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Looking back at Helsinki – forty years later

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Abstract

A historical reading of the "Helsinki process" during and after the Cold War pretends to summarize the steps of the multilateral diplomacy of the *détente*, since the origin of the most important Pan-European Conference of the contemporary time, analyzing some limitations that did not allow it implement its legacy in a most complete way in the early XXI century. While emphasizing the relevance of the principles of European security, established in the Helsinki Final Act, the article points to the difference between the exercise the diplomacy of *détente* in Europe, in the context of the Conference on Security and Cooperation in Europe, and the international politics in a post-Cold War Europe, characterized by multidimensional dynamic changes and by the competition among international institutions, while resulting in a weakening of the state of European security.

Keywords

The Cold War, *détente*, "the Helsinki process", CSCE, OSCE, European security

Introduction

In recent years the arquitecture of European security has undergone a number of tensions and even shown cracks, as is witnessed by the deterioration of relations between different European institutions and within Pan-European organizations, which have lately found themselves in a political climate similar to the period of the Cold War. These new developments in Europe have cast doubts on the solidity of the European system of security, as well as are raising concerns that Europe may be sliding into the confrontational era of the past. The search for an explanation of some of the causes of the current worsening of European security takes us back to how it was originally established.

Although the Cold War is not the direct object of this article, the historical background of how security was formed in Europe in the aftermath of the 2nd World War, cannot be dissociated from this momentous conflict and needs some introductory comments. The Cold War which was quintessentially a clash between the East and West, during nearly half a century, dominated international politics and put international relations on a military footing. This held back economic and social development throughout the world, restricted trade, as well as scientific, cultural and human exchanges between countries with different social regimes and led to conflicts and a considerable amount of suffering throughout the world.

The lessons learnt from the Second World War were an important factor in explaining why the East-West conflict gradually ceased to be regarded, in the international scene, as a sign of the inevitability of a new world war. This conflict began to be treated as a crisis of international politics that was not conducive to peace, security or international cooperation but could be controlled by means of diplomacy and international institutions. The important moral imperative "to save succeeding generations from the scourge of war which twice in our lifetime has brought untold sorrow to mankind", as expressed in the preamble to the United Nations Charter (CHARTER, 2001, p. 5), was the leitmotiv of post-war thinking in the family of nations, even when divided by their político-ideological loyalties. The political consensus expressed in the appeal of the United Nations to "unite our strength to maintain international peace and security " (Ibidem, was in favor of multilateral diplomacy and this meant that the conflict which arose in Europe, should not be turned into a new world war but addressed by searching for politico-diplomatic solutions.

Another reason why the Cold War did not culminate in a nuclear conflict, although it was on the verge of doing so during the Cuban Missile Crisis (1962), was that it entailed a reciprocal threat of assured mutual destruction. At all events, the ensuing "nuclear peace" was not an independent factor that was confined to bringing about peaceful relations in the Cold War (within an international political vacuum), but was embedded in a rigid bipolar order of the international system; this was maintained by the regime of hegemonic stability that subsisted betweeen two superpowers (GADDIS, 1992, p. 171-178).

These two overriding factors gave rise to several initiatives aimed at normalizing political and diplomatic East-West relations which date back to the 1950s and 1960s. They can be understood as stemming from common interests in solving crises in the nerve centers of confrontation (Berlin and Cuba) and in its margins (such as Korea, Vietnam, the Middle East, the Horn of Africa and Angola). However, owing to the fact that it was located in the heart of the East-West conflict, the political/military situation in Western Europe posed an even greater risk to international security than the peripheral conflicts. This is well summarized in a historiographical study of the Cold War: "the very end of the Cold War is simply unimaginable... without a solution to the problem of peace and stability in Europe (ROMERO, 2014, p. 699).

There was a common awareness that the removal of risks to European security would be beneficial to world peace when supported by political will and originating from the convergence of interests seeking to maintain East-West relations in cordial terms. This gave the justification and set the stage for an initiative of historic magnitude which involved holding an international diplomatic conference and bringing together the leading players in the confrontation between East and West, thirty years after the 2nd World War.

Helsinki: building the foundations of European security

August 1st, 2015 was exactly 40 years after the signing of the historic Helsinki Final Act, which marked the conclusion of the post-2nd World War period in Europe and ushered in a new phase of the East-West Cold War confrontation – *détente*.[1] First set in motion in the 1960s with different international players and for distinct reasons, *détente* expressed the convergence of interests of European countries on both sides of the "Iron Curtain". It was based on a desire to normalize East-West relations and find a solution to the "German question", or rather, to resolve the question of the political and military division of Germany and hence of the whole continent of Europe, which had lingered on since 1945.

The French political leadership which favored *détente* and a *rapprochement* with the Soviet Union, under Presidents Charles de Gaulle, George Pompidou and Valéry Giscard d'Estaing, sought to construct a Europe that extended from "the Atlantic to the Urals", and was driven by France´s desire to distance itself from the United States and the NATO (DUROSELLE, 1971, p. 665-650). The diplomacy of Leonid Brezhnev and Andrei Gromyko viewed *détente* as a premiss to a "peaceful co-existence" between countries with different social and political systems and ensuring the recognition by the West of the ´principle of immutability´ with regard to the borders in Europe which were established in the years following the Second World War (DIPLOMATICHESKIY, 1986, Tome II, p. 227, 446). The German "Neue Östpolitik" [new Eastern policy - Translator's note] of Willy Brandt, envisaged a reconciliation with the neighbors of the East, as forming a basis for the recognition of post-2nd World War realities. This sought to give legitimacy to a solution of the "German question" through the intermediation of diplomacy in the East-West divide and praised the clause about the "peaceful change" of borders which implied the possible re-unification of Germany in the future (MARKOVITZ, 1993, p. 669; NIEDHART, 2008, p. 46-47). The United States, during the administrations of Richard Nixon and Gerald Ford, were involved in the politics of European *détente*, largely in its application to the German "Neue Östpolitik". With the aim of avoiding dissension among the member states of OTAN and the eventual loss of West Germany as an ally (SNYDER, 2010, p. 494), the United States exercised the diplomacy of *détente* between the superpowers, which combined a

coming together through negotiations about arms control with the traditional containment of the Soviet Union (WESTAD, 1997, p. 27). All these political and diplomatic strategies when combined and converged, were aimed at lessening the risk of a spontaneous replication of the conflict occurring between the superpowers and their respective allies.

The movement towards *détente* and the normalization of relations between members of hostile alliances, paved the way for an international legal recognition of political and territorial realities in post-War Europe. The Franco-Soviet Declarations of 1966 and 1971, The Soviet-West German Treaty of 1970, the Basic Principles of Relations Between the United States of America and the Union of Soviet Socialist Republics of 1972, and other treaties between countries from the East and West, (in particular those of West Germany with Poland and Czechoslovakia,[2] which were signed in the atmosphere of *détente*), encouraged its progress with an equal step. The bilateral agreements which were cross-exchanged between diverse players of opposing military blocs, recognized the existing frontiers of post-2nd World War Europe and led to a gradual diplomatic recognition of the East European States by the countries of Western Europe, and very particularly to the reciprocal recognition between the Democratic Republic of Germany and the |West Germany.

In the favorable climate of *détente*, the division that split Europe and the desire to overcome this, became the main reasons for carrying out negotiations which began in the form of multilateral consultations of the 33 countries that made up Europe, as well as of the U.S.A. and Canada.[3] These consultations which were later institutionalized under the aegis of the Conference on Security and Co-operation in Europe (CSCE), together with its follow-up meetings in Helsinki and Geneva and later on in other European capitals, are known in the history of contemporary international relations as the "Helsinki process".

As Henry Kissinger wrote, "the European Security Conference became... a grand confirmation of the postwar *status quo*" (KISSINGER, 1997, p. 903). The postwar *status quo* or in other words, the recognition of the "realities of Europe", was not confined to an acceptance of the frontiers that were either established as the outcome of the Second World War or in the years that followed at the beginning of the Cold War, but was based on three key factors:

• Recognition of "the indivisibility of security in Europe as well as their common interest in its development and co-operation throughout Europe";

• Recognition of "a close link between peace and security in Europe and the world as a whole";

• A consciousness of the "need for each of them [of states] to make its contribution to the strengthening of world peace and security, the promotion of fundamental rights, economic and social progress and well-being for all peoples", or in other words accepting the main aspects of the relationship and setting out to " overcoming the confrontation stemming from the character of their past relations, "(CONFERENCE, 1975, p. 3,).

The Helsinki process opened up a new perspective for evading a devastating armed conflict, under the threat of global nuclear destruction as well as in a form of a likely prospect of a large-scale conflict in Europe with conventional weapons, by way of relying on political and diplomatic choices and building a system of common security which included both of the opposing blocs.

