Kyrgyzstan mission, activities of ODIHR and HCNM) often goes unnoticed by the public. Success in conflict prevention is notoriously difficult to demonstrate. As a result, public awareness of the OSCE’s relevance is limited at best.

This effect is further intensified by the OSCE’s diffuse profile. After 1989/91, its activities grew organically rather than in a strategically controlled manner. This resulted in the currently almost excessively broad range of activities, from conflict prevention, over the fight against terrorism, and human trafficking to the promotion of media freedom and trade. Extending OSCE activities into the domains of energy security and cybersecurity is also being discussed. Added to this is the lack of continuity arising from the rotating chairmanship and the limited strategic planning competencies of the OSCE secretariat. While cross-dimensional activities are part and parcel of the OSCE, they also carry the risk of dissipating energy in the absence of clear thematic focus.

### OSCE CP---NATO Key---Norms

#### NATO is key---they possess unique intellectual and political capital to propagate best practices.

Dr Ulf Ehlert 21, head of Strategy and Policy in the Office of the Chief Scientist at NATO headquarters, “Why Our Values Should Drive Our Technology Choices,” NATO Review, 12-16-2021, https://www.nato.int/docu/review/articles/2021/12/16/why-our-values-should-drive-our-technology-choices/index.html

Setting norms – a role for NATO?

Emerging and Disruptive Technologies (EDTs) came into NATO’s political focus in 2019, when NATO leaders adopted an implementation roadmap for seven such technologies. Regardless of their tremendous promise, we must realise that these technologies are not yet mature, not yet “fully out there”. Therefore, considerable uncertainty remains to which extent these fledgling technologies and their foreseeable applications are appropriately contained within established legal, ethical, and moral norms. These questions are not limited to military applications, nor do they stop at national borders: rather, they cut across many government departments and business sectors, and they affect humanity in its entirety.

In this complex, fast moving, high-stake setting, we must view technology and values as intertwined. While our values should guide our use of technology, we must recognise that our technology choices will, whether intended or not, reflect the values we adhere to.

As inaction is not an option, we must take active measures to establish norms for the future use of technologies; norms that are deeply rooted in our values; technologies that are currently emerging and have recognised disruption potential (such as AI, biotechnology, and quantum technology). How could we realistically master this novel challenge? The following three proposals could pave the way.

We must effectively cope with the uncertainties of technology evolution. Hence, I suggest evolutionary policy-making, building on current knowledge, but flexible enough so that today’s decisions can be adjusted or corrected in the future.

We must strive to limit potential harm without unduly constraining the benefits a technology can bring. Therefore, our policies should set limits for the application of technologies (such as genetically optimised super-soldiers) rather than banning entire technology areas (in this case, biotechnology).

We need to understand when policy changes are necessary and what those changes should be. Reflecting the diversity of interests, we need to institutionalise a broad stakeholder engagement that reaches out to all parties affected by a technology and influencing its evolution.

Within this broadly applicable framing, NATO’s role is specific. As the international organisation committed to defence and security in the North Atlantic area, it convenes considerable political, military, economic, and technological power. Building in particular on its political and intellectual capital, the Alliance can credibly spearhead norm setting for technology applications in defence to comply with Western values.

With its recently published AI Strategy, NATO fulfils its traditional role in an innovative way. This Strategy embraces principles of responsible use, which express the value-driven norms that NATO and its member nations will adhere to in the application of AI. By making these principles public, they set an example for other nations to consider and potentially adopt NATO’s principles. This is an effective approach towards proposing and gradually implementing an international norm, not unlike the European Union’s General Data Protection Regulation.

#### NATO’s direct integration into military issues makes it uniquely effective at ensuring compliance with international law.

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International legal norms

In certain respects, the legal debate mirrors much of the ethical debate surrounding AI as the two address many of the same issues. International law is a values-based system embedded in certain principles and practices agreed-upon within the international system. This section certainly identifies the complementarity of the ethical discussion surrounding AI, but it also illustrates where the legal debate can depart from the ethical considerations to address different sorts of legal challenges that face the Alliance.

