

Chaillot Paper

April 2006

n° 88

The OSCE in crisis

Pál Dunay



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ISSN 1017-7566

ISBN 92-9198-088-9

Published by the EU Institute for Security Studies and printed in Condé-sur-Noireau (France) by Corlet Imprimeur. Graphic design by Claire Mabile (Paris).

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*I*nstitution de la guerre froide au même titre que l'OTAN, l'OSCE avait réussi à trouver un second souffle lors de l'effondrement des régimes communistes européens : en 1990, la Charte de Paris consacrait l'émergence d'une nouvelle forme de sécurité collective en Europe, fondée sur la réconciliation politique et démocratique d'un continent européen naguère profondément divisé. Quinze ans plus tard, l'OSCE se retrouve en panne de projet et de légitimité : les 55 Etats participants à l'organisation ne partagent plus en effet le minimum de consensus nécessaire sur l'ambition, l'objectif, les règles de fonctionnement et les moyens de l'OSCE. A tel point que, contrairement à tous les usages en vigueur dans les organisations internationales, certains n'hésitent plus à poser ouvertement la question de son avenir et de son utilité.

Comment apprécier la crise actuelle ? Quelles en sont les raisons et les fondements ? Peut-on imaginer des pistes de sortie, voire un nouvel élan qui consoliderait le rôle et le poids de l'OSCE dans l'ensemble de l'architecture politique européenne ? L'Union a-t-elle en ces matières un intérêt collectif à défendre et une offre de médiation à offrir ? Telles sont quelques-unes des questions que nous avons posées à Pál Dunay, chercheur au SIPRI (Stockholm International Peace Research Institute) et professeur au Centre de politique de sécurité de Genève, et sans doute l'un des plus anciens et des meilleurs experts de l'OSCE depuis plus de vingt ans. Son analyse est doublement éclairante : sur l'évolution du concept même de sécurité, d'une part, dans la mesure où la paix européenne donne de facto plus de visibilité à la question de la démocratisation qu'à celle de la démilitarisation du continent européen. Sur les divergences croissantes, d'autre part, entre les conceptions américaines et russes de l'avenir européen et du rôle de l'OSCE : les premiers y voient d'abord un instrument au service de la cause démocratique, notamment dans les pays récemment sortis de l'orbite soviétique ; les seconds la dénoncent comme une machine de guerre dirigée essentiellement contre les intérêts de la Russie, au détriment du principe d'équilibre et de réciprocité des intérêts, fondement de la notion même de la sécurité collective.

Autrement dit, la crise de l'OSCE n'est autre que l'expression d'un clivage majeur entre le monde tel qu'il devrait être et le monde tel qu'il est, entre la démocratie comme objectif et la Russie comme réalité. Ironie de l'Histoire : c'était précisément pour gérer un déséquilibre similaire entre l'aspiration démocratique des peuples et la realpolitik des Etats que la CSCE fut inventée pendant la Guerre froide. Et avec un indéniable succès. Pourquoi ce qui fit autrefois la valeur de l'OSCE – sa capacité à surmonter les contradictions – ne parvient-il plus à insuffler aujourd'hui une nouvelle dynamique à l'organisation ? Est-ce parce que la notion même de sécurité collective ne fait plus partie de l'arsenal politique des démocraties ? Si tel était le cas, si la règle du jeu en Europe devait désormais redéfinir des gagnants et des perdants, il est clair qu'elle condamnerait de facto l'OSCE à une fin programmée. Est-ce parce que la question majeure de l'Europe est avant tout celle de la crise d'identité de la Russie ? Si tel était le cas, si c'est le devenir même de la Russie qui est en jeu, alors il est clair que cette question relève avant tout d'une équation nationale à définir par les Russes eux-mêmes. Sauf à considérer que la question de l'identité russe est le seul enjeu majeur pour la sécurité collective de l'ensemble du continent européen : et l'OSCE retrouverait alors dans ce défi commun l'esprit de coopération et de solidarité dont elle a structurellement besoin pour exister, et demeurer.

Paris, mars 2006

The OSCE is in crisis. This is a truism that has been widely recognised by diplomats, international officials and analysts alike. For years now, academic experts and commentators have identified the decline of the OSCE. There can be no doubt but that the OSCE today, as compared to its heyday during the Cold War, is a far less visible landmark on the European institutional landscape than was formerly the case.

The decline of the OSCE matters to other actors of the European security environment for various reasons. Most importantly, the composition of the OSCE is unique: consisting as it does of fifty-five participating states from Europe and North America, it has a geographical reach that is more wide-ranging than that of other European and Euro-Atlantic institutions and has a broad security mandate that entitles it to address a whole range of security matters reaching way beyond the frontiers of domestic jurisdiction. This makes it an important actor on the European security scene at a time when most security problems are not in the traditional inter-state realm and notwithstanding the fact that some other organisations – primarily the EU – are gradually extending their activity to the same field.

The crisis affecting the OSCE matters for the EU. With enlargement in 2004, the EU now represents twenty-five of the fifty-five participating states. When one includes those non-EU member states that consistently coordinate their positions in the OSCE with the EU, the Union has acquired unprecedented weight inside the organisation. Certainly, as the EU has developed as a foreign policy actor, it has taken on many responsibilities that had previously been assumed by the OSCE. Nevertheless, the organisation remains a vital forum for EU foreign policy and an important plank of member states' vision of Europe's security architecture. The OSCE's approach to security remains the normative foundation for much EU member state thinking. What is more, the Union and member states have attached great value to the unique

range of activities and missions undertaken by the OSCE. In a number of areas, most notably the human dimension, the OSCE remains the EU's first and best recourse. The current crisis of the organisation is important therefore both for member state foreign policy and the EU Common Foreign and Security Policy (CFSP). This *Chaillot Paper* seeks to take stock for an EU audience of the evolution of the OSCE, the nature of its crisis, the views of important participating states and the potential for the organisation's reform.

The argument in this *Chaillot Paper* is divided into six chapters. The first analyses the current situation of the OSCE by describing the radically changed contemporary European security landscape and how this has affected the organisation. The second chapter goes on to give a brief outline of the OSCE's history and background. The third chapter examines the *acquis* of the organisation and the scope of its three dimensions: as it provides a comprehensive analysis, this chapter is more extensive than the others. In the fourth chapter, the *Chaillot Paper* reviews the interests of the United States, Russia and the EU, all key players in the organisation. The fifth chapter explores the proposals for reform that have been developed over the last few years. The final chapter puts forward a number of recommendations to guide EU thinking about the OSCE.

This *Chaillot Paper* was written at a time when several reports have been published, each in favour of the 'revitalisation' of the organisation.¹ The paper analyses some of the major reasons why such revitalisation faces resistance. The author shares the view that such revitalisation would make perfect sense, *inter alia* because stagnation does not present a viable option. That would lead to further loss of influence and the continuing decline of the OSCE. The relative decline of the OSCE in European politics is due to objective reasons although subjective factors, notably the reluctance of some participating states to address matters through the OSCE, have significantly aggravated the depth of the decline and the severity of the situation. To get a clearer picture of this it is necessary to analyse the role of various contributing factors and the part they have played in the process. Only this can serve as a basis to identify effective ways of addressing some of the problems the OSCE has been facing recently.

This paper aims to give an objective assessment of the achievements, the successes and deficiencies of the OSCE by taking

1. It should be noted that authors who have recently published on this topic have been almost unanimously in favour of the revitalisation of the organisation. The bulk of papers on the OSCE thus represent an interesting mix of analysis and recommendation which almost always end with the conclusion that the role of the OSCE should be increased. For this, see the two sources specifically devoted to OSCE matters: the quarterly *Helsinki Monitor* is in its 17th year of publication, and the OSCE Yearbook (also available in German and Russian) which has been published since 1995. The Centre for OSCE Research in Hamburg is the only dedicated research centre dealing with the organisation. See www.core-hamburg.de

account of the intersecting interests of its primary actors, the participating states. From the perspective of this analysis, it draws conclusions and makes predictions for the short to mid-term future of the organisation. The main question that arises is what kind of role can an all-European organisation with a comprehensive security agenda have given the current structure of international relations and the sometimes conflicting interests of the various actors. Some OSCE participating states would like to increase the role of other organisations, thereby diminishing the importance of the OSCE, whereas others, due to their dominant position, would prefer to focus on inter-state relations bilaterally. The OSCE is therefore at a crossroads.