The Conference, in which the negotiations took place, centered on three areas of Pan-

European policies called the three "Baskets":[4]

a) European security - this highlighted the list of principles that would guide relations among the European countries and would involve questions of confidence-building as well we provide security for the Mediterranean;

b) cooperation in economic, scientific/technological and environmental areas;

c) cooperation in humanitarian questions and other areas

by establishing a multilateral forum of diplomacy for building a system of security in Europe.

These ´Baskets´ gave rise to a complex and multifaceted approach to providing European and transatlantic security which not only involved polítiko-military factors but also covered economic, technological and environmental areas and human rights issues; as well as this was transformed into a paradigm of security extensive to non-military matters.

It is worth recapitulating, in this article, the principles that underlie the relations between signatory states of the Helsinki Final Act which, when taking account of the international regulations embodied in the United Nations Charter, were reaffirmed and strengthened in other international agreements subsequent to the Charter:[5]

• Sovereign equality and respect for the rights inherent in sovereignty;

• Refraining from the threat or use of force;

• Inviolability of frontiers;

• Territorial integrity of states;

• Peaceful settlement of disputes;

• Non-intervention in internal affairs;

• Respect for human rights and fundamental freedoms (including the freedom of thought, conscience, religion or belief;

• Equal rights and the self-determination of peoples;

• Co-operation among states;

• Fulfilment in good faith of the obligations under international law (CONFERENCE, 1975, p. 4-8).

The principles were interwoven so that none of them could be overlooked and each point was combined with all the principal dimensions, discussed at the Conference. In hypothetical terms, the list was based on principles of equity and indissolubility. However, the clash of different national interests and various doctrinaire loyalties led to an imbalance in the implementation of these principles in the foreign policy of different countries. This was characrterized by a greater adherence to some of the principles to the detriment of others, which was reflected in the CSCE.

Since the recognition of the set of principles balanced the alleged gains made by the Soviet Union in the aftermath of the 2nd World War, by legally sanctioning the new frontiers, Henry Kissinger, in reply to the criticism of the Democrat Senator Henry Jackson with regard to *détente* and the "excessive" concessions made by the United States to the Final Act, wrote:

> Even this limited recognition of legitimacy was vitiated by a statement of principles which preceded it – largely negotiated by the United States. It declared that the signatory states "consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreements" (KISSINGER, 1997, p. 905).

Without doubt, this principle protected, on the one hand, the right of West Germany to seek reunification with the Democratic Republic of Germany, without supposing that in a completely different context this claim would have been made by several of the new players in Europe and might have become a reality in the 1990s in Europe. On the other hand, this accorded with the principle of equal rights for peoples and their right to self-determination, since a change in frontiers could occur not only by bringing about unification but also as a means of secession which could be carried out "in accordance with international law, by peaceful means and by agreement" (CONFERENCE, 1975, p. 4).

In schematic terms, the division of interests surrounding each Basket was as follows: Basket 1 was devoted to the *status quo* in Europe, and included Soviet concerns about security (ROMANO, 2009, p. 32; LOTH, 2002); Basket 2 was about economic matters and trade which attracted the attention of the countries in Western Europe that were important trading partners with the Soviet Union and countries in Eastern Europe (ROMANO, 2009, p. 19). However, Basket 3 referred to humanitarian issues and this was originally raised by the nine members of the European Community (WENGE et al, 2008, p.16, 18,19). These were increasingly winning the support of the United States and this reflected the aim of the American legislators which was to offset politico-strategic losses against ideological gains. At the same time, the inclusion of the humanitarian dimension in the Helsinki Accords and the growing support of countries in Eastern Europe as well as the neutral countries, wereowing to their desire for a "relative autonomy" (WENGE et al, 2008, p. 5). Originating in the scope of the CSCE, this surprised the members of the Politburo, who feared "the serious domestic consequences because of the liberalization process implied by Helsinki" (DOBRYNIN, 1995, p. 346).

The study of CSCE allows us to distinguish between two aspects of the Helsinki process – *détente* between the superpowers which centred on strategic-military affairs and European *détente*, which was concerned with healing the continental division in the broadest sense. At the outset, Western Europe found it easy to draw close to the countries in the Soviet bloc as was evident both in the transition of the European Community to a "security community" (BATISTELLA, 2003, p. 569-572), and the growing interdependence between the two halves of Europe. At the same time, the United States, owing to the ambiguity of its policies over *détente*, settled for a diplomacy of *linkages*[6] (KISSINGER, 1994, p. 717-718).

The diplomacy of *détente* achieved, on the one hand, a wide array of significant results in the control of nuclear weapons, the most important of which were the ABM Treaty[7] and the provisional agreement reached in the Strategic Arms Limitation Talks (SALT 1),[8] which were reached by the Soviet Union and the United States in 1972. On the other hand, the progressive fulfilment of the objectives of the Helsinki Final Act led to a gradual relaxation of migration controls, international trips, and scientific and student meetings and exchanges. The most pressing and painful matter was the emigration of Jews and political dissidents to the West from the Soviet Union and the Warsaw Pact countries.

Obviously, the practice of *linkages* did not operate in a spontaneous or compulsory way. When the US Congress approved the amendment of Jackson/Vanik, in 1974 as a means of exerting pressure, binding emigration from the Soviet Union to bilateral

trading arrangements between the Soviet Union and the United States, it did not relax migration restrictions or help boost trade. While the emigration of the Nobel prize-winning writer Alexander Solzhenítskyn to the United States was in accordance with the agreement, the internal exile and state persecution of the nuclear physicist Andrei Sakharov gave testimony to the contrary. The President of the United States Gerald Ford, refused to welcome the dissident writer to the White House exposing to criticism by both republicans and democrats the role of the U.S. in the CSCE. Nor was there any reciprocation of *linkage* by the member-countries of NATO in the area of security (as a *quid pro quo* for a relaxation of restrictions on emigration imposed on the Soviet bloc), when the Political Consultative Committee of the Warsaw Pact, somewhat prematurely, proposed the simultaneous abolition of NATO and the Warsaw Pact, beginning with the dismantling of their military structures. The proposals were made in Bucharest in November 1976, and in Moscow in November 1978.

The main opposition to the diplomacy of Moscow, in the area of military security was by the United States which insisted that the legitimizing of the frontiers established in the years following the 2nd World War in Europe and the control of nuclear weapons, should be accompanied by concessions on the part of the Soviet Union with regard to humanitarian issues. This involved lending support to the activities of "Helsinki groups" in the Soviet Union and the countries in the socialist bloc, especially during the government of Jimmy Carter, which curbed this movement and in 1980 halted the ratification of the SALT 2 agreement in the Congress (MITCHEL, 2010, p. 2016, 2148, 2354).

The essential feature of the third Basket was overlooked by the liberal critics in the United States, which is that it was incapable of restraining the Soviet Union. As Henry Kissinger wrote with good reason:

> Basket III (the basket of humanitarian issues – *including ours*) was destined to play a major role in the disintegration of the Soviet satellite orbit.... to indermine not only Soviet domination but also the communist regimes in their own countries. The European Conference of Security in this way came to play a dual role; in its planning stages it moderated the Soviet conduct in Europe and subsequently, it accelerated the collapse of the Soviet Empire (KISSINGER, 1997, p. 905).

In the clash of conflicting interests which led the US foreign policy into a humanitarian dispute with the Soviet Union, what mattered was an outcome. The Helsinki Final Act set an international humanitarian standard based on the principle that States had the right to protest against violations of human rights in other countries without this being interpreted as an intervention in internal affairs. (MOYNIHAN, 1990, p. 160). As Anatoly Dobrynin stated categorically:

> The Helsinki Final Act was signed on August 1, 1975, and its ultimate reality was that it played a significant role in bringing about the long and difficult process of liberalization inside the Soviet Union and the nations of Eastern Europe. This in the end caused the fundamental changes in all these countries that helped to end the Cold War. (DOBRYNIN: 1995, p. 347).

In broader terms, as well as giving legitimacy to the *status quo* of post-2nd World War Europe, the Final Act amplified the concept of security and set a normative benchmark for peaceful domestic and international change (WENGE et al, 2008, p. 19).