Lawyers, researchers, and civil society grapple with existing legal regimes relevant to military operations and the uncertainty and ambiguity surrounding automated decision-making, particularly in lethal decision-making. Thus far, the legal dialogue has been heavily anchored in the applicability of international humanitarian law (IHL), and other relevant legal regimes, to lethal autonomous weapons systems.72 IHL, also known as the laws of war or the laws of armed conflict, regulate the means and methods of warfare and, as such, is pivotal to the emergence of military technology and how existing legal structures are disrupted. The legal debate often revolves around the prospect of a “treaty ban” of LAWS.73

But the legal debate is much more nuanced than the likelihood of international treaties banning any particular weapon system. Especially because NATO is not a regulatory body, it cannot institute measures to regulate emerging technology for the Allies. Instead, NATO’s function in the legal domain may be more effective outside the traditional legal debates around emerging military technology and more embedded in fostering cooperation and coordination among military partners.

Other avenues of legal regulation may fall short of an international convention or prohibition, but nevertheless factor significantly in regulating and/or delineating state policies. Additionally, non-lethal applications of AI, as well as applications of AI that do not figure into autonomous systems, also raise important legal questions under international law. Arguably, norms around non-lethal applications are more urgent as their development is more advanced, harder to define, and less controversial in integration.74 Ultimately, NATO’s facilitative power can help ensure that integration of EDTs like AI into military capabilities and into multinational coalition operations is consistent with member states’ legal obligations.

### OSCE CP---Perm Do Both

#### The perm is best---NATO and the OSCE are complimentary---combining dialogue best propagates new security norms

Anton Sergeevich Gavrilov 18, Антон Сергеевич Гаврилов, researcher at Mariisk State University, “Международные организации как механизмы регулирования международных отношений (ООН, ОБСЕ, НАТО),” or “International Organizations as Mechanisms for Regulating International Relations (UN, OSCE, NATO),” Марийский государственный университет, 2018, pp. 490–492, translated by Yandex

На сегодняшний день систему международных отношений невозможно представить без таких организаций, как ООН и ОБСЕ. Современный мир все больше сталкивается с проблемами вооруженных столкновений, с самого разного типа кризисными ситуациями. И лучший ключ к разрешению подобных проблем — деятельность данных организаций. Нельзя недооценивать всю значимость миротворческих операций, проводимых ООН, невозможно выразить всю благодарность деятельности ОБСЕ за проводимые ей планы по урегулированию кризисных ситуаций, возникших в том или ином регионе. Это лишь немногие плюсы данных международных организаций. Подводя итог в данном вопросе, стоит сказать, что значимость ООН и ОБСЕ огромна. Военнополитический блок НАТО, несмотря на свои сомнительные и далекие от доверия средства решения возникших проблем, также представляет собой важного игрока на международной арене и оказывает существенное влияние на нее. НАТО так же, как ООН и ОБСЕ, способствует эффективному предотвращению конфликтов и активно участвует в кризисном регулировании.

Помимо собственных целей, которые ставят перед собой данные международные организации, они также следуют и целям коллективного характера. Ярким примером взаимодействия двух игроков международной арены в рамках коллективного целеполагания является взаимодействие НАТО и ООН.

Вопросы, касаемые кризисного регулирования, объединяют НАТО и ООН. Уместно будет сказать о правовой основе решения подобных вопросов. Глава 18 Устава ООН и Вашингтонский договор 1949 года подтверждают приверженность Североатлантического союза основным принципам ООН. НАТО и ИСАФ (Международные силы поддержания безопасности) тесно сотрудничают с Миссией ООН по содействию Афганистану, а также и с другими международными структурами, которые поддерживают работу по государственному восстановлению, развитию и управлению. Стоит сказать, что тесное взаимодействие ООН и НАТО проходит в самых различных форматах как в Афганистане, так и в столицах стран ООН и НАТО. Сюда можно добавить, что это, прежде всего, совместное членство в Объединенном совете по координации и мониторингу, осуществляющем надзор за соблюдением Афганского договора. Однако, несмотря на все вышеуказанные положительные моменты данного сотрудничества, все же стоит сказать, что, хотя НАТО и ООН сегодня весьма крупно развивают взаимодействие по сложным вопросам осуществления безопасности, их отношения нельзя назвать достаточно крепкими в плане партнерства.