Changes in the European security landscape

The starting assumptions of this chapter on European security are as follows. Ever since the end of the Cold War and the simultaneous invention of European security architecture, power relations and structures of international relations have changed rapidly. In the first years of the so-called post-Cold War era change, particularly in the organisational sense, was extremely swift. This reflected the fundamental reconfiguration of power relations that occurred following the demise of the bipolar system of international relations. The systemic change was accompanied by uncertainty with regard to the nature of the new international security landscape. Assessments varied from the utopian, heralding the fulfilment of Kant's vision of perpetual peace, to the far more sceptical view which predicted that violent conflicts would accompany unpredictability in Europe.² Sixteen years on, it has now become clear that the end of the East-West conflict did not automatically give way to a new era of liberal democracy everywhere. New conflicts emerged on the basis of old and deep-rooted problems, including territorial disputes and ethnic rivalries. On the other hand, liberals might conclude, no systemic conflict had replaced the Cold War and the Euro-Atlantic area had been united on the basis of shared values and ideals.

But there was rising concern regarding territorial disputes and conflicts involving national and ethnic minorities. Analysts without insight into Eastern and Central European affairs nurtured the idea of a balance of power as a solution for some problems of the region.³ It took time for many western countries to acquire knowledge about an area that had been regarded as an extension of the Soviet Union for decades. The outbreak of the war in the former Yugoslavia aggravated the concerns about the horizontal escalation of violent conflicts in the East. However, apart from the Kosovo conflict whose spillover effects were felt in Albania and the Former Yugoslav Republic of Macedonia (FYROM) in 1999, the rest of Eastern and Central Europe remained at peace.

2. For the former, see Dieter Senghaas, *Europa 2000: Ein Friedensplan* (Frankfurt a. M.: Suhrkamp, 1990) and John Mearsheimer, 'Back to the Future: Instability in Europe After the Cold War', *International Security*, Summer 1990, vol. 15, no. 1, pp. 5-56 (particularly pp. 13-14, 'The virtues of bipolarity over multipolarity') and John Mearsheimer, 'Why We Will Soon Miss the Cold War', *The Atlantic Monthly*, August 1990, pp. 35-50.

3. Jack Snyder, 'Averting Anarchy in the New Europe', *International Security*, Spring 1990, vol. 14, no. 4, pp. 5-41 (particularly p. 33).

The Soviet Union fell apart surprisingly peacefully. Some of the separatist conflicts in the south of the country remained unresolved, but violence played no part in the dissolution of the once mighty Soviet state. Weak statehood emerged as a new problem in some parts of the former Soviet Union. For the world at large, the priority was to guarantee the peace and stability of the successor states. For western nuclear powers it was of prime importance to carry out the denuclearisation of the former Soviet Union by concentrating nuclear weapons in one hand, that of Russia, and then reducing its arsenal on the basis of cooperation. The US took the lead in this area.

With the signing of the Dayton peace accord in 1995 hopes for peace strengthened in the Euro-Atlantic area, accompanied at the same time by the growing conviction that without the weight of the US it was impossible to solve conflicts like the one in the former Yugoslavia. It was not Europe's 'finest hour'. Although the accord held, the root causes of the conflict had not been eliminated at that juncture. It took another five years, the transformation of Serbia (and a change of generation of political leaders in two other successor states of the former Yugoslavia) to create the structural foundations for lasting peace. Since the dawn of the twenty-first century Europe has been regarded as a continent of peace despite some ongoing international conflicts and a few intra-state conflicts in Eastern Europe that carry the danger of violent escalation. It is remarkable, however, that the security perception of the overwhelming majority of European citizens has been left largely unaffected by those conflicts in Moldova, Georgia and Russia, and between Armenia and Azerbaijan, that have been simmering away in the background. The fact that most Europeans have an impression of undisturbed peace despite these conflicts on the Eastern margins of Europe, which may spill over into violence at any time, raises some doubts with regard to the indivisibility of European security.

A new international security landscape

It was not clear at the beginning of the 1990s, following the demise of the bipolar structure of international relations that had prevailed throughout the Cold War, what form the new structure of international relations would take. Uncertainty dominated the

security agenda. This required flexibility from all the major actors. Although the US expressed its opinion early on when the President stated ‘...we are the United States, the leader of the West that has become the leader of the world’,⁴ this was more an aspiration than actual reality at that stage. The US has emerged as a unipolar hegemon with a highly complex power base and unchallenged by symmetrical traditional threats. This has resulted in a security system unprecedented in modern times. The US has appeared as a realist power using liberal terminology and pursuing a liberal agenda by using illiberal means globally. It has certainly benefited from having provided a security umbrella to Europe throughout the Cold War and offered a democratic model to many countries of Western Europe. Not only does it represent more than 22 per cent of the total GDP of the world nowadays, its defence budget is US\$ 120 billion more than that of the next twenty spenders taken together. At the end of the Cold War the next thirteen countries taken together spent more on defence than the US and there was one competitor, the Soviet Union, that spent more than 45 per cent of what the US spent alone.⁵ Now the US accounts for 47 per cent of the total defence spending of the world.⁶ For the first years after the Cold War the US leadership managed to avoid alienating any of its major partners on matters of principles. This changed with NATO enlargement and the 1999 military operation in Yugoslavia, to which Russia objected, and the Iraq war of 2003 that several European countries, including France and Germany, opposed. The years since the Iraq War of 2003 have demonstrated that the US wields a veto power and major political processes cannot develop against its will. This does not mean that it can shape world affairs on its own, however.

The US approach to international security is distinct from that of every other state of the Euro-Atlantic area for a very simple reason. Among the fifty-five participating states of the OSCE, the US is the only country that thinks and acts globally. Although some other major powers, partly due to their colonial past (France and the UK) or volatile recent past (Russia), have interests extending beyond Europe and its periphery, their ‘global’ thinking’ is not on the same scale or of the same nature as that of the US. Most states do not face ‘rogue states’, ‘states of concern’ or countries identified as belonging to the ‘axis of evil’, whereas the US, having coined these terms and expressed its determination to address the problem, is confronted with them and is on a mission to tackle them.

4. ‘State of the Union Address. President Bush outlines new world order, economic plans’, (Washington, DC, 29 January 1992), p. 4. <http://www.whitehouse.gov/news/releases/2006/01/20060131-10.html>

5. Cf. *The Military Balance 1989-1990* (London: IISS/Brassey's, 1989) and *The Military Balance 2004-2005* (Oxford: IISS/Oxford University Press, 2004) and the author's own calculations.

6. Elisabeth Sköns, Wuyi Omitoogun, Catalina Perdomo and Petter Stalenheim, ‘Military expenditure’, in *SIPRI Yearbook 2005: Armaments, Disarmament and International Security* (Oxford: Oxford University Press, 2005), p. 307.

The global interests and reach of the US make that country different from every other OSCE participating state. The methods the former relies upon, including the more extensive use of military force, are different from those that others are tempted to use. This is because: (i) the experiences of Europe are different from those of the US, particularly as regards the use of force; (ii) European states do not have the same variety of means at their disposal as the US, hence their options are not so broad; (iii) the US, due to its global reach, faces states and regimes which make it tempted to use force. Europeans are not exposed to similar confrontations. In sum, the methods the US relies upon far more extensively than Europeans are different due to *objective* reasons.

Adapting to change

Some of the main players of the Cold War had to adapt to the radically altered political landscape. The US recognised that its power was no longer limited by a state of similar strength and opposite interests. The Soviet Union, and soon its largest successor state, Russia, had to accept that it was now destined to be a junior partner of the West, primarily that of the US. Most of the large powers of Europe did not have to go through a similar adaptation in terms of their status within the international system. Europe had to adapt to a new situation: the continent was no longer the centre of potential conflict, and therefore it no longer had privileged status in the international system in this negative sense of 'hosting' the conflict between the two superpowers. Its weight had to be based on different factors, namely the power it possesses and its ability and willingness to contribute to tackling those international security problems which it deems it necessary to address. Economically, as a major trading bloc and the producer of a significant portion of the world's GDP, the European Union has the potential to influence events globally. Politically and strategically it was now a question of how Europe would contribute to global processes, how it could 'export' its positive influence after having itself been freed of a potentially deadly conflict.