Madrid, Vienna, Paris: eroding the "iron curtain"

In the period that followed the signing of the Final Act, the Helsinki process encountered several stumbling-blocks along its path, in particular with regard to the interpretation of

its objectives and desired outcomes. By putting human rights issues at the heart of the negotiations during the government of Carter, the United States upset the three-dimensional character of the proceedings. As a result, at the Review Conference of the CSCE in Belgrade (1977-1978), the Soviet bloc countries were sharply criticized for violations of political and civil rights. In response, these countries complained about the encroachment of other countries into the internal affairs of the Soviet Union and its allies and referred to violations of economic and social rights in Westerrn countries. Following this, the Helsinki process was affected by the Soviet intervention in Afghanistan in December 1979, the burying of the ratification of SALT II by the United States and by the angry exchanges over the installation of U.S. intermediate-range ballistic missiles in Europe at the beginning of the 1980s. For these reasons, the period 1977/1978-1984 has been regarded by several researchers of the Cold War as a "failure", or even a "collapse" of *détente*, largely owing to external factors that worsened the climate of negotiations in the CSCE (WESTAD, 1997, p. 5, 28; NJØLSTAD, 2010, p. 3926-3973).

However, the critics of *détente*, in this period, have failed to explain why the Madrid Conference (1980-1983), which was held in a climate of confrontation, managed to reach a consensual agreement about making advances in the areas of building confidence and bringing about disarmament in Europe. According to a new interpretation of what occurred, this was partly because the Reagan government conducted a diplomacy of "activism" and "constructivism" to achieve results that were mutually acceptable, as well as striking a balance between military and humanitarian concerns (SNYDER, 2010, p. 493-494). It was Madrid that gave the green light to the Conference in Stockholm on confidence-building measures and disarmament in Europe (1984-1985). It also acted as a driving-force for negotiations in Vienna, about the reciprocal reduction of armed forces and conventional weapons in Europe (1973 - 1989), breaking the siege mentality of the "Second Cold War".

Hence, the "end", and "collapse" of *détente*, as well as the "stagnation" of the Helsinki process in the period of the Carter government until the "Second Cold War", can be partly attributed to the decline of deténte among the superpowers for a limited period, and these have become objects of subsequent reappraisals. (SNYDER, 2010, p. 494, 504). However, the most significant factor in the Helsinki process was that in the 1980s, in particular the years 1984 and 1986, it acquired its own dynamics. This departed from the rationale of the *kennanian* doctrine of contention and made progress in European security issues that were negotiated in follow-up conferences through human, societal, and cultural connections. (ROMERO, 2014, p. 699-670).

The bellicosity of the Cold War spilled over to the non-European periphery of the central conflict of the Post-war period, where the "nuclear peace" did not reign. The armed conflicts in the Third World between 1945 and 1991, resulted in the deaths of 20 million people. During the period of *détente*, in the 1970s and 1980s, the superpowers and some of their allies not only clashed indirectly through the armed movements which they supported in Angola, Ethiopia, Somalia and Nicaragua, but also resorted to direct interventions – the Soviet Union in Afghanistan (1979), and the United States in Grenada (1983) and Panama (1989). It was for this reason that some researchers regarded the wars in the Third World as a collapse of *détente*, although they believed that this collapse was the outcome of the global ambitions of the superpowers. (WESTAD, 1997, p. 28), without affecting the Helsinki process as such.

From the standpoiunt of those in the Third World, the "gains" of the Cold War, whoever they might be, can perhaps be regarded as a pyrrhic victory, when the account is taken of the human losses and huge expenditures incurred. Nonetheless, the extremely important implications and success of the Helsinki process, alleviated the atmosphere of confrontation in Central Europe, as well as allowed negotiations to be conducted about measures that could lead to confidence-buildingt and disarmament in Europe in an attempt to remove the threat of a global conflict. The undeniable merit of the CSCE was that it was not interrupted even during a period of escalation of the Cold War dirung the years from 1979 to 1984. It acted as an alternative to the confrontational policies of the opposing military blocs and by stressing the need for a multilateral, European and transatlantic diplomacy, always sought to mitigate the conflict by achieving political and military stability in Europe and increasingly coming nearer to eroding the "iron curtain".

The role of the CSCE in transforming politics in central Europe and bringing an end to the Cold War has not been given the attention it deserves. In reality, it was through the labyrinthine measures that a project to build peace and security in Europe in the post-Cold War period was undertaken, including not only the two superpowers and the key European protagonists of détente – France and West Germany, but also medium-sized or small countries in Europe. These countries altered the dynamics of international European politics and complicated simple equations on both sides of the "iron curtain", by taking independent and brave initiatives. In the initial phases, Poland, Hungary and Romenia offered proposals for conducting discussions in the framework of the process in conceptual terms. Neutral and non-aligned countries like Finland, the capital of which gave its name to the process of *détente*, as well as Austria, Sweden and the Republic of Ireland, also became players with equal rights, with the superpowers and the main European countries involved in matters of European security (ROMANO, 2009, p. 29-30), not to mention Malta, which adopted an idiosyncratic position that was a thorn in the flesh of the consensual decisions of the CSCE.

Thirteen review conferences were held between 1977 and 1989, which were based on political arrangements and reflected an increasing amount of multilateral negotiation. This signalled a structural change in international relations through the implementation of diplomatic measures for peace, cooperation and a "deconstruction" of the paradigm of a European conflict of world dimensions. The success of the Helsinki process which highlighted this change and to some extent crowned the *détente*, was the achievement of the Treaty on Conventional Armed Forces in Europe (TCAFE),[9] signed in Paris on 19th November 1990, which established comprehensive limits on key categories of conventional armed forces and armaments in Europe.

While recognizing the leadership of the superpowers in overcoming the effects of the Cold War, the importance of the CSCE, which put an end to the Cold War in the "Charter of Paris for a New Europe", in a summit held in Paris in November 1990 should be admitted. This was the summit that officially declared the end of the Cold War and re-endorsed the future validity of the decalogue of principles in international relations, agreed at the signing of the Helsinki Final Act in 1975 (CHARTER, 1990, p. 3).

However, it should be recognized that the demise of the Cold War and its "doctrine" would not have occurred so early without the success of the treaties concerned, such as the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles (INF Treaty)

(1987), and without the "Two-plus-Four" negotiations (1989-1990), which resulted in the signing of the Treaty on the Final Settlement with respect to Germany (1990) in Moscow and the reunification of Germany on 3rd October 1990, as well as the bilateral agreement between the Soviet Union and the Unites States - START 1 (1991).

However, while the end of the Cold War was being finalized and in the midst of German reunification negotiations, the Soviet Union led by Gorbachev, still envisaged the possibility of a neutralized Germany and the eventual disbanding of NATO. As a result, it negotiated with some of the European leaders, including the former members of the Warsaw Pact, a plan for a "Confederation of European States" called a "Common European Home" which would be arranged and materialized through the Helsinki process with the Conference as its principal body (GORBACHEV, 1996; REY, 2008, p. 29).

While counting on a reciprocal arrangement by NATO to build a system of security which included all the players involved, the member States of the Warsaw Pact declared on 25th February 1991, that the alliance was to be disbanded. The Soviet Union, and subsequently its successor the Russian Federation, began to withdraw its armed forces from Western Europe: from Czechoslovakia and Hungary in 1990-1991, Poland and Lithuania in 1993, and East Germany, Estonia and Latvia in 1994.

While refraining from carrying out a specific study of the Cold War, although a broad historiography on the subject can be found in a number of cited works (DOBRYNIN, 1995; KISSINGER, 1994; GORBACHEV, 1996; CAMBRIDGE HISTORY OF THE COLD WAR, 2010; WESTAD, 1997; 2010; BANGE & NIEDHART, 2008; LOTH, 2010 ;BOZO, 2012; ROMERO, 2014), we would like to draw attention to the role played by the CSCE as a political format and multilateral process of diplomacy which led to the "deconstruction" and negation of the confrontational "doctrine" of the Cold War through negotiating a peaceful alternative of a common pluralist security for Europe.

CSCE in the new Europe: *mutatis mutandis*

The declaration of the end of the Cold War was regarded as a successful outcome of the diplomatic conference on the contemporary politics in the static context of the bipolarity of the Cold War. However, it could be considered ineffective and powerless when viewed as an association without an organizational structure, in a climate which sought to overcome the problem of the Cold War and was characterized by an evolutionary dynamics of the international order. In these conditions the CSCE was transformed into the object of a European multilateral discussion on the need to be maintained, institutionalized e and redesigned to fit a Europe without the "iron curtain".

When regarded as a means of bringing countries together so that they could cease to be involved in belligerent confrontations, the CSCE was ceased by the states that signed the Paris Charter, to abide by the international principles declared and agreed and to usher in "a new era of democracy, peace and unity" (CHARTER, 1990, p. 3). A new course of action was attributed to the CSCE which involved encouraging the democratization of the countries of the former Soviet bloc. (CHARTER, 1990, p. 3).