Еще одним примером коллективного взаимодействия является сотрудничество ООН и ОБСЕ. Здесь важно отметить, что ОБСЕ ведет активный диалог с ООН и поддерживает с данной международной организацией весьма крепкие партнерские отношения. ООН и ОБСЕ довольно упорно и слаженно сотрудничают в сфере раннего обнаружения, своевременного отслеживания и предотвращения конфликтов и кризисов. Обе международные организации в своей работе делают упор исключительно на политико-дипломатические и правовые средства решения возникших проблем в соответствии с уставом ООН. Как в ОБСЕ, так и в ООН имеется широкий арсенал средств и механизмом раннего предупреждения конфликтов и недопущения их перерастания в военные конфликты.

Также стоит сказать, что все вышеперечисленные международные организации сотрудничают совместно. ОБСЕ и ООН косвенно поддерживают отношения с НАТО. Однако здесь речь может идти лишь о путях координации усилий НАТО с деятельностью ООН и ОБСЕ. Рассуждая о дальнейшем сотрудничестве НАТО с ООН и ОБСЕ, стоит отметить, что у НАТО практически отсутствуют инструменты решения проблем, которые можно было бы использовать в сфере превентивной дипломатии. Из этого следует вывод, что было бы довольно положительно для НАТО чаще прибегать к встречам с Генеральным секретарем ООН и ОБСЕ, обмениваться информацией, а также привлекать специальных и личных представителей Генсекретаря ООН, действующего председателя ОБСЕ, посредников и специалистов в области превентивной дипломатии.

Однако все же, говоря о взаимодействии данных игроков международной арены, нельзя не сказать об истории их возникновения.

Хочется начать с Организации Объединенных Наций. Данная международная организация была основана 24 октября 1945 года, именно к этому дню Устав ратифицировали: Китай, Советский Союз, Великобритания, Соединенные Штаты, Франция, а также большое количество других подписавших его государств. Главной своей целью ООН ставит поддержание мира между странами и народами, предупреждение возможных конфликтов и улаживание споров дипломатическими средствами.

Говоря об Организации по безопасности и сотрудничеству в Европе, стоит сказать, что создание этой международной организации приходится на 1975 год. Итоговый акт был подписан в конце июля – начале августа 1975 года в столице Финляндии, Хельсинках. С того времени Совет по безопасности и сотрудничеству в Европе стал проводить свои встречи регулярно. Данная организация ориентирует свое внимание на таких вопросах, как предотвращение возникновения конфликтов в регионе, урегулирование кризисных ситуаций, ликвидация последствий конфликтов.

Закончим данный краткий исторический экскурс информацией об истории создания и целях военнополитического блока НАТО.

НАТО была создана 4 апреля 1949 года в городе Вашингтон. Стоит сказать, что с самого начала НАТО была нацелена и ориентирована на полное противодействие Советскому Союзу, а также и странам — участницам Организации Варшавского договора позднее. Сама стратегическая концепция определяет многие первостепенные задачи НАТО. Выделим несколько: выступает основой стабильности в Евроатлантическом регионе; служит форумом для проведения консультаций по проблемам безопасности; способствует эффективному предотвращению конфликтов и активно участвует в кризисном регулировании и т. д. В своей деятельности НАТО опирается на особые программы сотрудничества. Одной из таких является программа «Партнерство ради мира». Данная программа представляет собой форму двустороннего практического сотрудничества, особенно в военной сфере, между НАТО и отдельными странами-партнерами.

Подводя итог рассуждениям по данному вопросу, надо сказать, что деятельность всех вышеперечисленных международных организаций оказывает большое влияние на систему международных отношений. Действительно, это своего рода механизмы работы великой машины, имя которой — международные отношения, и каждый механизм важен для продуктивного и правильного функционирования этого уникального средства для поддержания дипломатии, диалога и сотрудничества.