There are some temporary divisions in the Euro-Atlantic community and a more lasting one that increasingly separates Russia and some other former Soviet republics from the rest of Europe and North America. There is a fundamental difference between the US-Western European divide and the divide between the West

and a good part of the post-Soviet space. Whereas the former centres around differences of policy and the means used to implement international strategies, the latter is re-emerging as a divide between values. Although this is a major problem, it has to be emphasized that it is not a systemic conflict. This is partly because Russia shares certain principles with the West, like the market economy system. Furthermore, the conflict between the West on the one hand and Russia and some other states of the former Soviet area on the other will have to remain limited as the latter group has inferior financial and military means at its disposal and cannot afford an all-out conflict with the West. Moreover, despite Russia's lack of confidence in the West generally and the US specifically, it has no intention of getting involved in such a conflict.

Post 9/11 and the terrorist threat

The period that followed the Cold War was identified as the 'post-Cold War era'. This is obviously a negative definition that tells us more about what that era is not rather than what it is. There is no consensus as regards the continuation of that period beyond the terrorist attacks of 11 September 2001. The massive terrorist attacks on that day marked a major turning point. The ensuing events have demonstrated that the world has entered a new phase that has refocused the entire international security agenda. Terrorism has been identified as the primary threat facing the West. A broad anti-terrorist coalition with the involvement, among others, of each OSCE participating state has been created. Terrorism is now the most important factor of the indivisibility of security in the Euro-Atlantic area and the world at large. Due to disagreements regarding the best means to combat terrorism, however, there is no international consensus. The new focus on fighting terrorism has had an interesting side effect. Bearing in mind the unpredictability of the geographical location where the terrorist threat comes from, it has been felt necessary to create inclusive structures and form partnerships and coalitions, including with regimes that defy the values postulated by the West. As few of them belong to the OSCE, this may result in a complex situation based on the co-existence of a strategy of security co-operation and efforts to coerce the same partners. A clear example of this is the 'strategic relationship' of the United States with Uzbekistan that came to an end following the

May 2005 atrocities in Andijan and Pakistan, both of them adjacent to Afghanistan.

New institutions

Europe, or more broadly the West, which was unique⁷ in terms of its integration and rich web of regional institutions, has retained its distinctiveness while having lost its unique role in the Cold War as the centre of conflict. There is a discrepancy between the institutions inherited from the Cold War and the political agenda that has developed since its end. The institutional scene is 'crowded' in Europe nowadays. There are many institutions that often address the same matters from different angles. Much of this has been due to the fact that institutions which had no relevance in terms of security during the Cold War have now entered this field: this is true of the EU and to some extent the Council of Europe. Institutions like NATO that had addressed narrowly defined security matters in the past have broadened their agenda. Bearing in mind the broad remit of the OSCE, the agendas of these institutions have increasingly been overlapping with the OSCE's agenda. This phenomenon of 'securitisation' has practically eliminated the *differentia specifica* of the OSCE's approach to security. The membership of institutions also overlaps much more than at the beginning of the 1990s. Due to the delay in adaptation, some security issues are being addressed much later than when they originally emerged. This is particularly true of transnational threats.

These institutions have all more or less successfully adapted to the new international political and security landscape. This has been demonstrated by their survival fifteen years after the end of the East-West conflict. However, their adaptation cannot be regarded as an unqualified success for various reasons. The most unequivocally successful element of the transformation is the fact that western institutions have absorbed their eastern periphery. This process has contributed to the stabilisation of Eastern and Central Europe and provided additional legitimacy to the organisations. NATO apologists have pointed out that 'the admission of new members is proof that NATO continues to be attractive'.⁸ The same has applied to other western organisations as well. However, the process of European Union enlargement has run into difficulty due to controversy surrounding the idea of further enlarge-

7. See Samuel H. Huntington, 'The West is unique, not universal', *Foreign Affairs*, vol. 75, no. 6, November/December 1996, pp. 28-46.

8. See Gerhard Schröder, 'Speech on the 41st Munich Conference on Security Policy', Munich, 12 February 2005. Available at www.securityconference.de This approach presents a mirror image. Contrary to the past when it was assumed that the recognition of being democratic and/or prosperous inherent in the prospect of membership of the EU, NATO and the Council of Europe provided legitimacy to the aspiring state, this approach puts the emphasis on the legitimacy enlargement provided for the Alliance.

ment and also because of a dearth of candidate countries able to fulfil the requirements set by the EU. It is open to question how this will affect the demonstrated viability of some organisations as actors that influence the policy of their partners.

The situation is exacerbated by the reluctance of some great powers – particularly, although not exclusively, the US – to address major issues in the framework of multilateral organisations. When such issues are addressed multilaterally, this often takes place at recently established forums, thus reflecting the power relations of our times (e.g. contact groups, G8, the forum established in conjunction with the Proliferation Security Initiative etc.) and not those of the past. Frequently, the OSCE does not belong to the forum of choice. For some great powers, institutions matter less as they have exclusive frameworks to address international issues among themselves. Multilateralisation provides less predictability as regards the outcome of political bargaining for dominant powers. It carries risks for others as well who may feel threatened and alienated when treated in such frameworks where the dominance of great powers is coupled with the legitimacy provided by a multilateral grouping. Such countries – Russia, for example – would thus give prominence to bilateralism in order to better protect their interests, making an exception only for multilateral organisations or where they see major advantages in engaging in various forms of participation, be it membership or some form of association.

History and background of the CSCE/OSCE

The Conference on Security and Cooperation in Europe (CSCE: 1975-94), which later evolved into the Organisation for Security and Cooperation in Europe (OSCE: 1995-), has existed for three decades and thus has had time to accumulate ample experience enabling it to adapt to major political changes. The best demonstration of this wealth of knowledge and experience is that it has already successfully ‘adapted’ before and it may face a new phase of adaptation soon, as indicated by various developments currently affecting the OSCE. The two previous adaptations the CSCE went through were very different however to the situation the organisation faces now.

The contours of the CSCE in the Cold War

The CSCE started as a modest enterprise in the early 1970s, although its inception dates back to the early exchanges between the East and the West at the end of the 1960s. The beginnings of the process represented a certain definition of European security. Its first major document, the Helsinki Final Act of 1975, could have been drafted in a far more conservative spirit, but it reflected a forward-looking atmosphere at least in two respects, and this has guaranteed its long-term relevance. The novelty of the CSCE’s approach to European security, as codified in the Helsinki Final Act, was noticeable both in terms of the values and principles it expressed, and its broad approach to European security.

It created a balance between various basic principles of international law in the so-called Decalogue, the ten principles of the Final Act designed to guide relations between participating states. Although universal international law had developed a lot between the adoption of the UN Charter and the mid-1970s, and hence reflected the move away from the state-centred set of basic principles, the Decalogue created an unprecedented balance between

territorial integrity and respect for human rights and fundamental freedoms and the right to self-determination. Although many believed it froze the territorial status quo, and thus gave an advantage to the Soviet Union and the countries allied with it, actually it did not. The Soviet Union, in spite of its huge military strength, was a paranoid power and had a major inferiority complex at the time. The recurrent uprisings in the heart of Europe against Soviet rule indicated that its 'allies' represented a liability and hence it was on the defensive as regards the politico-territorial division of Europe. It had hoped that it could establish the post-World War II territorial status quo. The Soviet leadership and many of its allies' political leaders did not believe the East was taking a risk by signing up to the Helsinki Final Act and thereby giving its consent to guaranteeing respect for human rights. The regular references to human rights violations in the East-West context and the mushrooming Helsinki monitoring groups in the East demonstrated the opposite, however. The way in which the Helsinki Final Act created a balance between various potential security concerns on the level of normative regulation was forward-looking. It did not regulate the existing situation that reflected the full consensus of the thirty-five participating states, but put forward programmatic norms to regulate the objectives that they wanted to reach and relations in the East-West context. There is no reason to enter into the details of how this was achieved against the strategic interests of the regimes in charge in the East. It happened and guaranteed the lasting relevance of the founding document of the CSCE.