The restructuring of the Helsinki process began to occur because of (and in the course of) the political and territorial changes in Europe in the aftermath of the Cold War.
The CSCE faced a number of very serious challenges to European security in general and to its role in particular. The disintegration of the Soviet Union and the break up of Yugoslavia, the outbreak of conflicts between states, (and in particular within states)

in the post-Soviet and the post-Yugoslav spaces, ended with the euphoria of the final demise of the Cold War. There were fears of the "Balkanization" of Europe that arose and there were opinions that the Cold War era was more predictable and better controlled than the subsequent disorder, together with references made to the U.S.-Soviet co-operation and the "virtues of bipolarity" (GADDIS, 1992, p. 142-146). It should be said that this period of turbulence in parts of Europe has stirred up civil armed conflicts which have arisen from their disintegration and separitist movements. These have compelled European and transatlantic institutions to take measures to impose and maintain peace between belligerent parties and thus justify retaining Cold War institutions in a post-Cold War Europe.

The fragmentation and unification of states in the post-Soviet Union world did not follow the traditional paradigm of maintaining the *status quo* in Europe, as was envisaged by the CSCE. Among the principles of the Helsinki Accords, in a large number of cases, the self-determination of peoples was given a greater prominence than the territorial integrity of states and respect for the rights that are inherent in sovereignty. This was partly addressed either by means of legislation such as the Treaty on the Final Settlement with respect to Germany (1990), the Decree on the Denunciation of the Formation of the USSR (1991), the Treaty of Viskuli (Belavezha) (1991) and the constitutional law which terminated the existence of Czechoslovakia (1992). Or, it involved armed civil conflicts in Yugoslavia (1990-2000), Azerbaijan (1992-1994), Moldova (1990-1992), Georgia (1992-1994), Russia (1994-1996), and Ukraine (2014-2016). According to Alberico Teixeira dos Anjos:

> Paradoxically the question of self-determination, even though it has been regarded by some as belonging to the *jus cogens* category, and assumed to deal with matters in a peaceful way, continues to arouse controversy in the academic world and alarm the world of states and their majority populations (ANJOS, 2010, p. 5).

In the opinion of this specialist in the law of self-determination, the right of people to decide their own destiny, as signed in the main documents of international law, is currently in a state of transition to one of the fundamental human rights, "and thus countering the basic postulates of the classic *Westphalian* state" (ANJOS, 2010, p. 5) and challenging the principle of territorial integrity, the right of *uti possidetis* and the inviobality of frontiers.

In 1992, in a new international climate and in the absence of the former Soviet bloc, when a common European security depended on the members of NATO, Russia signed the Collective Security Treaty with five members of the Community of Independent States (the former Soviet republics of Armenia, Belarus, Kazakhstan, Kyrgyzstan and Tajikistan). This established a defensive military alliance with the new post-Soviet states which in 2002, was transformed into the Collective Security Treaty Organization.

In these years of transition, the CSCE faced problems ranging from existential and conceptual to political and structural matters. In response, it was stated that there was a need for the continuity of the CSCE so that it could carry forward the maintenance of security in Europe and accomplish its mission to bring democracy to the former states of the Soviet bloc. Since 1991, a number of new official bodies have been set up within the CSCE by the summit of the CSCE in Helsinki (CSCE, 1992): a Secretariat and a Permanent Council, a Department for Democratic Institutions and Human Rights, a Forum for Co-operation in the Area of Security, a High Commissioner for the Rights of Minority Groups and a Center for the Prevention of Conflicts. Two years later in December 1994, at a summit meeting in Budapest, the CSCE, which admitted 18 new member-states between 1992 and 1994, which were newly formed in Europe and Asia after the disintegration of

the Soviet Union and Yugoslavia, was transformed into the Organization of Security and Cooperation in Europe (OSCE). Its goals were complemented to include finding solutions to global challenges in Europe and the rest of the world. (OSCE BUDAPEST, 1994, p. 3, 4, 22).

Following its extension and adaptation to new international political realities, the OSCE constituted a significant international, transregional and non-military security institution, in the spirit of Chapter 8 of the U.N. Charter, which until the time of writing of this article, had assembled 57 countries from North America, Europe, Central Asia, and the Caucasus. It thus covered a vast area for common security stretching from Vancouver in Canada to Vladivostok, in Russia, over both Euro-Atlantic and Eurasian spaces. Ten countries from Asia, the Mediterrenean plus Australia joined the OSCE as cooperative partners. In this way, the organization took on dimensions and responsibilities that were compatible with the challenges posed by the new era.

According to the decisions made at the Budapest summit, the former conference and new organization were structured on the basis of a series of official bodies:

• A permanent Council to hold regular meetings and carry out decision-making with regard to the activities of the OSCE;

• A High Council to analyze and put forward policies and assess budgetary matters; a ministerial council, a decision-making and administrative body of OSCE; and above all

• A summit of Heads of State and Government, the deliberative supreme assembly.

The president of the OSCE was attended by a "troika", comprising the previous, current and next presidents, (since the succeeding president was elected in advance). The OSCE set up a Parliamentary Assembly and a Court of Conciliation and Arbitration, the purpose of the latter being to prevent conflicts. The Organization began to play the role of a guarantor that the Treaty on Conventional Armed Forces in Europe (CFE), from 1990, and the Treaty on Open Skies,[10] from 2002, would be complied with (OSCE BUDAPEST, 1994, p. 1-3).

The reform of the Helsinki process was not greeted with enthusiasm by some of the European players who regarded the institutional changes as unnecessary since they suggested that the organization had outlived its purpose and that its powers would be transferred to NATO, the Council of Europe and the European Court of Human Rights (MASTNY, 2008, p. 239). The government of George H. W. Bush also regarded the transformation of the CSCE into a new entity, with some scepticism. This administration adopted a conservative stance with regard to changes in the organization and gave a lower priority to the human rights issues in the Helsinki process than the previous administration. (SNYDER, 2013, p. 463-463). Nonetheless, in the initial stage of the institutional restructuring, the prestige of the Helsinki process still remained high with regard to the structures of the Cold War period. (MASTNY, 2012, p. 239-242). Alongside the scepticism and the critics, there was a general political will that was based on a common interest in restoring stability in the European space and driven by a concern with a growing "state proliferation" (BONIFACE, 1999, p. 32). This was opposed by acute kinds of nationalism and ethnic concerns that held back the "European order" and as a result, impaired the construction of a common space for common security.

The OSCE when faced with the challenges to European security in the "post-Communist space"

The OSCE did not lay down any statutes or rules and from the beginning this weakened

the role of the organization which was perhaps as wide-ranging as NATO and the European Union. This explained why the OSCE had a relatively low profile in a changing Europe because, although the Helsinki Summit had defined the extent of the OSCE´s responsibilities for maintaining peace in Europe, its powers could not be exercised or maintained forcefully because it was not a coercive institution but an international entity with non-mandatory or "soft" powers.

From 1992 onwards, when it was faced with real threats and became actively involved with new Caucasian and Asian players, the OSCE, in this new scenario, shifted its attention away from the likelihood of an armed conflict of continental proportions between power blocs and the leading players in European security, to local and inter-state conflicts. In this new scene of action, the OSCE played a mediator's role involving control and peace-making. Its aim was to find the means of providing political and humanitarian assistance and monitoring its degree of success. However its responsibility for guaranteeing a credible level of European common security was neglected. (MASTNY, 2008, p. 243; EVDOTIEVA, 2010, p. 89)

When understood as equating polítco-military cooperation in an approach to security with the protection of human rights and fundamental freedoms, the latter was highlighted as the priority of the OSCE.

> The essence of the OSCE approach to security — entailing the idea that the protection of human rights and fundamental freedoms and economic and environmental governance is as important for the sustainability of peace and security as is politico-military co-operation — was initially formulated in the climate of détente and rapprochement that prevailed in the early 1970s (OSCE CONCEPT, 2009, p. 1).

Whereas the U.N, NATO and the C.E.I. began to take measures to maintain and enforce peace by acting in a military capacity in hotspots in the Balkans and Caucasus, the OSCE was confined to backing up coercive military activities by non military means, which involved monitoring, arbitration, finding peaceful solutions to disputes and post-conflict reconstruction and laying emphasis on overcoming humanitarian problems. The OSCE has been fulfilling more than thirty mandates entailing missions, prevention centers and the monitoring of conflicts in more than twenty countries in the Eurasian region.[11]

Given the geographical extent of the OSCE missions, their presence can be found in all the OSCE countries that have undergone internal or inter-state conflicts such as Azerbaijan, Armenia, Bosnia and Herzegovina, Croatia, Serbia, Moldova, Russia, Georgia and Ukraine. The organization has monitored humanitarian issues and been involved in keeping peace and security in these countries by non-mandatory means (OSCE en la Europa, 1998). Running parallel to this, the continuation of the OSCE missions has allowed: a) the monitoring and assessment of the way countries are building democratic institutions such as in Skopje, Montenegro, b) the regulation of questions concerning ethnic minorities such as in Kosovo, Sandjak and Vojvodina, Estonia and Lithuania, c) the defence of human rights such as in Belarus and d), the reconciliation between a desire for local autonomy in the Crimea and the central government of Ukraine, between 1994 and 1999 (OSCE, 2015, "Where we are").