[TRANSLATION]

Today, it is impossible to imagine the system of international relations without such organizations as the UN and the OSCE. The modern world is increasingly faced with the problems of armed clashes, with various types of crisis situations. And the best key to solving such problems is the activities of these organizations. It is impossible to underestimate the importance of UN peacekeeping operations, it is impossible to express all gratitude to the OSCE for its plans to resolve crisis situations that have arisen in a particular region. These are just a few advantages of these international organizations. Summing up on this issue, it is worth saying that the importance of the UN and the OSCE is enormous. The NATO military-political bloc, despite its dubious and far from trustworthy means of solving the problems that have arisen, also represents an important player in the international arena and has a significant impact on it. NATO, as well as the UN and OSCE, contributes to effective conflict prevention and actively participates in crisis management.

In addition to their own goals set by these international organizations, they also follow collective goals. A striking example of the interaction of two players in the international arena within the framework of collective goal-setting is the interaction of NATO and the UN.

Issues related to crisis management unite NATO and the UN. It would be appropriate to say about the legal basis for solving such issues. Chapter 18 of the UN Charter and the Washington Treaty of 1949 confirm the Alliance's commitment to the basic principles of the UN. NATO and ISAF (International Security Support Force) work closely with the UN Assistance Mission in Afghanistan, as well as with other international structures that support the work on state reconstruction, development and governance. It is worth saying that close cooperation between the UN and NATO takes place in a variety of formats both in Afghanistan and in the capitals of the UN and NATO countries. It can be added here that this is, first of all, joint membership in the Joint Coordination and Monitoring Council, which oversees compliance with the Afghan Treaty. However, despite all the above-mentioned positive aspects of this cooperation, it is still worth saying that, although NATO and the UN are developing cooperation on complex security issues on a very large scale today, their relations cannot be called strong enough in terms of partnership.

Another example of collective cooperation is the cooperation of the UN and the OSCE. It is important to note here that the OSCE conducts an active dialogue with the UN and maintains very strong partnership relations with this international organization. The UN and the OSCE are cooperating quite hard and harmoniously in the field of early detection, timely tracking and prevention of conflicts and crises. Both international organizations in their work focus exclusively on political, diplomatic and legal means of solving the problems that have arisen in accordance with the UN Charter. Both the OSCE and the UN have a wide arsenal of tools and a mechanism for early warning of conflicts and preventing them from escalating into military conflicts.

It is also worth saying that all of the above international organizations cooperate together. The OSCE and the UN indirectly maintain relations with NATO. However, here we can only talk about ways to coordinate NATO's efforts with the activities of the UN and the OSCE. Speaking about NATO's further cooperation with the UN and the OSCE, it is worth noting that NATO has practically no problem-solving tools that could be used in the field of preventive diplomacy. It follows from this that it would be quite positive for NATO to resort more often to meetings with the UN Secretary General and the OSCE, to exchange information, as well as to involve special and personal representatives of the UN Secretary General, the OSCE Chairman-in-Office, mediators and specialists in the field of preventive diplomacy.

However, speaking about the interaction of these players in the international arena, it is impossible not to say about the history of their origin.

I would like to start with the United Nations. This international organization was founded on October 24, 1945, it was on this day that the Charter was ratified by: China, the Soviet Union, Great Britain, the United States, France, as well as a large number of other signatory states. The main goal of the UN is to maintain peace between countries and peoples, prevent possible conflicts and settle disputes by diplomatic means.

Speaking about the Organization for Security and Co-operation in Europe, it is worth saying that the creation of this international organization falls in 1975. The final act was signed in late July – early August 1975 in the capital of Finland, Helsinki. Since that time, the Council for Security and Cooperation in Europe has been holding its meetings regularly. This organization focuses its attention on such issues as the prevention of conflicts in the region, the settlement of crisis situations, the elimination of the consequences of conflicts.

