Strategic Security Analysis

Reducing Military Risks through OSCE Instruments:
Revisiting the OSCE Institutional Process and Capacities

Anastasia Prokhorova

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Key Points

- The role that the Organization for Security and Co-operation in Europe (OSCE) currently plays in reducing military risks in Europe and how its capacities are currently employed need to be revisited.

- By identifying and focusing on OSCE mechanisms for risk reduction, this paper seeks to provide a plausible explanation of why the organisation's potential is largely perceived as limited and underperforming.

- In contrast to this perception, this paper highlights the innovative approach to security developed within the OSCE framework, while engaging with the concepts of "soft security" and "Peace as Freedom".

About the Author

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Introduction: from meeting threats to managing risks

The term "risk management" or "risk reduction" – largely inspired by Ulrich Beck's concept of "risk society"[1] – has recently become a new buzzword among security professionals. Unlike threats – which are objective, rationally detectable and predicated upon power – risks are probabilistic, intersubjective, non-calculable, and infinite, and thus impossible to define and eliminate.[2]

In the 1990s Western security institutions incorporated a risk-based approach at the programmatic level. For example, Williams' analysis demonstrates that the security strategies of both the European Union and North Atlantic Treaty Organisation (NATO) adopted the "language of risk" and focused on managing "uncertainties" – such as "terrorism, weak states, organized crime and weapons of mass destruction" – rather than 'traditional' state-based threats.[3] As another European security institution, the OSCE developed a significant range of mechanisms for risk reduction.[4] However, the organisation finds itself under continuous criticism by various actors both in and outside Europe for its supposedly decreasing significance, obsolete purpose and lack of efficacy.

This paper will constructively address these criticisms by reviewing the OSCE's major capacities for risk management – namely, the three core regimes based on the Vienna Document, the Treaty on Conventional Armed Forces in Europe and the Treaty on Open Skies – and how these are employed in practice. The paper then introduces the concept "Peace as Freedom" as one plausible explanation of the OSCE's shift to a policy of "soft security cooperation".[5] This being the case, the paper argues that most criticisms of the OSCE are retrospective, being predicated on past failures, while overlooking the complex and sometimes invisible ways in which the organisation operates today. However, this 'invisibility' and discreetness – which is typical of a soft security approach – might well guarantee more security than traditional hard-security thinking.

OSCE capacities for risk management

The OSCE, founded in 1975 as a conference – the Conference for Security and Co-operation in Europe (CSCE) – used to be the main venue for dialogue between the Western liberal democracies and the Eastern socialist bloc. The so-called Helsinki process was fuelled by the increasing tensions between the superpowers amid the crisis of détente and the presence of numerous pressing strategic issues.[6] However, upon the dismantlement of the socialist bloc and the Soviet Union, the main purpose of the CSCE (which was renamed the OSCE in 1995) – that of maintaining strategic dialogue between West and East – has gradually diminished in relevance.[7]

As a result, in the early 1990s the CSCE – similarly to the rest of European security institutions – searched for a new ontological purpose.[8] Eventually, the new profile of the organisation shifted to "soft security", which was largely directed at the democratisation and integration of post-socialist countries into a united Europe.[9] After this change an increasingly critical position vis-à-vis the OSCE has become a dominant feature of both academic and political discourse.

Despite this reputation for becoming something of a backwater of international affairs, the CSCE/OSCE has developed and institutionalised a wide range of instruments and procedures, some of which have proved

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to be more effective than others. The three pillars for conventional arms control and transparency building in the OSCE are the Vienna Document (VD), the Treaty on Conventional Armed Forces in Europe (CFE) and the Treaty on Open Skies (TOS).[10]

Vienna Document regime

The OSCE-based regime for confidence- and security-building measures (CSBMs) started to take shape as early as the adoption of the Helsinki Final Act (1975). At first it was centred on the prior notification of certain military activities and the exchange of observers. The first VD verified and further extended the agreed CSBMs to the annual exchange of plans for deployment and military budgets and established the annual implementation assessment meeting. In addition, it introduced the Vienna Mechanism, which authorised each participating state to submit a request for an explanation in case of an unusual military activity, which the state in question was to address within 48 hours. A year later it was supplemented with the similar Berlin Mechanism regarding emergency situations. However, both mechanisms were invoked a limited number of times and only in the early 1990s.[11] Since 1990 the VD has been updated four times to enable voluntary visits (never issued), the demonstration of new types of major weapons, defence planning, and regional measures, as laid down in the regular reissue of the document, referred to as VD PLUS.