Owing to globalization and its effects on production, trade, information, migration and security in general, the OSCE has been compelled to adapt itself to new economic, technological and information phenomena, as well as to face transnational challenges

and threats. The reaction to these global and transnational threats such as nuclear proliferation, transnational organized crime human trafficking, drugs, terrorism, and arms smuggling, have come within the orbit of European security. The OSCE has adopted a character that is suited to the extended and globalized nature of security and gives priority to combating organized crime at a European level. (OSCE LISBON, 1996, p. 10).

With regard to the problem of nuclear proliferation, the nuclear "legacy" left by the Soviet Union has brought Russia and the United States together in negotiations with the three new post-Soviet states that possessed nuclear weapons. The purpose of this was to ensure that Belarus, Kazakhstan and Ukraine would cease to retain the nuclear arms of the former Soviet Union and remove them from these territories so they could be destroyed in Russia. This extremely important measure for de-nuclearizing the three countries of the OSCE, was beneficial to the non-proliferation nuclear regime. As a result, these countries signed the Non-Proliferation Treaty and START 1 Treaty what was regarded by the OSCE as a "historic contribution to the reduction of nuclear armaments and the creation of a space for shared security in Europe" (OSCE Lisbon, 1996, p. 6). It is worth mentioning that the transfer of nuclear arms was carried out by granting financial benefits to the three countries to compensate for the expenses incurred in removing the weaponry and transporting the enriched uranium, as well as arranging guarantees of security, particularly in the case of Ukraine. Owing to their concern about pro-nuclear expressions of the Ukrainian Rada (US Congress, 1994, p. 14-15), Russia and the United States signed a trilateral agreement with the Ukraine which was accompanied by a memorandum giving guarantees of security and signed on December 5th, 1994, in Budapest. The memorandum included a guarantee that the fundamental principles of the Helsinki Final Act would be observed and countries would refrain from the use of nuclear arms with regard to Ukraine thus removing a serious obstacle to strengthening European security (MEMORANDUM, 1994, p. 2-3).

In 2001, the OSCE agreed on a course of action to combat terrorism, which involved joining a network of counter-terrorist institutions (OSCE Bucharest, 2001, p. 8-14) and in 2003, a strategy was adopted in Maastricht to confront threats to security and stability in the 21st Century (OSCE Concept, 2009, p. 11).

The changes in priorities were to the detriment of maintaining a balance of security, building confidence and reducing conventional forces in Europe, while benefiting a greater endeavour to bring democracy to the new states of the OSCE. Nonetheless, the organization did not cease to pay close attention to military affairs in Europe and believed that this was an essential and indispensable factor for providing a space for a shared European security.

The OSCE summit in Lisbon in 1996, made progress in so far as it adapted the Conventional Forces in Europe (CFE) to the changing position of security in Europe with the aim of including new state players. It also sought to make an appraisal of the redistribution of military powers in Europe and the Caucasian-Asian region. This entailed overcoming the resulting obsolescence of the criteria and restrictions on conventional armed forces and armaments that were laid down in Vienna and Helsinki in 1990, before the break up of the Communist bloc, of the Soviet Union and of Yugoslavia (OSCE Lisbon, 1996, p. 17-21).

The negotiations over the CFE were concluded on 19th November 1999 and formalized at the OSCE summit in Istanbul, when the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe was signed. The adaptation referred to the ceiling set for ground forces, and restricted their movement between the participant

states, regardless of what military alliances they belonged to. In this way, it sought to neutralize the threat of a concentration of armed forces, capable of carrying out a large-scale military attack. The member-states of NATO were committed to avoiding the presence of permanent bases of sizable conventional armed force in the territories of the new member-states of NATO. The Agreement maintained "flanking zones", which satisfied for the specific needs of Russia, by acknowledging the size of its territory and hence its reduced capacity to concentrate armed forces in all its flanks at the same time. In accordance with the Istanbul Document, the agreement covered the participant states in the region, ranging from the Atlantic to the Ural mountains and continued to be "a cornerstone of European security" (OSCE Istanbul, 1999, p. 7). Together with the adapted Treaty, the Charter for European Security (OSCE Istanbul, 1999) and the Vienna Document (Vienna Document, 1999), the latter referring to negotiations of the confidence-building measures,, were approved at the Istanbul summit in November 1999. The adoption of this package of documents marked the decade of the OSCE transformation and its adjustment to the new realities of post-Cold War Europe.

However, despite the advent of an auspicious agreement about the progressive reduction of conventional armed forces in Europe, the trend towards disarmament began to lose its momentum and finally came to a halt. The state of its stagnation was apparent in the Istanbul Final Document in which it was proclaimed that states should voluntarily support conventional disarmament through a ratification process. This change in mood with regard to the Treaty reflected that less importance was being attached to politico-military security in Europe in the framework of the OSCE. Its responsibilities began to be re-allocated to humanitarian and socio-economic/cultural issues that were involved in the reconstruction of post-Cold War security in Europe and thus overlooked the need to address the principles of European security in a proportionate and well-balanced way.

Transatlantism and Europeanism *versus* Helsinki

The end of the Cold War aroused expectations that the transatlantic institutions and European integration of this period would be weakened and enter in a decline with the lack of a Soviet threat and in the face of the challenges of open markets throughout the world. But none of this happened. According to G. John Ikenberry, the "liberal moment", made possible by the 1990s, was a factor that, to an extraordinary degree, assisted the United States in its strategy to maintain the Cold War institutions. In his view:

> This strategy of building on the logic of the existing order - and expanding and integrating countries into it - was continued during the administration of William J. Clinton. The idea was to use multilateral institutions as mechanisms to stabilize and integrate the new and emerging democracies into the Western democratic world.... The United States would help "democracy and market economies take root," which would in turn expand and strengthen the wider Western democratic order. The target of this strategy was primarily those parts of the world that were beginning the process of transition to market democracy: countries of Central and Eastern Europe and the Asia-Pacific region. (IKENBERRY, 2010, p. 13402)

The above mentioned doctrine of "engagement and enlargement", implemented by the administration of Bill Clinton, was of crucial importance in U.S. foreign policy during the 1990s, with regard to the post-Soviet world (National: 1994, p.21-23). It was continued as a strategy of "democratization" during the presidency of George W. Bush (National: 2006, p. 1-2) and with the policy of extending democracy during the "Arab Spring" in the administration of the Democrat President Barack Obama.

In Europe, in the light of the weakening of the political forces in Eastern Europe that supported the Helsinki process, bodies such as the European Union, NATO and the Council of Europe, started questioning the Pan-European universality of the OSCE and the role it could play in European security, given its scope and powers: the European Union in the economic domain; NATO in politico-military matters; and the Council of Europe in the sphere of political, civil and human rights. The new post-Soviet and post-Yugoslav states were obliged to adopt postions of different degrees and proportions to the European institutions in face of the processes of association and integration.

The European Union. The emergence of the European Union as a political union was marked by the end of the Cold War and coincided with the beginning of the formation of the new Europe. The first major expansion of the European Union occurred in 1995, when Austria, Finland and Sweden, three of the neutral countries in Europe joined the bloc. In 1999, the EU established the Euro zone –based on a single European currency, and thus asserted its financial sovereignty in the area of integration. The second wave of expansion, in 2004, embraced ten more countries in Central-Eastern and South-Eastern Europe. By 2007, Romenia and Bulgaria and in 2013, Croatia, had become members of the EU, thus raising the number of member States to 28. Only seven European states of the former Soviet Union remained outside the European Free Trade Area, although the European Union established trading partnerships with most of them (Moldova, Ukraine, Georgia, Armenia, and Azerbaijan).

The enlargement of the European Union was one of the challenges involved in integrating the space of the Community of Independent States in which the old Soviet economic frameworks are preserved. In the period when Russia arose in the 2000s as an emerging pole in post-Soviet space, with its dynamics of growth and economic recovery, the expansion of the EU began to be met by protectionist measures which were geared to supporting the economic interests of the Community of Independent States.