Let's finish this brief historical digression with information about the history of the creation and goals of the NATO military-political bloc.

NATO was established on April 4, 1949 in Washington. It is worth saying that from the very beginning, NATO was aimed and focused on complete opposition to the Soviet Union, as well as to the member countries of the Warsaw Pact Organization later. The strategic concept itself defines many of NATO's primary tasks. We will single out several: acts as the basis of stability in the Euro-Atlantic region; serves as a forum for consultations on security issues; promotes effective conflict prevention and actively participates in crisis management, etc. In its activities, NATO relies on special cooperation programs. One of these is the Partnership for Peace program. This program is a form of bilateral practical cooperation, especially in the military sphere, between NATO and individual partner countries.

Summing up the reasoning on this issue, I must say that the activities of all the above-mentioned international organizations have a great influence on the system of international relations. Indeed, these are some kind of mechanisms of the great machine, whose name is international relations, and each mechanism is important for the productive and proper functioning of this unique means for maintaining diplomacy, dialogue and cooperation.

### OSCE CP---Perm Do Both---Cyber

#### Combining for a best takes advantage of their relative strengths---they’re mutually reinforcing, NOT an op cost

Adina Ponta 21, advisor to the Committee on Information Technology and Communications in the Romanian Parliament, teaching lecturer at the Babeș-Bolyai University in Romania and a postdoctoral researcher at the Law School’s Center for Business Law & Information Technology, “Legal Instability in Cyberspace and OSCE’s Mitigation Role,” Juridical Tribune, vol. 11, no. 3, 12/28/2021, DOI.org (Crossref), doi:10.24818/TBJ/2021/11/3.01

Fourth, strengthening the regional structures for conflict prevention requires a great amount of political will. However, for broader inclusion, coherence, and complementarity of efforts, and to avoid risks of duplication, international partners should enhance their cooperation at all working levels. More synergy among regional organizations will enhance common understanding of threats, exchange of lessons learned, and promote cooperation over competition. These efforts can provide advanced legal policy training for diplomats and local capacity building, which is crucial to follow-up on the implementation of CBMs. The OSCE should avail itself of the dialogue channels in place and establish new partnerships for a comprehensive picture of regional views and conflict prevention mechanisms.

Cyberpolicy cooperation and understanding of States’ views and concerns should build on the significant overlap in membership of the EU, the OSCE, and NATO, organizations with highly complementary mandates. While the EU focuses on strengthening resilience through finance and diplomacy, the OSCE’s model of regional security, and NATO’s crisis management capacities could merge into meaningful synergies with the purpose of conflict prevention and early warning, common features of these organizations’ mandates.51

### OSCE CP---Perm Russia in NATO

#### Only offering Russia integration---even if it refuses---communicates NATO’s benign intent---integration solves broad security coop

Charles A. Kupchan 10, Professor of International Affairs at Georgetown University and a Senior Fellow at the Council on Foreign Relations, “NATO's Final Frontier: Why Russia Should Join the Atlantic Alliance,” Foreign Affairs, May/June 2010, <https://www.foreignaffairs.com/articles/russian-federation/2010-05-01/natos-final-frontier>

Nonetheless, the West is making a historic mistake in treating Russia as a strategic pariah. As made clear by the settlements after the Napoleonic Wars and World War II -- in contrast to the one that followed World War I -- including former adversaries in a postwar order is critical to the consolidation of great-power peace. Anchoring Russia in an enlarged Euro-Atlantic order, therefore, should be an urgent priority for NATO today.

Russia has been disgruntled with the expansion of NATO ever since the alliance began courting new members from the former Soviet bloc in the early 1990s. However, Russia's economic and military decline and the West's primacy encouraged NATO members to discount the potential consequences of Russian discontent. "As American capabilities surged and Russian capabilities waned," the political scientists Daniel Deudney and G. John Ikenberry have observed, "Washington policymakers increasingly acted as though Russia no longer mattered and the United States could do whatever it wanted."

