

The relevance of the Helsinki Process and the Charter of Paris for future security policies and institutions

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Abstract

May the Helsinki Process and Charter of Paris provide insights for future security policy and institutions even though they have failed to prevent the escalation of the conflict between Russia and the West or the invasion of Ukraine? Combining historical analysis, conceptual work, and controlled use of counterfactuals, I discuss the concept of common security, the OSCE, and NATO expansion, focusing on the tension between individualistic and communitarian aspects of the OSCE. The unintended consequences of the OSCE did not stop with the end of the Cold War, but this time they have been less positive and more counterproductive. To what extent, or in what ways, is it fair to argue that the war in Ukraine has revealed the weakness of institutional arrangements and organizations such as the OSCE? While this is complicated and the answer may in some ways be counterintuitive, I make the case for being sceptical about military deterrence providing a plausible alternative to a process of establishing the basics of common security. On the contrary, I conclude that some of the key ideas and aspirations of the Helsinki process can be recontextualized and developed further, also in contexts outside Europe, especially in East Asia.

Introduction

In principle, the OSCE is one of the few remaining multilateral spaces outside the UN for dialogue between Russia and the West. This space is now at serious risk (see e.g. International Crisis Group, 2022; Hernández, 2022). The Russian invasion, which is a clear violation of the OSCE's foundational principles, has reinforced political blockages in the OSCE and led to the closure of its monitoring mission in Ukraine. Western states have staged walkouts when Russia or Belarus have taken the floor, while Russia has essentially boycotted the body's meetings by sending junior diplomats as representatives. The year 2022 also marked the first time that a chair banned a foreign minister, Sergey Lavrov of Russia, from attending the ministerial council meeting. In 2023, the UK and Canada refused to grant visas to Russians intending to participate in OSCE meetings. Moreover, the annual meeting, which took place on 1-2 December 2022 in Lodz, Poland, failed to adopt any decisions, implying among other things that in 2023 the OSCE has no budget. Without an approved budget, the OSCE can operate only in a limited manner. Former Finnish Foreign Minister Pekka Haavisto has even warned of a possible collapse of the OSCE: "If there is no chairman in 2024 and there is no consensus on this issue, then next year will be the year of the destruction of the OSCE as an organization" (Liechtenstein 2023). After long and complicated negotiations, Malta was finally approved as OSCE chair in 2024. Although the story of the OSCE continues for now, its future is at stake.

Within the OSCE, there seem to be two ways to respond to the situation. Some member states such as Ukraine and Poland call for the exclusion of Russia from all international organizations. If this exclusion was realized – in the context characterized by large-scale sanctions and the severing of economic and cultural relations – only bilateral diplomatic relations would remain. Cutting also these diplomatic relations off, states would find themselves in a state of war with Russia in the Hobbesian sense of the term, a situation from which there is only a short distance to an actual war between Russia and NATO. To avoid this, and because cooperation is needed in many areas, the representatives of the OSCE and several member countries have emphasized that the continuation of the OSCE activities is of paramount importance to maintain dialogue. Moreover, the responsibility of the OSCE covers areas and issues other than the war in Ukraine.

In this paper, I look beyond the immediate situation and ask whether the Helsinki Process and Charter of Paris may continue to provide insights not only for future security policy but also for building more adequate regional and global institutions. What is it that we can learn from the OSCE experiences? My analysis is critical and integrative. Methodologically, I develop the argument of this paper through historical analysis, conceptual work, and controlled use of counterfactuals (cf. Tetlock, 1999; Tetlock et al., 2006; Lebow, 2010; Forsberg & Patomäki, 2023: chap. 1; Patomäki & Morgan, 2023: 5-8). The aim is to construct an original overall argument instead of providing results from some meticulously targeted new empirical research on the specific moment or aspect of the decades-long process.

First, I offer a brief history of the OSCE, especially in terms of how the original Helsinki process contributed to (i) the avoidance of nuclear war and (ii) the peaceful end of the Cold War. Both the static and dynamic aspects of the process are important. Second, I discuss the concept of cooperative and common security, the OSCE, and the expansion of NATO, focusing on the tension between individualistic and communitarian aspects of the Paris Charter and subsequent documents. Third, I consider whether the unintended consequences of the OSCE stopped with the end of the Cold War. Subsequently, I assess whether the problems could have been avoided if the OSCE had had a more central role in European security arrangements from the late 1990s onwards. To what extent, or in what ways, is it fair to argue that the war in Ukraine has revealed the weakness of institutional arrangements and organizations such as the OSCE?

I argue that while this is complicated and that the answer may in some ways be counterintuitive, it is misleading to conclude that military deterrence is a more appropriate way of dealing with the problem of peace and war and issues of security. On the contrary, I conclude that some of the key ideas and aspirations of the Helsinki process can be recontextualized and developed further. Although I focus on European developments, I go on to argue that the rational lessons from these experiences and related ideas are applicable elsewhere, especially in East Asia – an idea which I owe to various discussions with Professor Akihiko Kimijima.