The other major innovation of the Helsinki Final Act, and hence of the CSCE, was that it broadened the concept of security far beyond the way states and most experts thought about international security at the time. Reflecting a comprehensive approach to security, it divided security into three dimensions or 'baskets': (i) the politico-military, (ii) the economic-ecological and (iii) the humanitarian. This also reflected a way of thinking that only became fashionable later. Practice was ahead of theory regarding various aspects of international security. The system established in 1975 could have lasting relevance for the reason that the basics of its regulation were forward-looking in this respect as well. The participating states adopted the Final Act at a time when *détente* prevailed and the level of tension in the international arena was fairly low. That is how the CSCE had a 'dual character ... as an instrument of *détente* and as an agent for systemic

change'.⁹ The achievement provides a lesson of more general relevance. Namely, forward-looking, innovative, normative regulation has a better chance of being adopted when the parties to the arrangement cooperate with each other and the atmosphere is largely free of high political tension.

The prominence of the CSCE in the early-1990s

The end of the Cold War forced adaptation on the CSCE. This was again a period of political *détente* of a different kind. The systemic confrontation between the two superpowers came to an end and there was no reason to assume it would return. The scale of the change was reflected in the fact that the most important CSCE document of the new era, the Paris Charter (1990), enshrined the conscious agreement of the participating states with regard to two key principles, those of multi-party democracy and the market economy.¹⁰ There is a significant difference between the principles agreed upon during the mid-1970s and at the beginning of the 1990s. In the case of the former, it had been a tit-for-tat deal between two opponents, two systems that had to compromise to come to an agreement. At the beginning of the 1990s some basic principles of the new European system were shared by each participating state. It seemed, at least for the time being, that strategic partnership prevailed among the major players.¹¹ The concord that was achieved in the Paris Charter was not an isolated phenomenon however. It is memorable that both while the systemic transformation of Eastern and Central Europe was underway and thereafter, the CSCE agreed upon several documents that further developed the OSCE *acquis*. For example, the participating states declared 'categorically and irrevocably' that the 'commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating states and do not belong exclusively to the internal affairs of the State concerned'.¹² Twenty-five years after the signing of the Helsinki Final Act, the first High Commissioner on National Minorities, Max van der Stoep, had every reason to state he had doubts whether 'this could be drafted, so categorically and unequivocally, today'.¹³

One distinct feature of the post-Cold War adaptation of the CSCE was that it was at this point that the CSCE started to build its institutional structure. Although there was resentment in

9. Stefan Lehne, *The CSCE in the 1990s: Common European House or Potemkin Village?* (Vienna: Braumüller, 1991), p. 5.

10. The Charter of Paris for a New Europe speaks about 'democracy as the only system of government of our nations' and 'prosperity through economic liberty'. Those formulations would have been impossible only a short time earlier.

11. It was a demonstration of this strategic partnership that the UN Security Council, which counted four participating states of the OSCE among its permanent members, could build consensus on the reaction to the Iraqi occupation of Kuwait. This happened in parallel with the preparation of the Paris Charter of November 1990 and its immediate aftermath.

12. Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 1991.

13. Max van der Stoep, 'Principles and Pragmatism: Twenty-Five Years with the Helsinki Process', in IFSH (ed.), *OSCE Yearbook 2000* (Baden-Baden: Nomos Verlag, 2001), p. 27.

many participating states about this process, particularly about developing a bureaucracy that eventually might become cumbersome and difficult to control, institutionalisation began in November 1990 and was carried forward rapidly. During a two-year period (1990-1992) the majority of those institutions were established that form the core of the OSCE nowadays. Not only the Office of Free Elections (now ODIHR), the Secretariat, the Conflict Prevention Centre and (somewhat later) the High Commissioner on National Minorities and the function of the Secretary General should be mentioned here, but long-term missions as well. The missions have made the OSCE different from other regional organisations. Since their establishment the OSCE has been present in the field in those participating states that face certain problems. Field presence, which has been shifting gradually further to the east and whose regional emphasis is now the area of the former Soviet Union, is a vital and distinctive facet of the OSCE. Setting up long-term missions meant that the functions of the organisation were enhanced, and in particular that the task of *conflict management* appeared on the agenda. The institutional transformation of the CSCE was completed by a formal act: at the Budapest Summit in December 1994 the CSCE was renamed the OSCE and made a regional organisation as of 1 January 1995.

Why was the post-Cold War adaptation of the CSCE successful and why did it gain prominence in the European institutional system in the early 1990s? There were four main reasons. Some had their roots in the Cold War history of the CSCE, others were to do with the putting into practice of innovative ideas. In some cases this required the application of rules developed under fundamentally different conditions, in others it was necessary to agree upon new ones. Whether the mix of the two was adequate remained open to question.

1. The Cold War and the subsequent period was characterised by major political uncertainty. It was not clear what policies some of the main actors would pursue, whether taking the Cold War 'lid' off and suppressed animosities would result in violence (ethnic and revanchist conflicts) in Eastern and East-Central Europe and how those changes would be reflected in the European institutional structure. The CSCE, formally with its comprehensive concept of security, was best suited to address this uncertainty.
2. The CSCE enshrined an approach and certain rules that could

be applied to new conditions. It was probably important that the CSCE, primarily due to its humanitarian basket, did not accept that there was a sharp dividing line between international and internal affairs. Interference in the domestic affairs of a given country was regarded as legitimate on humanitarian grounds.¹⁴ Although this was not an uncontested issue during the Cold War, it is certain that the CSCE was better positioned than other institutions to address the internal affairs of certain countries. With the principles adopted immediately after the Cold War this was even more pronounced than previously.¹⁵ If participating states had shared the view that potential conflict sources were primarily of domestic origin, the OSCE had a remit that other organisations did not possess.

3. It required the adoption of new rules to make the CSCE eligible to address the different phases of conflicts. Formally, these were enshrined in the Helsinki Document of 1992. This attempted to make the CSCE an actor of international peacekeeping and conflict management, an institution empowered to mandate others to act in the interest of all-European security. As regards putting theory into practice, it is clear that the CSCE/OSCE is better equipped to focus on the prevention of crises and post-conflict rehabilitation. It is far less relevant during the 'acute' phases of actual conflicts where other organisations can intervene far more effectively due to their expertise and available means. This has been demonstrated by various events, for example the instrumentalisation of the OSCE's Kosovo Verification Mission (KVM) in 1998-99. The fact that the OSCE has no competence either in high-intensity conflict management or in peacekeeping has a bearing upon the visibility of the organisation. Apparently, containing/managing high-intensity conflicts is a far more visible activity than silent diplomacy designed to prevent potential conflict.
4. The CSCE could offer inclusive membership and extend it to the newly independent states (NIS) of Europe. It was ready to absorb them without too much hesitation on the basis that 'quick admission of the new republics without first insisting on traditional CSCE criteria could be more effective in influencing their domestic development'.¹⁶ This perspective was in contrast to the views of some analysts who argued against granting participating state status to the Central Asian successor states of the Soviet Union on the grounds of their doubtful democratic cre-

14. Interestingly and innovatively the CSCE also developed a new confidence-building method that made interference in domestic affairs possible. This is the mechanism to 'address unusual military activities' adopted in the Vienna Document of Confidence- and Security-Building Measures of 1990.

15. Three mechanisms are to be mentioned here: the emergency mechanism adopted at the Berlin Ministerial Council meeting of 1991, the Vienna unusual military activities mechanism adopted in 1990 and the Moscow human dimension mechanism of 1991. Each could be invoked without the consent of the state whose activity gave ground to initiating it.

16. See Andrei V. Zagorski, 'The CSCE and the New Euro-Asian Challenge', in Michael R. Lucas (ed.), *The CSCE in the 1990s: Constructing European Security and Cooperation* (Baden-Baden: Nomos Verlag, 1993), p. 282.

dentials.¹⁷ Apart from the persuasive argument that the rapid involvement of three Caucasian and five Central Asian republics would have enhanced the CSCE's heterogeneity, there was pre-eminent interest in involving and including those states in the CSCE.

There are two methods at the disposal of countries assembling in an organisation to influence states which are willing and eligible to join: socialisation and conditionality. Both have been applied in post-Cold War Europe by various institutions. The CSCE certainly represented one extreme, relying nearly exclusively on the former and not at all on the latter. Such a policy mix logically stemmed from its past as it had been conceived originally as an inclusive structure of cooperative security. Inclusive membership has been generally regarded as a value of the organisation. OSCE experts argue that inclusive membership results in different communication compared to organisations where exchanges take place between members and outsiders.¹⁸ This is certainly correct. Institutional communication of the West with those states which left the Cold War behind and became temporarily non-aligned was sparse at the onset, particularly in the case of those which were not in the forefront of EU accession. Western institutions were still experimenting with some forums and they did not extend those exchanges to every European country.¹⁹ Under such conditions the OSCE represented an important communication forum on all-European security in the first years after the Cold War.