At the same time in the político-military arena, the European Union began to dislodge the OSCE from its role as a mediator of conflicts, as occurred with the presence of the EU mission in Georgia in 2008. Even though the regional integration of the European Union did not cause problems with regard to the military security of Europe, the economic and commercial competition between states and in particular, between integrated regions, led to shocks and setbacks in the sphere of international economic competition. This exposed “the global trend toward regional integration communities and the geopolitical competitiveness this generates in an otherwise multipolar environment”. (KORNEGAY, 2014).

When NATO was confronted with the disbanding of the military alliance in the East at the end of the Cold War, it expanded in the direction of Eastern Europe on the basis of “its growing political roles; its increased political and military partnership, cooperation and dialogue with other states, including with Russia, Ukraine and Mediterrenean dialogue countries; its continuing openness to the accession of new members;” (NATO STRATEGIC CONCEPT, 1999).

In 1994-1995, NATO carried out its first operations to impose peace on Bosnia and Herzegovina, in compliance with the respective resolutions of the U.N. Security Council. In 1999, the NATO air force attacked the armed forces of Serbia in Kosovo and bombed the cities of the country including its capital Belgrade between the months of March and June of 1999 – this time without the authorization of the U.N. Security Council, but on the grounds that the offensive was justified by Chapter 8 of the U.N. Charter. NATO was also involved militarily in Asia (Afghanistan (2001) e and in Africa (Libya) 2011).

In 1999, Poland, Hungary and the Czech Republic joined NATO and these countries became possible locations for the installation of a system of antimissiles in Europe against a possible threat of a nuclear attack from Iran if the bellicose nuclear program of that country would materialize.

Soon after the 11th September 2001, under the pretext that the Anti-Ballistic Missile Treaty was out-of-date and with the aim of proceeding with the construction of a global anti-missile system, the United States unilaterally withdrew from the Treaty and put at risk the global balance of nuclear defence and indirectly, the maintenance of European security.

In 2004, NATO expanded towards the former Soviet Union and reached the borders of Russia. Lithuania, Latvia and Estonia became members of NATO together with four other countries from Central-Eastern and South-Eastern Europe – Slovenia, Slovakia, Bulgaria and Romenia. This represented the greatest expansion of NATO since its inception.
In 2009, France returned to the military organization of NATO, and put an end to the period of more than 40 years when it had refused to take part in its military activities. In 2009, Albania and Croatia joined NATO. All the countries of the former Soviet Union and Yugoslavia established partnership relations with NATO, and this included setting up the NATO-Russia Council in 2002, which had consultative powers, based on the Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation (1997).

As a result, NATO took on the role of maintaining effective security through an association with nine European members. It also took part in missions for the maintenance of peace which has not only lessened but in some cases reduced to insignificance the Pan-European role of the OSCE in conflict settlements. This caused some concern to Russia and its allies about the state of European security. According to Richard Haass,

> NATO enlargement was seen by many Russians as a humiliation, a betrayal, or both. More could have been made of the Partnership for Peace, a program designed to foster better relations between Russia and the alliance (HAASS, 2014).

The attachment of Russia to the concept of shared security adopted by the OSCE, in the face of the unilateralism of NATO, began to melt away. Moreover, the opening up of Russia to a partnership with NATO was harmed by the expansion of the military bloc which Moscow claimed was bringing about serious risks to the security of the country and to Europe as a whole. As Francis A. Kornegay Jr. explains:

> Moscow proposals for a post-Cold War security architecture involving cooperation between NATO and Russia's Collective Security Treaty Organization (CSTO) have been summarily snubbed even though implanting such a burden-sharing stabilization system in the Eurasian heartland has long been urgently needed. (Kornegay, 2014).

The Council of Europe, the oldest European political institution, has 47 member-States, 21 of which are countries in Central, the Central-Eastern and the South-Eastern Europe, or in other words, including most of the post-Soviet and post-Yugoslav independent States. Having emerged in the Western Europe, as an institution in defence of political civil as well as human rights, the Council of Europe through its parliamentary assembly, incorporated most of the states of the former Soviet Union and Yugoslavia, except for the states of Central Asia. In the same way, like the European Union and NATO, the Council of Europe took on itself a large number of matters that had previously been handled

within the humanitarian sphere of the OSCE. In the years 2014-2015, the Parliamentary Assembly of the Council of Europe became a platform for political and ideological disputes which had involved the European Union and Russia over the crisis and armed conflict in Ukraine, as well as creating an atmosphere of confrontation which was alien to the spirit of Helsinki. As a result, since 2015, Russia has been denied the right to speak and to vote in the Council of Europe, regarding it as incompatible with democracy and freedom of expression; and suspending its participation in the Council of Europe.

The European institutional changes in general, reflected the changes in the international order of the post-Cold War period. In the assessment provided by G. John Ikenberry:

> By the end of the 1990s, a major consolidation and expansion of the US-led international liberal order had been accomplished. The organizational logic of the Western order built during the Cold War was extended to the global level (Ikenberry, 2010, p. 13402).... In the background, the stability and character of the US-led post-Cold War order were reinforced by the country's commanding power position - advantages which gave it the ability to exercise hegemonic leadership. (Ikenberry, 2010, p. 13420)

When the territorial and operational extent of the post-Cold War European institutions are compared and account taken of their progress in terms of expansion and the broadening of their frameworks and skills, it can be concluded that the OSCE lost its relevance both with regard to stategic-military factors and economic and humanitarian issues. Moreover, it was overshadowed and, to some extent, replaced by the expansionism and interventionism of the mulilateral European and transatlantic players involved. Its policies can be summarized as follows:

• The "new" old institutions have been enforcing their agendas for security which are assessed unilaterally through the prism of NATO and these now override the design set out by the OSCE for a shared European security;

• They resort to a considerable expansion of FTAs; this benefits the European Union which only shows little concern for the commercial interests of countries which make part of other FTAs and customs unions. They also turn a deaf ear to the structural and adaptive problems of former socialist countries in a state of transition and which seek to be associated with the European Union;

• Through "democratization", they seek to make political, civil and human rights universal without taking due account of cultural, ethnic and religious factors, or the recent shared history of this group of new countries, which are different from those of Western Europe.

The speed, impatience and irrational way in which attempts were made to put democratic changes into effect in the countries with a recent authoritarian past (NATIONAL: 2006, P. 2) (and at whatever cost, as was the case of the intervention in Iraq), caused a series of "color revolutions"[12]. This is a euphemism for attempts to enforce a transition to democracy through a *coup d´état* or other means carried out by transnational groups and institutions which are often non-state organizations in alliances and partnerships with opposition movements to the governments in these countries.

European security in a drift

In seeking to point out some of the causes of the weakeneing of European security after 2000, we believe that it would be useful to mention three events that occurred during the

continuous expansion of European institutions in Eastern Europe in the last 10-15 years. These altered the general political landscape of the European continent, by preventing any further consolidation of the system of shared security for Europe.

First. The Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe with regard to a reduction of conventional armaments of 1999 became an apple of discord. The new members of NATO which joined the bloc attempted to defer its ratification on the grounds that there was a concentration of Russian armed forces on the southern flank of the dividing-line between NATO and the country-members of the Treaty of Collective Security; this particularly applied to the presence, endorsed by the C.I.S., of Russian armed forces in Moldova and Georgia. Rússia and its allies argued, in their turn, that the restrictions on conventional armaments were not being honoured by the Western bloc because of the expansion of NATO and that the West no longer respected the conventional military balance that had been stipulated in the Treaty of Istanbul. In addition, the planning to supply Bulgaria and Romenia with NATO conventional armaments, mainly manufactured in the United States, as well as the projects to install anti-missile systems in Poland and the Czech Republic had already produced adverse political effects. In 2007, after making an assessment of the risks to its security caused by these factors, Russia declared a moratorium on its compliance with the CFE, but gave an assurance that they would lift it as soon as the members of NATO ratified the Agreement and begin to implement it.

The final summit of OSCE, which was held in Astana, Kazakhstan in 2010, did not yield the results that had been hoped for to correct the course of European security. Despite an ambitious declaration about building a “community of security” which in principle, had been the main ideological commitment and basic challenge of the OSCE, the decisions made at the summit - which included maintaining the Corfu process and strengthening the CFE (OSCE ASTANA, 2010), - were blocked by a series of barriers in the way of European cooperation in the area of security. In 2015, in the light of the general deterioration of its relations with the NATO, the Russian government declared a unilateral suspension of the CFE, until the necessary conditions for its implementation had been met. Finally, 25 years after its adoption, the “death” was witnessed of the TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE; this had been an instrument of great importance in the control of conventional armaments and armed forces in Europe and was regarded as a “cornerstone” of European security. As a result, a momentum has been given to the militarization and modernization of armaments in Europe, affecting European security in the polítco-military dimension of the “Helsinki process” and leading to a limited arms race.