A very short history of the Helsinki process and the OSCE

The Conference on Security and Cooperation in Europe (CSCE) was held in Helsinki in 1975 and is widely seen as a key element of the *détente* process during the Cold War. The Helsinki process started in 1969 with tentative diplomatic invitations. In 1970, a Finnish diplomat was appointed to collect info and prepare for the meeting. The first phase was the Meeting of Foreign Ministers in Helsinki in 1973, the second negotiations held in Geneva from 1973 to 1975, and the third was the Helsinki Summit in 1975. The conference resulted from a complex process of initiatives and political moves that occurred in a rapidly evolving global context. (For summaries of the history of the process, see e.g. Wenger et.al., 2008, esp. ch.1; Maresca, 2016, esp. Part 1)

The highly dangerous 1962 Cuban missile crisis motivated *détente*. In the late 1960s and early 1970s, when the Soviet Union was facing a possible military confrontation with China in the Far East, it achieved a second nuclear strike capacity vis-à-vis the United States. Both NATO and the Warsaw Pact faced conflicting aspirations and experienced internal disagreements, not least concerning leadership and hierarchical structure. The Vietnam War and the collapse of the dollar-gold link – a key component of the Bretton Woods system – were widely seen as signs of the weakening of the US and the erosion of its hegemony. The May 1972 Nixon-Brezhnev summit culminated in the SALT I treaty and the Agreement on Basic Principles, which exhibited the desire of the two parties for *détente* and stabilizing the status quo. Finally, yet importantly, Willy Brandt's "Neue Ostpolitik" and the recognition of

East Germany (DDR) by many Western European states in 1972-73 paved the way for a pan-European conference. It was in this context that Finland (supported by neutral and non-aligned countries) seized the opportunity to bring together a European security conference – an initiative hitherto associated with the Soviet Union.

As is well known, the Final Act of 1975 was divided into four main sections, or “baskets”. The first dealt with European security issues, the second established cooperation in the economy, science, and environmental protection, the third concerned cooperation in humanitarian fields and contained human rights-related norms and aspirations, and the fourth concerned follow-up and future meetings. The first basket constitutes the static part of the agreement. It recognized the *de facto* borders in Europe and thereby the implicit sphere of influence of the Soviet Union (the term was never used, however, as it was associated with past forms of imperialism; cf. Keal, 1983). It also included Confidence-Building Measures (CBMs), such as notification and observation of troop manoeuvres, designed to lessen the risk of a surprise military attack in Europe. This basket stabilized the situation in Europe and in its part lessened tensions for a while, until the Second Cold War (the term has multiple meanings, but here I refer to the years of 1979-1985 in US-USSR relations). The Helsinki Process continued through this phase, being “the only collective forum where East and West were confronting their differences with the encouragement and assistance of the neutral and non-aligned (NNA) participants” (Helsinki Commission, 2019: 2). Although methodologically the claim may be difficult to prove or falsify, it seems plausible that the static part of the Final Act made the highly dangerous context of the Cold War somewhat less dangerous in 1975-1989, that is, during the final phases of the Cold War as it is commonly understood. In its absence, the likelihood of a hot war would have been higher.

Basket three, involving commitments to human rights, is considered the dynamic part of the agreement (also economic cooperation was potentially dynamic but faced manifold obstacles). The human rights section promoted democracy in Eastern Europe and the Soviet Union and had a significant impact on the peaceful end of the Cold War (probably the best-known study of the effects of the human rights basket is Thomas, 2001). This unintended effect was a consequence of human rights norms and related tacit acceptance of the possibility of peaceful changes. What is noteworthy is that the role of human rights in the Final Act was a contingent outcome of a complex process. It may be unsurprising that the Soviet bloc was reluctant to include human rights in the agreement, but also the US under Nixon, Ford, and Kissinger lacked enthusiasm and exhibited scepticism at various turns. In contrast, the EC countries were convinced that the Soviet Union had pushed for a pan-European conference in part to break EC solidarity and slow down the European integration process. Also for this reason, the EC Nine considered it important to include the constitutive “soft power” idea of human rights in the Final Act. Thus, the role of EC Nine seems to have been decisive in pushing for an “expanding notion of security that resulted in the recognition of human rights as a principle of international relations and the security of individuals as a complement to the security of states” (Möckli, 2008: 145).

Fast-forward a few years, the Paris Summit meeting from 19 to 21 November 1990 was held at the time when the Cold War had ended but the Soviet Union still existed. The summit adopted a new important document, the Paris Charter for a New Europe (OSCE, 1990), which was amended in the 1999 Charter for European Security (Maresca, 2016: 139, argues that the “Joint Declaration of Twenty-Two States” should be attached to the Charter of Paris because it extends the significance of that document to the substantial reductions in the military forces in Europe). In the first paragraph, the Charter affirms, “the era of confrontation and division of Europe has ended. We declare that henceforth our relations will be founded on respect and co-operation.” At this time, there seemed to be a broad consensus on the underlying principles of human rights, independence of states, and liberal democracy. The Moscow Mechanism was established in 1991 to tackle controversial issues within the framework of the OSCE by employing expert investigations and public discussions. The High Commissioner on National Minorities was created by the 1992 Helsinki Summit Meeting as a conflict prevention tool (in response to the violence in Yugoslavia). The early 1990s process included the renaming of the CSCE to the OSCE and turning the Helsinki Process into a permanent organization based in Vienna, which assumed new tasks from election monitoring to observing military activities and sending observers to conflict regions.

The concepts of cooperative and common security, OSCE, and NATO enlargement

The Helsinki process and especially the OSCE has been widely seen as advancing a new, cooperative security system. The Paris Charter contains many passages where this is evident:

- “With all the rich diversity of our nations, we are united in our commitment to expand our co-operation in all fields. The challenges confronting us can only be met by common action, co-operation and solidarity.”
- “The changing political and military environment in Europe opens new possibilities for common efforts in the field of military security.”
- “The unprecedented reduction in armed forces resulting from the Treaty on Conventional Armed Forces in Europe, together with new approaches to security and cooperation within the CSCE process, will lead to a new perception of security in Europe and a new dimension in our relations.”
- “Security is indivisible and the security of every participating State is inseparably linked to that of all the others.”
- “Our common efforts to consolidate respect for human rights, democracy and the rule of law, to strengthen peace and to promote unity in Europe require a new quality of political dialogue and co-operation and thus development of the structures of the CSCE.”