In general, the VD regime is characterised by relatively high levels of compliance and acceptance of the multilateral legitimacy of the commitments that OSCE participating states had made. Most participating states regularly submit reports to exchange military information, with 350,000 notifications being processed every year. Over the last decade approximately 45 evaluation visits and 90 inspections have been carried out annually,[12] while the most recent assessment meeting was held in early March 2020.[13]

However, the VD regime is not devoid of flaws and loopholes. Some of the regime's instruments have remained solely on paper. Hence, in politically sensitive situations participating States tend to manipulate their commitments to the various CSBMs by denying access and using up inspection quotas by conducting self-inspections.[14] Most importantly, deliberations on another VD reissue have been stalled since 2016, when the participating States failed to come to an agreement. As a result, today the document does not fully reflect the current military capacities of participating states' armed forces. For instance, hybrid weapons, anti-access/area denial (A2AD) complexes, snap exercises and combat drones remain outside the scope of the VD regime.[15]

The deadlock on updating the VD was largely caused by the lack of trust between NATO members and Russia. The number of military incidents occurring between their forces is continuously increasing, especially in contact zones such as the Baltic region.[16] More specifically, both Western and Russian motions were rejected by their respective counterparts out of concern that these newly proposed measures might give an asymmetrical advantage to the "other side".

However, despite political tensions, dialogue is in fact ongoing. Moreover, "only the existence of political tension ... makes arms control relevant. It is relevant when tension is at a certain point, above which it is impossible and beneath which it is unnecessary".[17] Given the stand-off at the official level, in terms of which ambassadors routinely exchange formal notes between capital cities, more authentic communication occurs in a

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flexible format – the OSCE Structured Dialogue, which was agreed in the 2016 Ministerial Council meeting in Hamburg. This body comprises senior officials from all participating states in an informal working group designed to enhance understanding of current challenges and the diversity of approaches to European security.[18] It is in this setting that a breakthrough with regard to verifying and updating the CSBMs is more likely to occur.

Conventional Armed Forces regime

In parallel with the VD regime, the OSCE issued a mandate to negotiate a legally binding international treaty to control and reduce conventional armed forces in Europe. The resulting CFE Treaty, which was signed in 1990 and entered into force two years later, limited five major categories of conventional arms in Europe – battle tanks, armoured combat vehicles, artillery, combat aircraft, and attack helicopters – in terms of both their quantities and geographical deployment. For the two "groups of State Parties" – NATO and the Warsaw Treaty Organisation (WTO) – the CFE Treaty sanctioned a limited number of weapons in each of the three identified zones. However, after the WTO's dissolution in 1991 and the first NATO expansion to Eastern Europe and the Baltic after 1999, the CFE Treaty needed to be adjusted to reflect the new security environment in Europe. For example, the new NATO members either still accounted for the "eastern group" (e.g. Hungary and Poland) or were not subject to the treaty's limitations (e.g. the Baltic states). For this reason, the Adapted Agreement was based on restrictions for national armed forces and was signed during the 1999 OSCE Summit in Istanbul, but never came into force. Its ratification is stalled because the NATO members agreed to adapt the treaty on the precondition that Russia withdrew its armed forces from Georgia and Moldova, which was not timeously implemented. As a result, Russia suspended its participation in the treaty in 2007 and quit the OSCE Joint Consultative Group in 2015, while remaining a party to the treaty.[19]

Despite this complication, the CFE regime so far remains a significant component of the European security order. Firstly, regardless of the limited prospect for their legal enforcement, the restrictions provided both in the initial treaty and in the adaptation are being voluntary complied with. All five categories of conventional armed forces and the number of military personnel deployed in Europe are below the treaty thresholds.[20] This being the case, the CFE regime resembles a norm of customary law – at least in terms of continuous state practice. Secondly, the primary aim of the CFE Treaty was to exclude the possibility of a large-scale offensive at a continental level, which was in fact achieved. Today the main focus has shifted from armed-forces reduction to building greater transparency in order to manage risks of cross-border operations in sensitive regions – primarily in NATO-Russian contact zones.[21] For this reason, the CFE Treaty's increasing withdrawal into the background is a logically consistent step towards preferencing the VD regime. Finally, the existing arms control order in Europe is evolving through the adoption of more technical agreements – such as the OSCE Document on Small Arms and Light Weapons and the OSCE Document on Stockpiles of Conventional Ammunition. Both documents are designed to regulate the production, transfer, storage and collection of weapons; promote information exchange among OSCE participating states; and provide them with best practices to implement the documents' provisions.[22]