Second. The recognition of the independence of Kosovo, in February 2008, had a twofold effect on relations in Europe. On the one hand, it influenced the decision of President Saakashvili, of Georgia, to make a military intervention in South Ossetia in August 2008, with the aim of putting an end to the state of cessassion, since 1994, of this autonomous region. On the other hand, the recognition of Kosovo gave the Russian government a pretext to claim the legality of the independence of the two secessionist regions of Georgia, declared after the Russian-Georgian conflict of 2008. The subsequent citing by Russia of the ruling of the International Court of Justice on the independence of Kosovo (which declared that international law was not violated by the independence of Kosovo), constituted a legal justification for the recognition of the new separatist states in the North of the Caucasus – Abkhazia and South Ossetia by Russia:

> THE COURT (3) By ten votes to four, is of the opinion that the declaration of independence of Kosovo adopted on 17 February 2008 did not violate international law (ICJ, 2010, 15)

It was clear from this situation that there was a double standard in the recognition of some states and non-recognition of others which widened the gulf between the NATO countries and the European Union, on the one hand, and Russia and its allies and partners, on the other. The countries of the Western bloc did not recognize the new Caucasian states while Russia and most non-European states did not recognize Kosovo. The OSCE was practically excluded from the attempts to restore peace to the former enclaves of Georgia and the matter became a mission of the European Union.

Third. The most serious deterioration of relations between the western and eastern parts of Europe was manifested in Ukraine. The plan for Ukraine to become a member of the European Union divided national public opinion in the country and splitted different political and economic interests. This also affected the economic position of Russia whose economy had been closely bound up with that of Ukraine since the Soviet times and continued to maintain very close economic ties both in the manufacturing, mining, aerospace, naval and energy sectors and in cooperation over defence. The decision by the Yanukovych government to opt for a policy of cooperation with Russia (albeit on a temporary basis) rather than seek to join the European Union, which was announced at the EU summit in Vilnius, in November 2013 (REFUSAL, 2013), sparked off a protracted rebellion called "Maidan",[14] in the center of Kiev.

The recourse to violence by the forces opposed to the government of Yanukovych in the capital and in the local governements of the provincial cities, together with ultra-nationalism and xenophobia, directed against Russian-speaking population, resulted in bloody shootings in Maidan, and threats against the authorities at all levels of the government. This made the President and members of the government abandon Ukraine and flee to Russia. A new government was installed in Kiev, the legitimacy of which was questioned in some regions of the country. What made it difficult for some sections of society to accept the change of government in Ukraine was that it was regarded as an open political intervention by the United States and its European allies in the political affairs of Ukraine – first, in an attempt to reach an agreement between the government and opposition (HIGGINS et al., 2014), and later in the setting up of a new Ukrainian government (BAKER, 2014).

The political crisis unleashed centrifugal forces of fragmentation and a desire for autonomy in several regions in Ukraine, a country divided by a civilizational fault line. (HUNTINGTON, 1997, p. 165-168). Crimea, an autonomous region within Ukraine had a struggle for independence from the time when the State of Ukraine was established in 1991. This was supported by some popular movements and local governments in regions in the East and the South of Ukraine inhabited by largely Russian–speaking people. The Parliament of Crimea was opposed to the new government in Kiev which it regarded as illegitimate and thus called for a referendum which was held on 16th March 2014. With 81.3% of electors casting their vote, there was a convincing victory (96.7%) of supporters of independence and unification with Russia (CRIMEA, 2014). Following this, the Parliament of the Crimea appealed for a unification with Russia, based on the results of the referendum and this was approved by the Federal Assembly of Russia and the "Treaty on Accession of the Republic of Crimea to Russia" was signed. The Crimea and city of Sebastopol became federal units of Russia. The referendum and move to unification

with Russia occurred without violence, owing to the presence of Russian armed forces to control public order. These were based in the peninsular in accordance with the Russian-Ukrainian Agreement of 1997 on the Statute and Conditions for the Permanence of the Black Sea Fleet of the Russian Federation in the territory of Ukraine (SOBRE, 1997).

The Resolution of the United Nations General Assembly (A/RES/68/262) on the territorial integrity of Ukraine, ruled that the Referendum was null and void and stated that:

> the referendum held in the Autonomous Republic of Crimea and the city of Sevastopol on 16 March 2014, having no validity, cannot form the basis for any alteration of the status of the Autonomous Republic of Crimea or of the city of Sevastopol (UNGA RESOLUTION A/RES/68/262)

This Resolution received the support of over 50% of the valid votes of the delegates of the General Assembly. Almost a half of the Member-States abstained or voted against the resolution, calling for a peaceful solution to the crisis in Ukraine.

The "unification" of the Crimea with Russia, described as an "annexation" by the NATO countries and the European Union, gave rise to speculations about an "intervention" by Russian armed forces in the civil conflict in the East of Ukraine (NATO, 2015), a prospect denied by Russia. On the basis of this allegation, corroborated by the tragic shooting down of a Malaysia Airlines passenger plane on 17th July 2014, over the zone of conflict in the East of Ukraine, economic and financial sanctions were imposed on Russia by the United States, the NATO countries and the European Union, as well as Australia and Japan. Russia retalitated by imposing its own sanctions against these countries.

Unlike the peaceful character of the separation of the Crimea and its unification with Russia, extreme violence characterized the protests about giving autonomy to the administrative regions of Donetsk and Lugansk in the east of Ukraine. When the Ukrainian authorities resorted to the use of force, in what was regarded as an "anti-terrorist operation", this was first met by a kind of civil disobedience which soon afterwards turned into a military rebellion. An armed civil conflict in Ukraine, with dire repercussions for the country and the region, began in the middle of 2014 and lasted, in a period of great intensity, for ten months until the beginning of 2015. By that time, it had left more than six thousand dead and 15 thousand wounded, an overwhelming number of victims being civilians. It triggered a humanitarian catastrophe in these regions and led to an exodus from the region of more than one and a half million refugees, with people being displaced to Russia, Ukraine and other neighboring countries. On 12th December 2015, following negotiations with the "Normandy Four" in Minsk, the capital of Belarus, the Minsk Agreements were signed. This envisaged putting an end to hostilities between the Ukrainian forces and armed groups of rebels and introducing constitutional reforms in Ukraine with the aim of granting autonomy to the regions in rebellion (PACKAGE, 2015).

The UN Council of Security gave legitimacy to the Minsk Agreements in Resolution 2202 (2015), passed on 17 February 2015, and recognized that it was a kind of roadmap to a peaceful solution of the conflict in the center of Europe:

> *Firmly convinced* that the resolution of the situation in eastern regions of Ukraine can only be achieved through a peaceful settlement to the current crisis, "1. *Endorses* the "Package of measures for the Implementation of the Minsk Agreements", adopted and signed in Minsk on 12 February 2015 (Annex I); (Security Council, 2015).

The civil conflict in the Ukraine and its international repercussions resulted in a serious aggravation of the security situation in Europe after the end of the Cold War.

The countries outside NATO and the European Union looked at the Ukrainian conflict in an impartial and cautious way. They preferred to abstain rather than take sides and regarded the complexity of the controversy over conflicting principles of international law – particularly territorial integrity and the right to self-determination – as involving the responsibility to protect and being conscious of the rivalry that existed between different European institutions. According to the Indian Ambassador Neelam Deo:

> The West is trying to expand its influence and wrest Ukraine away from Russia despite their strong historical and cultural links. Russia wants to retain Ukraine as a buffer between itself and NATO... This is a valid position if the western record on the so-called responsibility to protect is invoked (DEO, 2014).

However, the crisis in Pan-European relations reached its highest point in the period of 2014-2015. According to the Declaration made by the European "think-tank" – LEAP/E2020 (European Laboratory of Political Anticipation), owing to its hazardous nature, the situation should be resolved diplomatically and take account of the rights of Europe and Russia to allow them to organize their common markets in a peaceful manner:

> we strongly oppose the disruption of Euro-Russian relations..., with the deployment of troops on both sides of the Euro-Russian border and in particular of US military troops on Europe's territory, with the growing tensions provoked by the uncoordinated free-trade policies of Europe and Russia on common border countries such as Ukraine, Georgia, and Moldova. We consider that the Ukrainian crisis calls for the establishment of a diplomatic arena to discuss Europe's and Russia's rights to organize their common markets in a framework of peaceful coexistence (EUROBRICS, 2014)

All the three events described above have had an overwhelming influence on the climate of international relations in Europe and made European security extremely vulnerable.

By way of a conclusion – a new détente?