The concepts of cooperative and common security are closely related, although the latter can

be seen to stress the importance of collaboration more than the former (see e.g. Väyrynen, 1999). However, as is evident from the above quotations, the Paris Charter uses the terms “cooperation” and “common” almost interchangeably, sometimes added with “solidarity”. *Common Security* was the name of the 1982 major report by the Palme Commission (ICDSI, 1982; ICDSI stands for the Independent Commission on Disarmament and Security Issues). In the 1980s, scholars such as Johan Galtung (1983) and Barry Buzan (1987) found the Palme Commission report unoriginal and disappointing but acknowledged that it coined the idea of common security and put it into wide circulation. Common security involves seeing security as a process and practice of considering systematically not only the first- but also the second- and third-order consequences of one’s decisions (Väyrynen, 1999: 56). Every action has a consequence, and each consequence has a subsequent consequence and thus a single decision can initiate a series of cause-and-effects, something which we might not have knowledge or control of but can anticipate. In the spirit of the OSCE, these effects should be assessed in terms of mutual political dialogue and cooperation.

In the Paris Charter and other OSCE documents, the concepts of cooperative and common security express the primacy of shared understandings and values and thereby community. However, these documents include also a more individualistic and possessive side. The tension between the two reflects the indeterminacy of international law in general. Critical studies of current international legal practices (Koskenniemi, 2005; for an argument that the problem is more institutional than philosophical, see Patomäki, 2023: ch.13) show that if you start from the premise of possessive individualism, you end up arguing from a supranational basis; and if you start with supranationalism, you end up recognizing the implications of possessive individualism, i.e. actual state practices. Given the basic premises and institutionalized practices, these options are mutually implicating, yet contradictory. This seems to hold also in the context of major OSCE documents. Consider the following passages involving the premise of possessive individualism:

- “We are determined to co-operate in defending democratic institutions against activities which violate the independence, sovereign equality or territorial integrity of the participating States.”
- “With the ending of the division of Europe, we will strive for a new quality in our security relations while fully respecting each other’s freedom of choice in that respect.”
- “We reaffirm the equal rights of peoples and their right to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.”
- “In this context we fully recognize the freedom of States to choose their own security arrangements.”

If the aim is to protect the independence, sovereignty, territorial integrity, self-determination, and freedom of choice of each member state, then the cooperative community should not set any limits to their sovereign freedom. Thus, states are “free to choose their own

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security arrangements”, and if this means forming or joining a military alliance, rearmament, or preparation for war, so be it.

The document that resulted from the 1999 OSCE Summit in Istanbul (OSCE, 1999) exhibits major elements of individualism and communitarianism (and common security) in one single passage:

“Each participating State has an equal right to security. We reaffirm the inherent right of each and every participating State to be free to choose or change its security arrangements, including treaties of alliance, as they evolve. Each State also has the right to neutrality. Each participating State will respect the rights of all others in these regards. They will not strengthen their security at the expense of the security of other States. Within the OSCE no State, group of States or organization can have any pre-eminent responsibility for maintaining peace and stability in the OSCE area or can consider any part of the OSCE area as its sphere of influence.”

The reference to the right to conclude alliance agreements has context. The Americans in particular seem to have been pushing for this wording in the Istanbul document, likely in anticipation of NATO enlargement. The sentences directed against US’s or NATO’s possible dominance probably stemmed from Russian demands, while moderated by a strong admonition not to rely on the concept of sphere of influence. (cf. NATO Review, 2000). The issues at the Istanbul Conference were related to the NATO operation in Kosovo and the bombing of Yugoslavia, on the one hand, and Russia’s operations in Chechnya, on the other. The Transnistrian conflict, the conflict between Abkhazia and Georgia, and the conflict between Georgia and Ossetia were also discussed at the meeting. However, the context does not annul the fundamental contradiction.

To avoid the conclusion that anything goes, some kind of principle mediating between individualism and communitarianism must be specified. It cannot be found in the OSCE documents in any explicit form, although the Paris Charter as a whole is framed in terms of the reduction of the armed forces and new approaches to security (so-called broad security), where “security is indivisible and the security of each State party to this Agreement is inextricably linked to the security of all other States”. The overall aim of the Charter is to increase mutual trust and security and promote disarmament. Given this context and the fact that the underlying problem of indeterminacy stems from liberal political theory (the “sovereign freedom” of the state is analogous to the negative freedom of individuals in liberalism; on negative freedom, Berlin, 1969), a good candidate for such a task is John Stuart Mill’s no-harm principle. In his *On Liberty*, Mill (1993: 69-185) argued that individuals are free to do whatever they want, as long as they do not cause harm to others. This no-harm principle can, arguably, provide a minimalistic definition – in line with the underlying liberalism – of what is meant by “common”.

The problem is, on the one hand, to define what “harm” means and, on the other hand, to

specify who has the authority to define harm. To start with, military alliances can be difficult to reconcile with the principle of no harm. The essence of military alliances is that they are directed against some states that are not part of the alliance (seen as potential threats). The expansion of the alliance can strengthen the military strength of the alliance in the same way as armaments can. If there is a competitive situation between states or their alliances or unions, it is often described as a security dilemma or prisoner's dilemma, a game in which actors prepare for the worst and therefore promote their interests at the expense of others – resulting in a worse outcome for all than what cooperation would have provided. This point implies no commitment to game theory (game theory abstracts away from history, drama, narratives, power relations, construction of actors, collective actions, and institutional changes; Alker, 1996: ch.9). Heuristically conceived, the security dilemma expresses the interdependence of security: actions taken by one state or alliance to increase its security can decrease the security of actual or potential rivals.