New constraints

If one compares the conditions of the transformation of the CSCE at the beginning of the 1990s with those under which the OSCE was to transform in the years to come, the difference is striking.²⁰ Then, due to the uncertainty that accompanied transition and the elasticity of the institutional structure, conditions were quite favourable to the CSCE. The essential difference between then and now stems from the way in which the European security system has evolved and the major reconfiguration that has taken place since the end of the Cold War. Five major differentiating features may be mentioned that demonstrate that the objective situation has

17. See *ibid.*, pp. 279-80.

18. Wolfgang Zellner, 'Managing Change in Europe: Evaluating the OSCE and its Future Role: Competencies, Capabilities, and Missions', *CORE Working Paper 13* (Hamburg: Centre for OSCE Research, 2005).

19. See the North Atlantic Cooperation Council (NACC) that by and large excluded the so-called neutral and non-aligned countries of Europe and the political dialogue between the EC and the states that signed so-called European Agreements.

20. For the interests of the participating states in OSCE reform see Chapter 4 of this paper.

changed. These are: (i) inclusive membership of the OSCE in the Euro-Atlantic area; (ii) the possibility for the organisation of crossing the boundaries of state sovereignty and addressing a country's internal affairs; (iii) concentration on crisis prevention and management; (iv) reducing the isolation of countries which were not integrated in other frameworks at the time; (v) a weak bureaucratic structure. Several of these aspects are examined in more detail in what follows.

Pros and cons of inclusive membership

Observers regularly cite inclusive membership as the main advantage of the OSCE, and it is certainly an advantage to have every state present when the parties debate issues of European security. Inclusiveness has a shortcoming, however. An inclusive organisation cannot set conditions of membership for states that express an interest in joining it. If we accept that NATO and the EU were particularly influential over the last fifteen years or so in their immediate neighbourhoods because they were able to offer the prospect of membership in return for adherence to their rules or for following their examples, we must consider why this did not become the OSCE's most important means of influence. The answer is clear: the OSCE is deprived of this means of influence precisely *because* of its inclusive membership. If member countries (participating states) voluntarily follow the organisation's rules, the absence of coercive measures poses no problem.²¹ If the structure is inclusive (and decisions are based on consensus), there is no coercion inside the organisation. If a country is unwilling to fulfil the obligations associated with membership, it remains to be seen whether alternative means exist and whether they are effective. It is extremely important to distinguish between the reluctance of a state to carry out its commitments and its inability to do so. Whereas the former may require coercion, the latter calls for support and assistance. It may also serve the interests of participating states for them to disguise their unwillingness to carry out a commitment as a matter of inability.²² A further problem is presented by the existence of borderline cases where it is hard to distinguish between 'unwillingness' and 'inability' to implement commitments. Inclusive membership is thus a mixed blessing.

Those organisations whose non-inclusive membership reflected the Cold War division of Europe have enlarged during

21. Bearing in mind the advantages associated with membership of both the EU and NATO, I think there are adequate grounds for regarding the denial of membership as a case of effective, indirectly coercive means.

22. The case of Belarus is interesting in this respect. Although Belarus is reluctant to fulfil some of its basic OSCE commitments, there are also situations where it rightly claims it is unable to carry out its obligations. Belarus's request for assistance in carrying out its reductions of conventional weapons under the CFE Treaty in the mid-1990s and its more recent request for help in destroying man-portable air-defence systems (MANPADS), are cases in point.

the last decade and a half. The Council of Europe expanded from 24 to 44 members, NATO from 16 to 26, and the EU from 12 to 25. Formal membership matters, of course. It may be even more important, however, that ever since the early 1990s NATO, and in a different way the EU (and the WEU) have been anxious to avoid generating the appearance of exclusivity. The North Atlantic Cooperation Council (NACC), later the Euro-Atlantic Partnership Council (EAPC), and the Partnership for Peace (PfP) in the case of NATO, political dialogue in the case of the EU, and the associate-member/associate-partner status in the context of the WEU, have all served this purpose. More recently, the European Neighbourhood Policy serves the same objective. Countries that were interested in becoming members or establishing relationships with the Western institutions short of membership could benefit from a 'grey-zone' status. Inclusiveness, interpreted broadly, has thus also become a characteristic feature of other European institutions. Moreover, many European countries have shared the ideals and attitudes of Western democracies and have emulated them whether or not they belonged to the same organisations. Thus, and without underestimating the change that has occurred as a result of the major enlargements of NATO and the EU, the following conclusion can be drawn: the recent enlargements have changed the OSCE's environment quantitatively rather than qualitatively. The existence of a large group of like-minded countries oriented towards the integrated West had changed the environment long before the actual enlargement of the core Western institutions. Hence it would be misleading to overemphasise the formal change that has come about through the accession of Central and Eastern European countries.

Integration has been the dominant process in Europe since the end of the Cold War. It has found expression in the enlargement towards the East of formerly Western institutions and in the redefinition of relations between these institutions and states that have been either unwilling or unable to join them. It was clearly the intention of the Western institutions to avoid creating sharp dividing lines between prospective members and non-members. This has led to a situation where it has become exceptional for a state not to be linked in some way to institutions whose membership is non-inclusive. This represents the erosion of yet another distinguishing feature of the OSCE. The difference between membership and various modes of co-operation that fall short of mem-

bership is undeniable. Nonetheless, it is a fact that virtually every country in the Euro-Atlantic area has some relationship with the old institutions of Western Europe. For some countries, this means having a privileged channel of communication. Examples include the NATO-Russia Council, the NATO-Ukraine Commission, and the regular EU-Russia summits. This has two consequences for these countries – as can be observed particularly clearly in the case of Russia: (i) the importance of institutions with inclusive membership has declined; (ii) the importance of non-privileged channels in relation with ‘Western’ institutions has also declined for those non-integrated countries that have established such privileged relationships. The first point also applies to the other non-integrated countries – those linked to NATO by partnerships such as the Partnership for Peace (PfP) or to the EU via the various networks it has established. They feel more integrated as a result of their relations with Brussels-based organisations than through participation in the OSCE. Consequently, from this angle, too, the OSCE has been a loser in the European integration process in relative terms. This does not mean the OSCE has become redundant. But what it does demonstrate is that long-term structural factors have contributed to its relative decline.

The issue of interference in domestic politics

An important differentiating feature of the CSCE/OSCE was the fact that it did not have to respect the boundaries of domestic jurisdiction. The issue of legitimate interference in the domestic affairs of the participating states was highly contentious, nevertheless. The so-called Socialist countries consistently objected to CSCE involvement in their domestic affairs on the basis of human rights violations up to the late 1980s. The recognition in the Paris Charter of multi-party democracy as a key shared value of the CSCE participating states, and the meltdown of regimes in Central and Eastern Europe that preceded it, brought an end to this. If human rights are universal values shared by all OSCE participating states and recognised by all as a matter of international concern, they must *a fortiori* be recognised by subgroups of participating states. The end of the division of Europe also meant they could be raised by organisations other than the CSCE. These western institutions were expanding into the part of Europe where concerns existed with regard to respect for human rights. However recent military interventions

undertaken by a number of OSCE participating states, under the leadership of one in particular, have led to a revival of demands that interference in domestic affairs be rejected. This has by no means undermined the legitimacy of interference on humanitarian grounds or in the interest of promoting democracy in the OSCE area. The change came about as a result of the shift in attitudes on the part of other institutions, primarily the EU and the Council of Europe. Whereas, up to the end of the Cold War, these institutions did not trespass on the territory of the ‘other Europe’, ‘interference’ on a variety of grounds has since become the rule rather than the exception in their activities. It is sufficient to consider the Copenhagen Criteria of 1993, which outlined the conditions for EU accession, and the way they have been put into practice. The EU also regularly ‘interferes’ in the internal affairs of other states, including many OSCE participating states, by means of its Common Foreign and Security Policy (CFSP).