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Open Skies regime

The third pillar of European security is the Treaty on Open Skies (TOS), which has so far been ratified by 34 OSCE participating States and authorises the parties to undertake short-notice unarmed aerial observational flights over other parties' entire territories and thus legally obtain military information. Designed to enhance transparency, the TOS provides detailed technical requirements for prior notification, observing aircraft, permitted surveillance equipment, maximum flight distance and overflight quotas. Each state party is assigned a geographically defined passive quota: for example, Portugal is obliged to allow two overflights annually, while the United States and the group of Russia and Belarus have to permit 42 overflights if requests are issued. The Open Skies (OS) regime is verified every five years, with the latest Review Conference being organised in 2015.

In general, the OS regime has been sustainable and persistent. The 500th overflight occurred in 2008, while "between 2002 and 2019, more than 1,500 flights have taken place".[23] Hence, compliance with the OS was not directly affected by the crisis in and around Ukraine. In fact, since 2014 states parties have conducted around 20 flights over the Russian-Ukrainian border without impediment. Nonetheless, since 2017 the OS regime has become more volatile with the deterioration of US-Russian relations. After new technical limitations were introduced in sensitive zones, the observational overflights were interrupted for a year.[24] In 2019 the OS regime's mechanisms were restored, but not without repercussions. Shortly before the upcoming fourth Review Conference, the United States announced its withdrawal from the TOS in November 2020, motivated by the alleged Russian violations of the treaty. This decision is not final, however, and may well be reconsidered by the incoming US administration.[25] Moreover, most European states parties have reaffirmed their determination to comply with the treaty.[26]

"Soft security" and "Peace as Freedom"

The previous analysis has demonstrated that the criticisms dominating the discourse on the OSCE's role and performance in European security are largely retrospective and do not adequately reflect current realities. Today, the OSCE remains an integral part of an ongoing political and academic debate on the nature and structure of the post-bipolar security order in Europe.[27] Firstly, unlike collective *defence* alliances such as NATO, the OSCE unites 57 states for collective *security*, with the aim of integrating a potential aggressor into the overall security framework and thus preventing security threats and risks.[28] For this reason, the OSCE has a unique status of the most "inclusive" organisation for European security.[29] Secondly, with its three dimensions for (i) politico-military; (ii) economic, environmental, scientific and technical; and (iii) humanitarian cooperation, the OSCE is one of the first institutions to propagate a comprehensive approach to security and the peace-development nexus.[30] Finally, this security-development nexus underpins the understanding of the concept of "Peace as Freedom", and views peace not simply as the absence of war. Indeed, the OSCE is working towards peace in different ways, including through seeking the "equitable distribution of economic opportunities, political freedoms, social opportunities, transparency guarantees, protective security and freedom from direct violence".[31] All these components considered together constitute the OSCE's "soft" approach to European security.

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The OSCE has enough instruments to manage security risks, although they are sometimes employed in almost invisible and unobtrusive ways; that is, in the realm of 'soft security'. In this context, however, soft security does not mean less security. On the contrary, this approach helps to achieve greater security – by focusing on prevention, emancipation and social learning – than 'hard security', which is predicated on creating more barriers and limitations, and thus disabling cooperation.[32] In addition, the soft security policy is a better fit to deal with security risks, which are uncontrollable and incalculable, as opposed to traditional hard security threats.

Nonetheless, the OSCE's capacity for risk reduction has certain limitations. The major limitation of this kind is constituted by NATO-Russian and US-Russian tensions, which tend to block progress in the OSCE. In order to ease this situation, the following policy implications might be considered. Firstly, in case of political disagreements among the parties, an international organisation is likelier to succeed in promoting cooperation and mutual understanding by putting in motion narrow technical arrangements – such as those dealing with small arms and light weapons or stockpiles of conventional ammunition – rather than principal/all-embracing documents.[33] Secondly, with a view to managing any deadlocks that may arise at an official level, the OSCE might take advantage of its flexibility and prioritise informal small-group settings. Operating through informal practices and authentic understandings, it is in formats like the Structured Dialogue that breakthroughs are more likely to occur.[34] Finally, these formats tend to be more fruitful if they are led by small states. Unlike great powers, small states are usually perceived as being more impartial and interested in the common good, while also possessing widely accepted expertise in a narrow field.[35] For instance, throughout the history of the CSCE/OSCE, the neutral and non-aligned small states – the foremost of which is Finland, to whose capital the Helsinki process owes its name – have more than once demonstrated their ability to bring clashing parties together.

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