So what is “harm” and who can legitimately define and assess it? In his book *On Liberty*, Mill (1993: 162–3) puts forward a broad interpretation according to which harmful effects involve conduct that is contrary to the interests of others or that is likely to cause harm. However, there are legitimate situations where harming another may be acceptable and also in the public interest (typically deliberately organized competition supposed to serve the common good, for example, university entrance exams). This is one of the reasons why attempts have been made to try to limit the kinds of harm that could justify interference by a common authority (e.g. Stewart, 2010). In a manner presupposing something similar (different types of harm), Mill distinguishes between a right and a discretionary consideration: although an actor may have the right to do X, it may still not be prudent to do X. The point is that the consequences of one's actions must be taken into account.

These distinctions and concepts are useful in providing a reasonable interpretation of how the process of NATO enlargement should be understood in the OSCE context. In light of the minimalistic definition of “common” as the Millian no-harm principle, the OSCE documents discussed above do not imply a subjective right to ally militarily or to enlarge NATO. Although it is possible to argue that there are actors whose interests might have been harmed had NATO not accepted them as members, the no-harm principle inherent in OSCE is not without substance or direction. In the 1990 Paris Document, security is represented as “common” and the overall aim is to disarm and build confidence. The enlargement of NATO towards Russia's borders and related changes in terms of relative power can be taken to be causing harm in a situation where it was made clear that Russia will stay outside NATO; where nuclear deterrence between the US and Russia continued to define their relationship, and where trust between Russia and NATO or the US had begun to erode. The more competitive the situation has become over time, the more harm NATO expansion has caused (see Forsberg and Patomäki, 2023: 8-18, for a more detailed discussion and debate on the expansion of NATO in terms of whether promises were broken, what the effects of NATO expansion have been, etc.). The overall assessment of harmful effects is not objective but intersubjective and involves the assessments of different parties. If all parties had

willingly agreed to NATO expansion through mutual political dialogue and cooperation, this expansion could have been inoffensive and benign in terms of the OSCE principles and the no-harm principle. In reality, however, phases of NATO expansion have contributed to a series of cause-and-effects, leading to an escalating conflict with Russia, shaping also the transformation of Russia itself.

A factor in this complexity is the fact that many Eastern European countries applied for NATO membership specifically against the perceived or anticipated Russian threat. For understandable historical reasons, Russia has often been seen as a potential enemy by the governments of these countries. Yet these anticipations have had constitutive effects on the formation of relations between Russia and the West. The process has involved an effect of negative “altercasting” (which may be unintended rather than purposeful). Altercasting works through persuading the other by positioning the other in a particular way in relation to oneself and by proposing a particular relationship so that the other will be inclined to act in accordance with that positioning (cf. Wendt, 1999: 332-5). Anticipations are subject to contradictory and complementary determinations, while in this case, it seems likely that the net result has been a self-fulfilling tendency, despite the fact that in the 1990s and 2000s, NATO attempted to strike a compromise between admitting new members and cooperating with Russia. The irony is that in 2022-23, the negative expectations widely shared in Central and Eastern Europe throughout the post-Cold War era, stand now vindicated.

On the unintended consequences of the Helsinki process and the post-Cold War OSCE

To reiterate, the Helsinki Final Act included human rights commitments. These commitments have been seen as its dynamic part – especially so since the peaceful end of the Cold War, to which it significantly contributed. For most actors involved in the process at the time, the Helsinki effect was unintentional, or, more precisely, that effect surprised most actors. The constitutive principles of the European integration process were particularly important in pushing the EC policymakers into demanding the inclusion of human rights in the Final Act. What happened was that a “relatively small numbers of activists across Eastern Europe and the Soviet Union refused to accept their governments’ interpretation of the Helsinki agreement, and worked to spread public awareness of Principle 7 and Basket III as widely as possible” (Thomas, 2001: 269). Combined with Mikhail Gorbachev’s “glasnost” (policy of openness), which had its own causes including the slowdown in Soviet economic growth and the gigantic cost of armaments; and which involved a new doctrine allowing member states of the Warsaw Pact to determine their internal affairs; the Helsinki norms thus paved the way for the Eastern European revolutions in 1989 and the collapse of the USSR two years later.

The Paris Charter could thus declare that “[t]he courage of men and women, the strength of the will of the peoples and the power of the ideas of the Helsinki Final Act have opened a new era of democracy, peace, and unity in Europe”. Suddenly it seemed that everyone

shared, or at least accepted, the same values, which were spelled out in the Paris document as follows:

- a steadfast commitment to democracy based on human rights and fundamental freedoms;
- prosperity through economic liberty and social justice
- equal security for all our countries

One problem is that these fundamental freedoms are not well defined. In the Helsinki Final Act, fundamental freedoms refer to “the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion”. These individual political freedoms form the central tenet of liberal thought. However, the second paragraph of 1(a) VII puts together several different theories about rights and justice: “[...] civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development”. The last bit is a reference to Marx and Engels in *The Communist Manifesto*, outlining the principle of “the free development of each being the condition for the free development of all” (Marx and Engels, 1969: 27).

The reformulations of the Paris Charter are closely lined with liberalism, the only possible partial exception being the concept of social justice that is frequently associated with efforts to redistribute incomes or wealth. However, the fair treatment and equitable status of all individuals and social groups can be taken to mean different things. For some, free markets ensure justice, the underlying idea being that the market price of each individual or factor is equal to its contribution. Others focus on the importance of equal opportunities, whereas the followers of John Rawls emphasize also the fair rights of participation and the importance of income (re)distribution to the point of equal distribution of goods, but qualified by the requirement of efficiency. (For different conceptions of justice Patomäki, 2006) The reliance on liberalism, which includes the right of ownership of means of production as a fundamental right, and the ambiguities of the term “social justice”, imply that the Paris Charter’s definition of human rights can easily be seen as compatible with neoliberalism.