Although cooperation, at the level of military organizations and economic unions in Europe, has sunk to new depths, and barely shown the slightest ability to communicate on a reciprocal basis, even diplomatically, the OSCE has ultimately proved to be the only international Pan-European mechanism that is able to play a role in reducing tension and preventing an escalation of the conflict in Ukraine. Having taken on the responsibility of coordinating the surveillance of the conflict, the OSCE has shown that it has a supranational capacity to introduce a form of governance for dealing with the conflict. On the one hand, this conflict reminds one of crises in the Cold War since it has formed a gulf in the relations between Western Europe and Russia and the respective allies for the first time since the Cold War. On the other hand, it can be regarded as a hybrid case since it involves a civil population, foreign fighters, and politically and socially organized movements. A special mission of the OSCE for monitoring Ukraine, with all its limitations in terms of its lack of coercive powers, began its activities on 21st March 2014. It acts through a consensus of 57 member-countries of the organization and doubled the number of observers in 2015 and is still conducting this surveillance work.

The break-down of communications between NATO, the European Union and the Council of Europe, on the one hand, and Russia, the Shanghai Cooperation Organization and the Collective Security Treaty Organization, on the other, has created a worrying precedent

for matters of European security. There has been a sharp decline in the level of reciprocal trust in Europe that has been built up over decades. The political gap between the European institutions responsible for security has halted the control of conventional weapons and stimulated militarization. The human dimension has been tarnished by the politicization of Pan-European relations. The weakening of shared European security has diminished, albeit to a lesser extent, the Pan-European cooperation in the struggle against global threats – international terrorism, the proliferation of arms of mass destruction and cross-border crime.

The lessons of regional crises which have held back the construction of security, throwing it to levels comparable with the Cold War period, should be learnt by the parties to this newest conflict. First, a non-exclusion from cooperation and negotiation between partners should be respected, contrary to what occurred in the negotiations with Ukraine over its membership of the European Union, without the participation of Russia, although Russia had close economic ties with Ukraine. Second, the fact that the participants of the inclusive and shared process of building European security are treated on an equal footing, should be regarded as indispensable so that no political preference is given to one or other plan for integration. Third, there must be an awareness of the limits to promoting national or supranational interests and the expansion of economic or military activities to the detriment of common European security. This has not been the case in the expansion of NATO to the East or the continuous enlargement of the European Union, where there has been a failure to take into account both an increase in awareness of the risks to security and the existence of competitive, economic and commercial interests.

These lessons could have been learnt if the the participants in the process had returned to the principles of equality, sovereignty and respect for all states as it happened during the Helsinki process from the outset. The exceptionalism, when based on the growth of the expanding and invasive powers of military blocs such as NATO, and the persistence of inter-state fusions of supranational político-economic forms of integration such as the European Union, are impairing the egalitarian and just formation of the relations of security, cooperation, development and sustainability of the European, North-American and Asian partners.

The OSCE is an international, multilateral and trustworthy body that has passed the test of time and continues, albeit in a restricted manner, to represent the thinking of a multidimensional and indivisible security. The 40th anniversary of the OSCE reminds us that its transformation into an organization of global security from Vancouver to Vladivostok, by fulfilling the requirements of the legacy of the Conference on Security and Cooperation in Europe and driving away the last vestiges of the Cold War, which are still a part of political awareness and are constantly recurring in international politics, can act as a stimulus and give a renewed vigour to this thinking.

There are some initiatives which could have given a new impetus to the Organization at a time when European security has begun to feel the effects of its deterioration that were discussed soon after the Russian-Georgian conflict in 2008. The Corfu process set in motion the idea of drawing up a treaty of European Security which could strengthen European politico-military stability by giving priority to measures for controlling and reducing conventional armaments on a more solid and inclusive basis and by revising the Adaptation of the Treaty signed in Istanbul. On the other hand, this treaty should have a broad and wide-ranging format in terms of the positioning, relations and regime of

interaction not only of the states involved in the process but also of European, Eurasian and transatlantic regions, and the international organizations that they represent. This repositioning would mean that the regions and their respective integrated organizations could live together in conditions of multidimensional, cooperative, equal and indivisible security based on the legacy of Helsinki. What could be a key contribution of this Treaty to European security is a reedition of the OSCE in the moulds of a mini-European United Nations which would take on the responsibilities of governance in matters of security.

However, the OSCE, which should have taken on the leadership in solving problems of European security in the decades after the Cold War, has failed to live up to its vocation and has continued to decline in importance.

Currently, the political context in Euro-Atlantic space is not conducive to signing an international treaty which would sanction, in legal terms, the principle of the indivisibility of European security and thus assist in maintaining international peace and security. Nonetheless, with a reduction of international tension, a new form of *détente* could and should be led by the OSCE. For the present, this organism may be a unique actor in Europe that brings together all the conditions and all the conflicting parties under its aegis, so that the inertia that underlies the thinking of the Cold War in international relations could finally be overcome.

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Notes

1. Détente (definition in French) - easing or relaxation of tension, a respite. In diplomatic language from the mid-XXth Century, détente meant the normalization of inter-state relations between the Soviet bloc and the West opposed from the beginning of the Cold War.

2. The Treaty of Prague (1973) declared the Munich Agreements of 29th September, 1938 to be null and void.

3. The only European State that did not participate in the CSCE was Albania.

4. Following the proceedings of the CSCE, the proposals of the delegate participants were divided between each of the four (and not three)

"baskets", installed in the rooms of the plenary sessions and brought together the matters to be addressed. The fourth basket dealt with proposals referring to meetings held to review the proceedings and arrange the next stages of the Conference.

5. Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations. UN Document A/RES/25/2625.

6. *Linkage:* in foreign policy analysis, this is the linking of the behavior of a state in a particular area, to a reward or punishment depending on the attitude shown to a particular subject, such as, for example, the imposition or lifting of economic sanctions. A *linkage* has a distinct meaning from the standpoint of neofunctionalism in so far as progress in a non-strategic area can influence a strategic dimension.

7. The Anti-Ballistic Missile Treaty signed by the Soviet Union and the United States in 1972, was a limitation on the use of ABM systems while defending areas against the intercontinental ballistic weapons of two territorial regions in each of the two countries. In this way it reduced the capacity of response in the event of a possible nuclear attack by either one of the two sides and increased the uncertainty of the nuclear deterrent and a risk of use or a threat of use of nuclear weapons.

8. Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on ¨Certain Measures with Respect to the Limitation of Strategic Offensive Arms¨, signed on 26th May, 1972.

9. The Treaty on Conventional Armed Forces in Europe which was negotiated in Vienna, and a key document in the procedure, was signed in Paris on 19th November 1990 by 20 European states, the U.S. and Canada, while the Warsaw Pact was still in force. It was ratified by 30 states (an increase caused by the break up of the Soviet Union) in 1992. It laid down general limits by country of conventional weapons and armed forces. Each of the military blocs had to reduce its conventional weaponry to a ceiling of 40 thousand tanks, 60 thousand armored combat vehicles, 40 thousand pieces of artillery, 13.6 thousand combat aircraft and 4 thousand combat helicopters. (TREATY ON CONVENTIONAL ARMED FORCES: 1990)

10. The Treaty on Open Skies, signed in 1992 and in force since 2002, established a program of unarmed aerial surveillance flights over the territories of the country signatories (except the United States) with the aim of raising the level of mutual confidence by obtaining information on military activities in the territory of these countries

11. The OSCE had or has surveillance missions of activities in Kosovo, Sandjak and Vojvodina (1992-1993), Kosovo (1998-1999), Kosovo (1999 – until now), Ukraine (referring to the autonomous status of the Crimea) (1994-1999), Estonia (1992-2001), Lithuania (1993-2001), Bosnia and Herzegovina (1995 – until now), Belarus (1998-2002), Chechnya (Russia) (1995-2003), Estonia (1994-2006), Croatia (1996-2007), Georgia (1992-2008), Montenegro (2006 – until now), Serbia

(2001 – until now), Skopje (Former Yugoslav Republic of Macedonia) (2001 – until now), Moldova (1992 – until now), Ukraine (2014 – until now), as well as some offices, centers and programs in Ashgabat, Baku, Yerevan, Astana, and Bishkek.

12. Georgia (2003), Ukraine (2004), Kirguizia (2005).

13. The Corfu Agreement began after a ministerial meeting held by members of the OSCE on the Greek island of Corfu in 2008, with a view to drawing up a Treaty of European Security.

14. Maidan square in Ukraine is the Square of Independence in the center of Kiev; it was occupied by forces opposed to President Yanukovich from December 2013 until it was vacated in the middle of 2014.

15. The Normandy Four is the group of leaders of Germany, France, Russia and Ukraine which was formed with the aim of solving the military conflict in the East of Ukraine, on the occasion of the 70th anniversary celebrations of the opening up of the Second Front by the allies in Normandy;

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