The strategic landscape has since changed dramatically, however, and the costs of excluding Russia from the Euro-Atlantic order have risen substantially. The Kremlin's recentralization of power and Russia's economic rebound thanks to higher energy prices have brought the country back to life. Russia now has the confidence and the capability to push back against NATO -- just as the West urgently needs Moscow's cooperation on a host of issues, including the containment of Iran's nuclear ambitions, arms control and nonproliferation, the stabilization of Afghanistan, counterterrorism, and energy security.

Moreover, the ongoing expansion of NATO has made the question of Russia's place in the Euro-Atlantic order even more pressing. In its new military doctrine, released this February, Russia identified NATO enlargement as a primary external threat. The alliance has been contemplating membership for Georgia and Ukraine, a move that would dangerously escalate tensions between NATO and Russia. Indeed, the Russian-Georgian war of 2008 was to some extent a reflection of Moscow's disquiet about Georgia's westward geopolitical alignment. And rather than just opposing NATO enlargement, Russia is now offering its own ideas for revamping the Euro-Atlantic security architecture. In November 2009, the Russian government released a draft of a new European security treaty that laid out Moscow's proposals for a pan-European institution. NATO allies, it seems, no longer have the luxury of indefinitely postponing consideration of Russia's place in the post-Cold War settlement.

A vision for bringing Russia into the Euro-Atlantic space is readily within reach: Russia should become a member of NATO. The country's eventual admission to the alliance would be the logical completion of a Euro-Atlantic order in which NATO is the primary security institution. Having embarked on the process of enlarging NATO when the Soviet bloc collapsed, the Western allies should now do their best to conclude that process by integrating Russia and other members of the Commonwealth of Independent States (CIS) into the alliance.

There are, of course, many other options for pursuing a pan-European order, such as fashioning a treaty between NATO and the Russia-led Collective Security Treaty Organization; elevating the authority of the Organization for Security and Cooperation in Europe (OSCE), of which Russia is a member; or picking up on Russia's proposal for a new European security treaty. But now that NATO, the world's most powerful military alliance, has 28 members and more to come, these other options are merely strategic sideshows. Countries will be either NATO members or outsiders. The only logical path to a pan-European order thus entails Russia's integration into the alliance.

Russia may ultimately reject inclusion in NATO due to the requirements and constraints membership entails, instead choosing to go its own way. But if the primary institutions of the Euro-Atlantic community ultimately fail to extend their reach to Russia, let it be due to the Kremlin's missteps, not because the Atlantic democracies failed to demonstrate the vision or the will to embrace Russia in a pan-European order.

#### It's a more sustainable solution to tensions with Russia than stopping NATO expansion.

Charles A. Kupchan 10, Professor of International Affairs at Georgetown University and a Senior Fellow at the Council on Foreign Relations, “NATO's Final Frontier: Why Russia Should Join the Atlantic Alliance,” Foreign Affairs, May/June 2010, <https://www.foreignaffairs.com/articles/russian-federation/2010-05-01/natos-final-frontier>

Third, Russia's integration into NATO would enable Georgia and Ukraine to join the alliance without provoking a crisis with Moscow. According to the Russian political scientists Sergei Karaganov and Timofei Bordachev, the admission of these countries into NATO would increase "the risk of a conflict with unforeseeable consequences." Stopping the enlargement of NATO could avert this problem but would leave another one unsolved: How can Russia and its neighbors be integrated into a unitary Euro-Atlantic order? As Andrew Monaghan of the NATO Defense College notes, "Even if enlargement stops, Russia remains excluded from Euro-Atlantic mechanisms."

The solution, then, is for Georgia and Ukraine to join a NATO in which Russia is already, or is soon to be, a member, ensuring that their entry would cause little, if any, geopolitical tension. More generally, if membership in the CIS remains separate from membership in NATO, Europe's East and West will be subject to indefinite geopolitical division and jockeying over zones of influence. In contrast, if NATO opens its doors to members of the CIS, such dividing lines and the competition that accompanies them will likely fade away. There is a precedent for this evolution: all of the CIS members already cooperate with NATO through the Partnership for Peace program and the Euro-Atlantic Partnership Council.