The transformation of the Helsinki process into the OSCE was part of the broad process of the late 1980s and 1990s, where the belief in the end of history as Western (neo)liberalism had started to define the direction of development everywhere. The idea that this doctrine about politics, rights, and economic policy could have far-reaching unintended consequences did not seem to enter the minds of the key actors at that time. The West under the leadership of Margaret Thatcher and Ronald Reagan (and his successor George H. W. Bush) interpreted the end of the Cold War as “the victory of the free West”. Neoliberals took the economic troubles of the Soviet Union as a further demonstration that only “free markets” work (for an analysis of the concept and of the rise of neoliberalism and its constitutive and causal effects, Patomäki, 2021). The consequent idea was that Russia could and should be treated with “shock therapy” (for a debate on this point, see Forsberg & Patomäki, 2023: 12–17;

The relevance of the Helsinki Process and the Charter of Paris for future security policies and institutions (PATOMÄKI about China as an interesting contrastive case, Weber, 2021).

The term “shock therapy” is a metaphor that originates from 1970s psychotherapy, where mental illnesses were treated by administering chemical or electric shocks to the patient. Ultimately, the shock therapy of the 1990s was based on ignorance about Russian society. The idea was to destroy the old, with the assumption that a new utopian free market system would replace it. Against the expectation of experts such as Jeffrey Sachs (for his later, more critical thoughts on his own role in the process, see the interview in Goodman, 2022), shock therapy led to a disaster that included two hyperinflation periods, the downfall of industrial production, and skyrocketing inequalities. A group of former state or state-owned companies’ managers and black marketeers managed to amass massive wealth by privatizing collective property – duly becoming “oligarchs”. The power of organized crime also increased in the 1990s, which likewise played its part in producing new super-rich individuals. These changes led to a significant drop in the living standards of average Russians. The changes brought about mass poverty even among well-educated and trained workers. By the beginning of the 1990s, a third of Russians had already fallen below the poverty line, and, by the end of the decade, the ratio was almost 40% (during the late Soviet era, it was only 2%, although the circumstances were different; see Mareeva, 2020). Similar developments occurred also in other parts of the former Soviet Union and Eastern bloc, not least in Ukraine.

The chaotic 1990s gave way to a countermovement. The political-economic repercussions of the failed shock therapy led to re-evaluation and reassessment of Western liberalism in the context of a widespread sense of humiliation. By the end of the decade, most Russian experts, politicians, and ideologues seemed to wish for a strong and, if necessary, authoritarian leader within a somewhat liberal framework that could constrain the oligarchs, even partly, and successfully manage a form of state-led capitalism, resuming economic growth. At the same time, the tendency of the US and some of the EU member states to use military force to advance their interests and political visions, often disregarding international law as in the cases of Kosovo and Iraq, further alienated many Russians from Western liberalism. Arguably, the same is true for the Western and especially US attempts to induce regime change in various countries – for example, through colour revolutions in Georgia and Ukraine – which contradicted such Helsinki norms as states’ “respect [for] each other’s right freely to choose and develop its political, social, economic and cultural systems as well as its right to determine its laws and regulations”. These norms were renewed in Paris: “[W]e renew our pledge to refrain from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the principles or purposes of those documents”.

The indeterminacy of international law has contributed to these troublesome developments, which in Russia contributed to a reassessment of the world situation and a broad shift towards nationalism and Eurasianism during the 2000s, especially in foreign and security policy (on these reassessments and shifts, see Tsygankov & Tsygankov, 2021). Whereas the attempts to justify NATO expansion have relied on the individualistic side of the OSCE

norms (and international law more generally), attempts at influencing the internal political developments of countries lean more on the communitarian side of the OSCE. The common values and especially the democratic norms of the OSCE may be taken to provide justification for interfering with the internal developments of other states:

“Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person. Democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law.”

In the 1990s and early 2000s, a tacit principle was formed: if a government can be interpreted to violate democratic principles, then the US and the EU may be justified to interfere in domestic developments by whatever means required in each situation. No one will be above the law in domestic contexts, but in international relations, the US (and to a lesser extent the EU) can act in violation of the law if the greater common good, as interpreted by themselves, so requires. This tacit principle amounts to double standards sustained by reliance on the indeterminacy of the OSCE norms and international law (for detailed discussions on the politics and implications of double standards and related allegations about “whataboutism”, see Forsberg and Patomäki, 2023, 27-30, 37-42, 54). Moreover, when the West is seen as a source of democracy and human rights, and thereby as the source of perpetual peace, while the groups outside this sphere are seen as power-hungry, aggressive, or belligerent, it is difficult to see the security dilemma (the interdependence of security) in “us” vs. “them” (Diesen, 2022: 7-8). As the relationship between Russia and the West turned out to be increasingly competitive and antagonistic, the harm caused by the NATO expansion increased and the conflict escalated. Alongside the processes of securitization and ideological shifts related to the consolidation of new power relations, this escalation has co-caused Russia to become increasingly authoritarian. In an unintended manner, the norms of the OSCE (involving contradictions) have worked against their very purpose.

On the (alleged) weaknesses of the OSCE

If, in the post-Cold War period, more reliance had been placed on the OSCE than on NATO, would that have sufficed to avoid the war in Ukraine? In terms of deterrence or capacity for sanctions, the OSCE would have been too weak to prevent the war, but it is equally clear that the expanded NATO did not prevent it from happening. Rather, the expansion of NATO has been an integral part of the process in which the conflict between Russia and NATO has escalated. Other related processes have been important as well. In 2013-14, it was the expansion of the EU that played a key role in the events leading to the annexation of Crimea and the beginning of the war in the Donbas region of Ukraine (Patomäki, 2018: ch. 3). Despite these conflict-prone real-world developments, it is possible to imagine a

counterfactual where Ukraine would have been part of the military alliance NATO already in 2013-14 (or possibly a few years later, by 2021). Could it have prevented the Russia-Ukraine war via NATO's massive deterrent power?