The terrorist attacks of 11 September 2001 and their aftermath have also changed the global agenda in the area of international security, and thus also the security agenda of the OSCE area. It has become indispensable that security issues traditionally considered as domestic matters be addressed by foreign states and international organisations. Whether individual states choose to launch a ‘war on terror’ or to address terrorism as a security matter of another kind, the nature of the threat is such that they are compelled to pay attention to each other’s domestic security situations and co-operate. If the prime security concern of most OSCE participating states is a transnational threat, and if it can be influenced by tightening internal security structures in one or more states, then the reaction, in accordance with the interest of the affected states in their own defence and their own survival, is going to be transnational as well. This will inevitably result in the further erosion of the dividing line between ‘domestic’ and ‘international’ concerns – a tendency that has been present for a long while and received a further boost as a consequence of the terrorist attacks of September 11.²³ Reacting effectively to the prevailing threat to European (and global) security requires co-operation between the various national security services.

The line between ‘domestic’ and ‘international’ is thus becoming blurred. This general tendency has gradually eroded the OSCE’s special character, and this change has more serious consequences for the organisation than the increasing inclusiveness of

23. It is worth mentioning here some of the EU instruments that gained momentum after September 11, including *Eurojust*, the European Arrest Warrant and the only half-successful intensification of co-operation between intelligence services (‘half-successful’ in the sense that it has not been entirely successful at the level of political declarations, whereas it has proved quite successful as far as the daily co-operation of the services themselves is concerned).

the EU and NATO. The uniqueness of the OSCE's involvement in the internal affairs of its participating states no longer holds.

OSCE institutional structures

Institutional structures usually reflect the will of the actors that have established them. However, the interests that existed when the structures were established may change. Consequently, there may well be outmoded structures that need adapting to new conditions. It is in the nature of such structural changes that they usually follow the reshaping of political relations with a certain time lag. In the evolution of the CSCE/OSCE during the last decade and a half, this fact has been reflected by the creation of new organs while retaining certain fundamentals dating from the early days of the OSCE's institutionalisation. This combination of steadfastness and change has resulted in a number of inconsistencies. Before it embarks on a course of adaptation, however, the OSCE would benefit from reconsidering its institutional structure and decision-making processes. Considering these questions in an appropriate framework would allow it to see more clearly the possibilities that exist for change. The first results of this process, 'the report of the wise men', is a realistic (and hence somewhat disheartening) reflection of this.²⁴

The proliferation of OSCE institutions was unavoidable in the light of the changing European security agenda. It is clear, however, that the bodies and institutions established in the early days of institutionalisation made and still make more difference in the life of the OSCE than some of the 'latecomers'. The High Commissioner on National Minorities (HCNM) and the Office of Democratic Institutions and Human Rights (ODIHR) have been more important than, for instance, the Representative on Freedom of the Media (RFOM). It would be premature to draw any conclusions on the effectiveness of the Special Representative on Combating Trafficking in Human Beings, established at the Maastricht Ministerial Council in December 2003. There is no institutional hierarchy in the OSCE. Lines of subordination are blurred. Reaction to emerging security problems often takes the form of the setting up of new organs that broadens the network of OSCE institutions. This increases the need for coordination. While the institutions address matters in terms of functional areas, the missions do so according to geographical criteria. This

24. 'Common Purpose: Towards a More Effective OSCE', Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE, 27 June 2005.

results in a certain overlap.

The establishment of long-term missions was one of the main achievements in the development of the CSCE in the early 1990s. The OSCE has gradually become 'field-mission heavy'. At the same time, however, its presence in potential or former conflict zones has also been its main strength. The seventeen missions provide valuable information on the conflict zones within the OSCE area.²⁵ Missions also play a certain role in local policy-making. They have significant power to influence developments in the areas in which they operate. However, there are a number of reasons why the picture is not all positive.

Problems also arise out of the OSCE's institutional weakness, which is a result of its long tradition of resistance to establishing a strong institutional structure with a relatively autonomous bureaucracy – and one with a low staff turnover rate. The Chairman-in-Office (CiO) is the highest political officer of the OSCE. As the CiO rotates annually, there may not be sufficient continuity at the top of the organisation. Furthermore, the CiO is the Foreign Minister of the country holding the Chairmanship. This complicates matters, as the functions are sometimes difficult to separate. The Secretary General, who represents continuity, is the organisation's chief administrative officer. This structure presents two problems: (i) a lack of continuity, and (ii) poor visibility.²⁶

Each CiO puts forward a different agenda. For the new CiO to give priority to some of the same matters as the previous Chairmanship is the exception rather than the rule. For example, the Bulgarian Chairmanship of 2004 declared that education was to be 'one of the priorities' of its year in charge.²⁷ However, education has always played a contributing role in every OSCE activity. Ironically, one could say that education was an excellent choice for two reasons: changing human attitudes by means of education is a long-term task, while the Chairmanship has a limited term of one year. Furthermore, it is extremely difficult to measure the contribution of education to changing patterns and attitudes.²⁸ Bulgaria's predecessor, the Netherlands, focussed upon other matters like trafficking and terrorism, and hoped to resolve the conflict that surrounded the Transnistrian entity. It also expressed its commitment to administrative reform.²⁹ Bulgaria's successor, Slovenia, which assumed the chairmanship of the organisation in 2005, had to focus on the internal development of the organisation and its plans could be summarised as 'the triple R agenda:

25. This information may be more valuable to those countries that do not have embassies in the countries in question and whose ability to gather information is hence more limited. There are countries, for example Tajikistan, where a strictly limited number of countries have embassies. For instance, currently there is only one state that can issue Schengen visas in Dushanbe.

26. A similar argument is made by Adam Daniel Rotfeld, 'Does the OSCE Have a Future?', in *Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2003* (Baden-Baden: Nomos Verlag, 2004), pp. 31-42.

27. Opening Address to the OSCE Permanent Council by the Chairman-in-Office, the Minister for Foreign Affairs of the Republic of Bulgaria, H.E. Dr. Solomon Passy, Vienna, 15 January 2004, p. 3.

28. The Bulgarian Chairmanship might have benefited from the experience of its predecessor, the Netherlands, which put one concrete, measurable matter on its agenda, namely, the resolution of the Transnistria conflict. In the end, however, circumstances beyond their control meant the Dutch were unable to deliver on their hopes and promises.

29. Netherlands Chairmanship priorities for 2003. Available at www.osce.org/item/120.html.

Revitalise, Reform and Rebalance'.³⁰ The Belgian chairmanship of 2006 has indicated that, along with institutional reform, it has two priority areas: (i) to advance the rule of law, with a focus on criminal justice and facilitating access to law, and contribute to the fight against organised crime, and (ii) to establish a better balance between the three different dimensions and in particular to strengthen the economic and ecological dimension, with an emphasis on regional co-operation and security in the transport sector.³¹

The network of OSCE institutions face several problems that should be reconsidered by the participating states. Institutional solutions can be found for institutional problems. It must be taken into account, however, that the complexity of the problems means that a fully-fledged reform of the OSCE cannot be confined to a few institutional measures. Institutional reform should be part of a thorough review of the organisation.

The challenge of adaptation

The CSCE went through major adjustments to the external environment in its past. These were successful for three reasons: (i) the contemporary historical conditions were favourable in both periods, i.e. the period of *détente* in the 1970s and the period immediately after the Cold War which was characterised by shared views of the future; (ii) there were some issues the CSCE could debate in the first instance and activities the CSCE could carry out in the second instance and in both cases make a major difference. It was not hampered by institutional rivalry in its operations; (iii) the normative regulation agreed upon in the mid-1970s and in the early 1990s was forward-looking. This was reflected in rules that had lasting relevance.

The OSCE is facing the challenge of adaptation again. This time, however, the conditions are not so favourable. Growing dissonance is emerging between states which actively advocate the spread of liberal democracy and those which are opposed to spreading it to their countries and their neighbourhood. There are several institutions, global and regional alike, which have parallel competences and hence it is more difficult to demonstrate the comparative advantage the OSCE is able to provide as a forum for political dialogue. Any new rules on which it has been possible to

30. See Address by H.E. Dimitrij Rupel, Chairman-in-Office of the OSCE, at the Permanent Council, 13 January 2005. CIO.GAL/2/05, 131 January 2005, p. 1.