Above I stated that common security means seeing security as a process, which involves a practice of considering systematically not only the first- but also the second- and third-order consequences of one's decisions. The counterfactual about Ukraine's NATO membership concerns an isolated (atomistic) state of affairs, not security understood as a complex process. The expansion of a military alliance is a process, as is acquiring membership. Both involve a series of cause-and-effects and both can be in conflict with the basic idea of cooperative and common security – even when understood in a minimalist manner through the no-harm principle. Nonetheless, the contradictory nature of the OSCE norms offers an opportunity to appeal to the individualistic side of the OSCE agreements in rationalizing security arrangements that are in effect non-cooperative.

Furthermore, the post-Cold War OSCE is committed to a liberal conception of democracy, freedoms, and human rights. In most interpretations, this conception is not only compatible with but may also foster neoliberalism. The 1990s socio-economic chaos alienated the main Russian political forces from Western liberalism and strengthened nationalist, Eurasian, and authoritarian tendencies. A further problem is that the concentration of wealth and capital tends to have far-reaching political consequences. In liberal democracies, too, wealth can be translated into political influence, not only through labour relations but also more generally by changing the rules of politics. When the rules limiting the influence of money on politics favouring the wealthy and big corporations change in their favour, the process easily becomes self-reinforcing, as this generates positive feedback loops in various ways (this has been a key theme in political philosophy, political science, and political economy, see e.g. Rawls, 1973: esp. 225; Crouch, 2004; Solt, 2008; Scheve & Stasavage, 2017; Yascha & Foa, 2016, 2017). Previous changes enable new changes in the same direction, whereas attempts to regulate the power of the rich may include resorting to authoritarian measures. This kind of a process tends to result in de-democratization and increasingly asymmetric power relations, which can be legitimized for example through securitization, leading to further problems and conflicts.

In Russia, this process happened very quickly, in just a few years, whereas for example in the US similar developments have taken decades and so far have had somewhat less radical effects. What we have seen in Russia is the interplay of internal and external developments in a manner that has gradually accelerated de-democratization and strengthened the tendency to solve political problems by resorting to violence or the threat of it. This interplay can be interpreted and explained in different ways: some stress that securitization has served Putin's regime in domestic politics, whereas others claim that the anxiety of leading Russian politicians is genuine and securitization has been the driving force (see e.g. Duncan, 2013; Bouchet, 2016). These explanations can also be mutually supportive. While the OSCE does not bear the main responsibility for these developments, it has been inter-

woven with the causal complex that has generated the current situation.

On the incompatibility of common security and deterrence

Cooperative and common security is not compatible with the basic ideas of deterrence. Deterrence has often been seen as the problem that common security is designed to address. The Palme Commission (ICDSI, 1982, p. ix) was, however, quick to emphasize that they do not propose unilateral disarmament by any country: “We clearly see the need for balanced negotiation in arms”. Because of this view, the Palme Commission was criticized in the 1980s, as it seemed to rely excessively on the emancipatory potential of rational negotiations and agreements between states. In this respect, its position seems close to classical liberal “idealism” based on contractarian thinking and integration through legal institutions and formal agreements. Agreements played a role in the peaceful end of the Cold War (the December 1987 INF Treaty being a case in point), but the overall complex involved many other things and processes as well: economic troubles; learning, and changes within the Soviet Union; attempts at *altercasting* by the Gorbachev regime; struggles over human rights in the context of the Helsinki process, and peaceful bottom-up movements. Most of these changes concerned the Soviet bloc, the main exception being the effects of *altercasting*. In the West, these developments and the immediate post-Cold War euphoria reinforced the neoliberalizing tendencies and related hegemonic aspirations (Gerstle, 2022: ch. 5).

The end of the Cold War led to a reduction in the number of weapons and some sort of peace dividend for a while, but at no point did it lead to complete disarmament or even a major shift away from non-cooperative armed security. For example, the mutual nuclear deterrence between the US and Russia continued to exist throughout the 1980s and 1990s. START II was signed but never implemented. Russia experienced the shock therapy and drifted into conflicts and wars inside Russia itself and in the CIS region, while NATO began to expand. During the 1990s and 2000s, the US, Britain, and allies resorted to various attempts at regime change and to the unilateral use of military force to establish their preferred new world order. Moreover, although the cooperative side of the OSCE security was never fully realized, both the individualistic and communitarian aspects of the OSCE could be – and have been, with or without explicit reference to the OSCE – used as a justification or rationalization of non-cooperative and unilateral initiatives and actions.

Under the strained circumstances of the early 2020s, it may seem easy to contrast the ideals of cooperative or common security with real-world trends and tendencies and identify “realism” with military force and deterrence, thus constituting another round of the repetitive idealism-realism debate (Patomäki, 2002: 36-40). Such a shift from cooperative security to deterrence is not well justified. Also, the deterrence theory is based on unrealistic assumptions and ill-founded claims about general regularities, and these assumptions and claims tend to produce unintended consequences when applied in foreign policymaking. The Palme Commission report mentions a couple of such assumptions and claims. Deterrence theory implies the idea that by building sufficient military power it is possible to convince another

party that its potential attack can be stopped and that war would be unwinnable. Stressing the threat of a nuclear war, the report states that (i) no amount of weapons can provide an effective defense against a nuclear attack or protection from the effects of nuclear war; and (ii) nuclear war is not only possible but can also become more likely because of social-psychological and technological reasons as well as due to crises (ICDSI, 1982: 5, 41). Moreover, the report points out that “the use of force as an instrument of national policy has only rarely been effective over the long run” (1982: 8). The argument about the ineffectiveness and costs of modern war (originally proposed by Norman Angell in 1909) seems to have been supported by the history of the late 20th century and early 21st century, as illustrated by the wars fought by the Soviet Union/Russia and the US in the past several decades (Afghanistan being a case in point). Wars are costly, risky, tragic at many levels, and rarely achieve their main aims, but as Angell (1913: 387) wrote, “it is not the likelihood of war, which is the illusion, but its benefits”. In other words, states can resort to war regardless of how counterproductive or costly the war may turn out to be.

Ned Lebow (2020) has explicated the assumptions of deterrence theory: (i) actors are instrumentally rational, (ii) the cost-calculus of these actors can be influenced by threats, (iii) threats always influence target actors in the desired direction, and (iv) the failure to make threats would have the reverse effect and invite challenges. Lebow shows that historical evidence contradicts the predictions of the deterrence theory (methodologically, there is nothing surprising in this, because in open systems actors and the reasons for and contexts of actions tend to change and there are no general empirical regularities; for an introduction to the underlying philosophical issues, see Patomäki, 2019). In many crises from the 20th century, deterrence has not only failed to prevent the threat but has also often contributed to provoking the very behaviour it was intended to prevent. In some other contexts, deterrence appears to have been irrelevant. Attempts at rapid armament are better in terms of preparing for war than preventing it, yet it can be argued that most 20th and 21st-century wars have been ineffective or tragically pointless. WWII as seen from the US point of view (downplaying its massive costs on the Soviet Union and Britain) is a misleading precedent. A worrying aspect of the Russia-West conflict is that participants on both sides have relied on WWII historical analogies (Munich 1938, Operation Barbarossa 1941, and so on).

Also, Robert Jervis’s (1976) classic *Perception and Misperception in International Politics* discusses deterrence and spiral models in light of historical evidence. The spiral model takes into account the reflexivity of anticipations and the fact that almost all weapons can be used both offensively and defensively. Therefore, one’s preparations for (self) defence can constitute a military threat from another’s point of view, provoking countermeasures that can be perceived as equally threatening. This process involves a fallacy of composition: if two or more states implement the logic of deterrence simultaneously, the parties become easily more insecure and the problem worse. The spiral model stems in important part from self-fulfilling predictions. The initial wrong description of the situation leads to anticipations and actions that make the initially wrong anticipation come true. Even a small dispute can escalate into an arms race or even a full-scale war if both parties interpret the other’s

intentions with sufficient suspicion and want to appear strong-willed and unyielding. In the extreme case, the doctrine of deterrence can be taken so far that a pre-emptive attack is seen as the best defence: better to attack before the other one gets ahead.

While the spiral model indicates that it is usually reasonable to strive for dialogue, make concessions, and be ready for compromises, the problem according to Jervis is that in some cases, relevant (historically constructed) actors may see efforts to conduct dialogue and make compromises as a sign of weakness. Systems are open and the future is uncertain. As there are no simple event regularities in the world, there can never be complete certainty and building trust in the other takes time. These clarifications notwithstanding, we can tentatively conclude that deterrence does not seem to provide a realistic general alternative to cooperative or common security.

Conclusions: what can we learn from the Helsinki process and the OSCE?

Under the circumstances of the early 2020s, are there alternatives to mere deterrence? My argument is that the conception of the Helsinki process and the OSCE remains relevant. The roots of the Helsinki process lay in *détente*, which originated from the worst phase and most dangerous situation of the Cold War. The 1962 Cuban missile crisis – close to resulting in a nuclear war – motivated *détente*. The Cuban crisis could not have been resolved without awareness of the real possibility and destructiveness of nuclear war, communication of intentions, and mutual strategic concessions (some of them were at the time kept secret; Lebow, 2010: chs 2 and 5). The process of *détente* involved the aim of institutionalizing this dialogue and restraining the dynamics of military competition. The Helsinki process continued and further developed this by embracing confidence-building measures, reducing acute tensions, and enabling mutual concessions on difficult political issues, even if discussions on some of these issues occasionally fuelled further tensions. What is also important is that the Helsinki process provided time for other changes to take place.

At the beginning of the 2020s, ideological tensions have taken on a new form, and the conflict between Russia and the West has become highly asymmetrical, yet the risks of nuclear war are just as great as during the 1960s-1980s. In addition, the war in Ukraine and the conflict between the West and Russia are closely connected to much broader global developments, in which the US-China confrontation plays a central role – in the context of what is often perceived as an increasingly “multipolar” world. For humanity to survive this phase as well, a process involving elements similar to those that comprised *détente* and the Helsinki process is urgently needed, from dialogue and confidence-building measures to de-escalation of the war in Ukraine and mutual concessions. The process does not concern only Europe but also China-US relations and other conflicts in East Asia (and possibly elsewhere). The existing frameworks of the OSCE and the UN system can in principle provide a basis for such dialogue and process, but even if they survive the current division and crisis, they alone are not enough. New initiatives are also needed. The peace process concerning Ukraine is the most urgent of these, which can be helped by the weariness of the

parties to a prolonged and hopeless war. At any rate, the peace process will require new initiatives and third parties who are not directly involved in the conflict.

Four main lessons stand out. (1) We should learn not only from the partial success but also from the unintended and unexpected consequences of the norms and principles established in Helsinki and Paris. In the first phase, human rights norms turned out to be transformative and played a significant role in ending the Cold War peacefully. Although liberal human rights were essential to this process, the Helsinki Final Act included also Marxian justice and stressed economic and social rights (Vincent, 1986, is a classical exposition of the three theories of rights prevalent during decolonization and the late Cold War). In Helsinki, “fundamental rights” were combined with “economic and social progress and well-being for all peoples”. In some contrast, in the Paris Charter economic and social progress seems largely reduced to liberal democracy and free markets (the main thrust being “democratic institutions and economic liberty foster economic and social progress”, while social justice is also mentioned). Similarly, the 1999 Istanbul text pays lip service to economic and social rights in the context of applauding the transition to a “market economy”, despite the real effects of shock therapy:

“[...] continued economic and environmental reforms, by stable and transparent frameworks for economic activity and by promoting market economies, while paying due attention to economic and social rights. We applaud the unprecedented process of economic transformation taking place in many participating States.”