31. Closing Statement by the Belgian Minister of Foreign Affairs, incoming Chairman-in-Office of the OSCE at the thirteenth OSCE Ministerial Council, Ljubljana, 5 and 6 December 2005, MC. DEL/76/05. http://www.osce.org/documents/html/pdftohtml/17461_en.pdf.html, p.5. The subsequent presentation of the CiO, outlining the priorities, has been less clear. Cf. Speech by Belgian Minister of Foreign Affairs, Karel de Gucht, Vienna, 12 January 2006. CIO.GAL/2/06. http://www.osce.org/documents/cio/2006/01/17674_en.pdf

reach agreement do not appear to have made as much of an impact as rules introduced in the 1970s and early 1990s. The new wave of OSCE reform has just started and circumstances indicate it will be an uphill struggle to carry it out.

There are three aspects to the OSCE's problems: (i) key fundamental issues of European security and their interrelationship. One could call this the problem of European security architecture; (ii) the subjective factor, including the perceptions and will of the participating states; (iii) the internal development of the OSCE, especially with regard to institutional matters. We will focus here on the issue of European security architecture (the other two points are discussed in chapters 4 and 5 respectively).

With regard to the current evolution of European security architecture, it is clear that those institutions have gained influence which:

1. Best attracted the attention of the most powerful states in the Euro-Atlantic area. Preferences for relying upon one institution or another within Europe's security architecture have shifted in line with the interests of these states. Institutions have often been chosen because they are favoured by the political establishments of various countries, rather than because they are the most suitable to perform a certain function. Organisations with more exclusive membership were preferred by EU member states.
2. Gained additional legitimacy through the willingness of countries in the region to join them. This was clearly true in the case of the EU and NATO. It is not entirely clear whether this process has been exhausted by the two institutions' recent major enlargements or whether it will continue in the future.
3. Have clearly defined functions. There is a difference between a defence community (such as NATO) and a community of integration (such as the EU). 'The direction of history and the nature of current security threats suggested that the two would increasingly need to overlap. Those in a defence community should integrate more deeply while those in a community of integration should join the defence community.'³² This has further enhanced the status of NATO and the EU. The EU has gradually identified itself as both a community of integration and a community of defence. NATO has clearly had greater problems recreating itself as an institution with competence in both areas. Those institutions that are neither a community of integration

32. Ambassador Alyson J.K. Bailes at the SIPRI conference 'Turkey and ESDP' held on 22 September 2004 in Stockholm. For a report on the seminar see www.sipri.org/contents/director/TURKEYE_SDPSSUMMARY.html

nor one of defence have faced the most severe problems. This certainly includes the OSCE, which may face an identity problem as a result.

It can thus be concluded that the recent evolution of European security architecture has not been supportive of the OSCE in regaining the role it once had in European security. Even though it is unlikely that the EU and NATO will continue to significantly benefit from the additional legitimacy of new members, the two other points mentioned previously – attracting the attention of the most powerful states and the clear definition of functions – will certainly continue to retain their relevance. This may lead the OSCE to suffer an identity crisis and a lack of orientation. What the OSCE needs, therefore, is a more sharply defined identity. It is unlikely that it could benefit from further adaptation of Europe's institutional structure.

Adaptation of the OSCE's own institutions should be based on a thoroughgoing review. This is already being undertaken in a number of different forums. In the summer of 2004, the Chairman-in-Office also promised 'to try and push through various reforms'.³³ His plan carried the danger, however, of intending to satisfy each and every participating state. This is understandable from the point of view of the Chairman-in-Office. It means, however, that the reforms need to attempt to satisfy both those countries that are in favour of the status quo and those that, due to their gross dissatisfaction with the current functioning of the organisation, are extremely keen to embark upon radical reform.

There are institutions that are indispensable for the functioning of the OSCE; there are others that may require adaptation (there are, for example, many proposals on how to provide for more permanence in the activity of the Chairman-in-Office, such as by establishing the position of Permanent Deputy to the Chairman-in-Office, or by extending the CiO's term for a period longer than one year). Last of all, there may be elements that should be eliminated without any hesitation (the foremost example that comes to mind being the OSCE Court of Conciliation and Arbitration, which has never addressed a single case during the first eleven years of its existence).

33. 'OSCE Chairman believes time ripe for transforming Organisation to meet changed political realities'. See www.osce.org/item/8486.html, 9 August 2004.

The OSCE has a rich *acquis* that has developed over three decades. A significant portion was agreed upon at the beginning of the 1990s and reflects the emerging consensus around democratic values and the enthusiasm of those years. It has been enriched since in reaction to the changing environment.³⁴ Recently, in response to the common threat of terrorism, every ministerial council has adopted some text on terrorism. The OSCE as an intergovernmental organisation is extremely skilful in drafting and adopting documents. Its main shortcoming, however, is that the implementation of such documents is often weak, and some decisions – particularly if the OSCE is not the most appropriate body to put a decision into practice – remain without any follow-up. It is not a coincidence that the Bulgarian chairmanship, rightly, put the emphasis upon the implementation of commitments, although in practice did not act upon its promise.³⁵ It is understandably not often mentioned by OSCE officials that it is a major shortcoming of the organisation that ‘it is somehow seen as more exciting for the diplomats in Vienna to negotiate new agreements ... than to engage in the tiresome but important work of ensuring that States honour commitments they have made in earlier documents’.³⁶ Short-termism, if not one-time-ism, is an extremely severe constraint that impedes the OSCE from realizing its declared objectives. There are certainly a number of reasons behind this situation.³⁷ Here, it is necessary to mention one. The Cold War CSCE basically consisted of a series of conferences. Then, implementation of the *acquis* was left to the participating states who mutually challenged one another about non-fulfilment of commitments at the next meeting. Basically, organised implementation was alien to the CSCE.

The current controversy between participating states surrounding the future of the organisation has also extended to the *acquis*. On the one hand, Russia was ready to recognise that agreed OSCE standards should be strictly observed. It claimed, however, that ‘the observance process should not be tailored to the interests

34. An excellent overview of the *acquis* was published upon the 30th anniversary of the Helsinki Final Act. See Frank Evers, Martin Kahl, Wolfgang Zellner, *The Culture of Dialogue: The OSCE Acquis 30 Years after Helsinki* (Hamburg: Centre for OSCE Research, 2005).

35. Opening Address to the OSCE Permanent Council by the Chairman-in-Office, the Minister for Foreign Affairs of Republic of Bulgaria, H.E. Dr. Solomon Passy, Vienna, 15 January 2004.

36. Thomas L. Price, ‘The OSCE’s Economic Dimension: Lessons Learned’, *Helsinki Monitor*, vol. 12, no. 3, 2001, p. 173.

37. For institutional aspects see Chapter 5.

of any individual group of states. Cultural, national and other differences must be taken into account.³⁸ This is an attempt to make the application of some OSCE commitments conditional on the circumstances of some participating states. On the other hand, the impression that Russia and some other so-called NIS countries would like to take the OSCE *acquis* back to where it stood before the Copenhagen Document on the human dimension of the (then) CSCE was adopted in 1990, may well be accurate. The Copenhagen Document meant that humanitarian issues ceased to be domestic issues irrevocably and established a mechanism to observe them and to guarantee human rights. It has been the most detailed and explicit document on the human dimension in the history of the CSCE/OSCE.³⁹

As interference in these matters, which were traditionally regarded as internal affairs, has become more frequent globally, including armed interventions, states which perceive themselves to be on the losing side of the global process understandably refer to non-intervention more often than in the period between 1990 (end of the Cold War) and 1999 (the Kosovo conflict). The global process has some repercussions on Europe as well. The CSCE established a balance between the principles in the Helsinki Decalogue and certainly preserved it until the end of the Cold War. Since then sparse references have been made to the principle of non-intervention. It was generally recognised that in carrying out its activities, the OSCE might very well trespass onto what was traditionally the territory of domestic jurisdiction. A return to regularly referring to respect for state sovereignty would eliminate this comparative advantage of the OSCE in the arena of international politics. This would certainly contradict the human rights commitments articulated in the Copenhagen Document. In the context of the humanitarian dimension it would be unconvincing to argue on the basis of non-intervention. It would be wrong to argue, however, that the non-intervention principle no longer applies to the OSCE generally.⁴⁰ This would either mean that the Helsinki Decalogue has become partly invalid, or over-written by parts of the *acquis* adopted later⁴¹ or that the consensus of the participating states has modified the rules *de facto*. But the Helsinki Decalogue has been in place since its adoption in 1975, and the fact that some participating states regularly refer to the consistency of the ten principles which it enshrines demonstrates that it could have neither been over-written by *acquis* adopted later, nor

38. Sergei Lavrov, 'Reform will enhance the OSCE's relevance', *The Financial Times*, 29 November 2004, p. 13.

39. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 29 June 1990. www.osce.org/documents/odhr/1990/06/13992_en.pdf

40. Arie Bloed, 'CIS presidents attack the functioning of the OSCE', *Helsinki Monitor*, vol. 15, no 3, 2004, p. 220.

41. Although, as mentioned above, this could be argued in the humanitarian dimension it cannot be extended arbitrarily to the OSCE as such.

revised *de facto*. The conclusion could be drawn that it is only in the human dimension that the non-intervention principle does not apply.