The subtle shift towards (neo)liberal sensitivities by 1990 meant the establishment of a specific theory as the only and universal truth, and this theory understands specific liberal human rights as birthrights. Coupled with the prevailing economic theories and understanding of the conditions of economic development, this universalizing truth claim has had unintended and unexpected consequences, not least in Russia and Ukraine (the latter remained the poorest country of Europe before the invasion and is now facing unprecedented levels of poverty). (2) A key lesson to be learnt from these consequences is that there must be a greater sensitivity concerning the potential problems of various rights discourses (and related economic theories) and deeper pluralism about them. Neglecting socio-economic equality and social security in actual practices has proven to be a major mistake.

(3) Another source of problems and conflicts has arisen from the tension between the individualistic and communitarian aspects of international law and the OSCE documents. This concerns particularly the expansion of NATO. The NATO expansion has been justified in terms of OSCE’s commitment to the freedom of individual sovereign states to make their own choices and conduct whatever policies, although this contradicts the idea of cooperative security. Moreover, with changing circumstances, the expansion of NATO became over time increasingly non-cooperative. Although this tension is deeply rooted in the institutions of international society, it can be recognized and at least to some extent solved. I have argued above that Mill’s no-harm principle can provide a bridge between the two contradictory

tendencies – appropriate for the current circumstances – especially if complemented by the OSCE principle of dialogue.

(4) A further lesson is that all changes take time. The human rights norms of the OSCE started to co-transform matters only when various other changes had taken place in the rapidly evolving world-historical context, especially through Gorbachev's new policies. In other words, it took 10-15 years before the human rights norms started to have a real impact. Moreover, there is always continuity through changes and sometimes those continuities dominate, appearances to the contrary notwithstanding.

It is now clear that the OSCE did not succeed in creating a system of fully cooperative or common security in Europe, as too many underpinnings and orientations remained intact through the end of the Cold War. Firstly, the 1990s OSCE principles were contradictory and enmeshed with neoliberalism. Secondly, the nuclear deterrence, military preparedness, and some of the enemy images continued. Thirdly, politicians in the West did not see the need to revise their operating principles. The key Western leaders rejoiced at the “victory” of the Cold War and tried to make the most of the opportunities of the new markets, pools of cheap labour, and financial flows to offshore centres such as the City of London. They were wrong to assume that they had arrived at the ultimate truth about world history, and thereby at its end. The prevailing ideology prevented the “us” of the West from seeing the interdependence of “our” security with “theirs” (all different others), thus encouraging the often counterproductive unilateral actions.

The optimism of the 1990s has since turned into deep pessimism and war preparedness. In the 2020s, it would be important to buy time for deeper changes with dialogue, confidence-building measures, de-escalation, and various concessions. History never repeats itself as such. While pluralistically understood human rights remain important, the long and complicated road to cooperative and common security requires, over time, the gradual scaling up of norms and principles such as the rule of law, democracy, and social justice to cover increasingly the world as a whole – including interstate relations and systems of regional and global governance – not only individual states or their regional unions. From a global perspective, the only important conflict is not the war in Ukraine. Despite the 20-year history of gradually deteriorating relations with Russia, in the US, it is China that is seen as the main adversary and primary threat. In East Asia, there are also several other interwoven conflicts concerning historical memory, parts and aspects of the South China Sea, the endlessly continuing yet frozen Korean War, and nuclear weapons. The lessons of the Helsinki process and OSCE are relevant here as well (see also Tokola, 2018).

Finally, I would like to stress that changes in the wider global context may come from unexpected directions, for example from collective responses to new existential risks such as climate change or artificial intelligence. Many of the most important reforms in the 2020s and 2030s concern the governance of the world economy, technological developments, and environmental problems. Interconnected and overlapping transformations in terms of

functional governance systems can contribute to transforming the overall context, thus enabling the establishment of fundamentally new norms and principles, not least regarding the control of weapons of mass destruction (Patomäki, 2023). The future of humanity depends on our ability to learn (also from history, whenever possible) and build common institutions on a sustainable and legitimate basis.

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ヘルシンキ・プロセスとパリ憲章が 将来の安全保障政策・制度に与える影響

ヘルシンキ・プロセスとパリ憲章は、ロシアと欧米の対立激化やウクライナ侵攻を防ぐことはできなかったが、将来の安全保障政策や制度に示唆を与えてくれるだろうか。本稿は、歴史的分析、概念に関する研究、反事実仮説等の分析方法を組み合わせ、OSCEの国家主権尊重の側面と国際協調重視の側面の間の緊張に焦点を当てながら、共通の安全保障の概念、OSCE、NATO 拡大について論じる。OSCEの予期せぬ展開は、冷戦の終結で終わらなかったものであるが、今回の展開はあまり好ましいものではなく、むしろ逆効果であった。ウクライナ戦争がOSCEのような制度や組織の弱点を明らかにしたと主張するのは、どの程度、あるいはどのような点で妥当なのだろうか。これは複雑な問題であり、ある意味では直観に反する答えかもしれないが、わたしは、軍事的抑止の方が共通の安全保障よりもよいと考えることに懐疑的である。それどころか、ヘルシンキ・プロセスの重要な考え方や方向性のいくつかは、再文脈化、さらなる発展が可能であり、欧州以外の地域、とりわけ東アジアの文脈においてもそれが可能である、とわたしは考える。

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