The CSCE used to have three so-called ‘baskets’ – the politico-military, the economic-ecological and the humanitarian – that later became its three dimensions. Historically there was a balance between the politico-military and the humanitarian baskets/dimensions and the participating states often pragmatically made concessions in one dimension in order to gain in the other one. It seems the balance that formerly existed between those two dimensions has come to an end ever since the attention of many OSCE participating states has become focussed almost exclusively upon humanitarian matters. The imbalance that has thus come about has eliminated the opportunity for ‘tit-for-tat’ arrangements. This change is at the root of some of the current problems the OSCE faces.

There has been another important development with regard to the OSCE’s dimensions. Some activities can no longer be categorised as exclusively part of one dimension or the other. The fact that human security is now the prevailing approach to security in Europe means that as a consequence most phenomena to be addressed in this sphere equally have politico-military and humanitarian aspects. This problem has emerged in relation to the long-term missions of the OSCE as well. The most salient example of this is the fact that two transnational sources of threat, organised crime and trafficking, although they affect political security, also have a bearing upon the humanitarian dimension.

The politico-military dimension

According to the only existing definition of the politico-military dimension it ‘... was exclusively applied to international, inter-state relations and primarily to military matters. Consequently, it included disarmament, arms control, confidence- and security-building measures, and security dialogue. Since the early 1990s, conflict prevention, crisis management, and post-conflict rehabilitation have been added, although these tasks were not limited to the politico-military dimension. More recently, the term has also been applied to efforts to address transnational threats such as ter-

42. Wolfgang Zellner, 'Managing Change in Europe', op.cit., p. 7.

43. This was due to the fact that not every participating state of the CSCE/OSCE took part in the negotiating process. During the MBFR negotiations of 1973-89 a select few members of NATO and the Warsaw Treaty were involved, whereas in the CFE talks of 1989-90 and the talks on adaptation of 1997-9 all members of the two alliances, respectively 23 and 30 countries from among the 55 participating states, attended. Hence, neither could be regarded as a CSCE forum.

44. It will enter into force when all the 30 parties to the CFE Treaty of 1990, and thus signatories of the Adaptation Agreement, have deposited their instrument of ratification. See Art. 20 of the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe. www.osce.org/documents/doclib/1999/11/13760_en.pdf.

45. It is known that some European NATO members were in favour of ratification despite strong US reservations and were considering lobbying in Washington to change the stance over there. As due to the Iraq crisis relations between the US and some European states have deteriorated significantly, the European countries did not want to burden relations with this minor matter any longer. The US, on the other hand, argues that 'unconditional' ratification would leave those states – primarily Georgia and Moldova –, which have unresolved issues related to the CFE Treaty, exposed to Russian pressure. This dates back to the statement of then Secretary of State, Madeleine Albright, who already in 1997 pointed out that 'any CFE agreement must take into account the interests not just of NATO's 16 allies or any individual country, but of all 30 CFE states'. Madeleine Albright, Remarks to North Atlantic Council Ministerial Meeting, Sintra, Portugal, 29 May 1997. *US Information and Texts*, 4 June 1997, p. 12.

rorism, organised crime, and trafficking in weapons'.⁴² Many security problems and the ways of addressing them are multi-dimensional. With this in mind, it is necessary to take a look at the contribution of this dimension to the OSCE.

Ever since the Helsinki Final Act, the dimension (then basket) had a strong arms control aspect that greatly contributed to the management of the Cold War and its immediate aftermath. Confidence-building measures and efforts to limit conventional arms were the traditional methods of arms control in the CSCE. Whereas the former was integral to the CSCE/OSCE, the latter had some loose connection with the organisation although it did not form part of its official agenda.⁴³ Their relevance has declined due to the change in the underlying conflict. Moreover, no new confidence and security-building measures (CSBMs) were adopted and the so-called CFE (Conventional Forces in Europe) process was halted after the signing of the Adaptation Agreement in 1999.

Although the CFE Treaty and its adaptation process, still incomplete, do not form part of the OSCE *acquis*, its future is so closely associated with other matters of European security that it forms part of the broad security agenda the organisation addresses. When the Adaptation Agreement comes into force,⁴⁴ accession to CFE will be possible and this may open the way to turn it into an all-European arrangement. There are various links between the CFE Treaty and the (rest of the) politico-military dimension. Currently, what is most important is that the objections expressed by 26 states which were signatories of the Adaptation Agreement (out of the 30 states which were signatories to the CFE Treaty of 1990) regarding the ratification of the Adaptation Agreement is high on the list of Russian grievances.⁴⁵ Discussions on European arms control begin and end there nowadays. Russia wants to have the Adaptation Agreement come into force *inter alia* in order to turn the CFE process into an all-European arrangement, involve the new member states of NATO (most importantly the three Baltic states) in it and have it recognised that the political commitments undertaken by Russia upon signature of the Adaptation Agreement and not yet fully put into effect had nothing to do with its coming into operation. Those commitments are of a political character and Russia does not want to see them form part of the Adaptation Agreement and hence does not want to make its entry into force conditional on their implementation.

Although Russia has not fully implemented its commitment to withdraw its forces from the territory of Georgia and Moldova, it is certainly inching toward full compliance.⁴⁶ Russia is actually of the view that ‘we have ... confirmed in documents, ... that the Russian Federation has fulfilled without exception all of its commitments related to the CFE Treaty’.⁴⁷ The US has maintained the opposite view: ‘... a basic principle of the CFE Treaty is the right of sovereign states to decide whether to allow stationing of foreign forces on their territory. Moldova and Georgia have made their choice: the forces should depart, and all OSCE member states should respect that choice and support them in it.’⁴⁸ The May 2005 agreement to withdraw Russian forces from Georgia may open a window of opportunity again. Movement was demonstrated by a statement issued by the twenty-six members of NATO: ‘We recall that fulfilment of the remaining Istanbul commitments on the Republic of Georgia and the Republic of Moldova will create the conditions for NATO Allies and other States Parties to move forward on ratification of the Adapted CFE Treaty. In this context we welcome the important progress achieved by Russia and Georgia ... on issues related to the withdrawal of Russian forces.’⁴⁹ Even if this problem is eliminated, those elements of arms control that have their roots in the Cold War would not bring about a change big enough to set the full politico-military dimension of the OSCE into motion.

The last time the OSCE adopted a new set of confidence-building measures, at its Istanbul summit meeting in November 1999, the most important innovation of the document adopted then (the Vienna Document) was that it agreed upon regional measures. It declared that the ‘participating states are encouraged to undertake, including on the basis of separate agreements, in a bilateral, multilateral or regional context, measures to increase transparency and confidence ... Taking into account the regional dimension of security, participating states, on a voluntary basis, may therefore complement OSCE-wide confidence- and security-building measures through additional politically or legally binding measures, tailored to specific regional needs.’⁵⁰ The conditions for agreeing upon such regional measures are more or less self-evident. These conditions should: (a) be in accordance with the basic OSCE principles, as enshrined in its documents; (b) contribute to strengthening the security and stability of the OSCE area, including the concept of the indivisibility of security; (c) add

46. This has resulted in a limited breaking up of the Transatlantic consensus that NATO member states are not going to ratify the Adaptation Agreement until Russia complies fully with her commitments, including her political commitments. At the Ministerial Council, attention was drawn to ratification in order to counter the erosion of the treaty system. Rede des Bundesministers des Auswärtigen beim Ministerrat der OSZE in Laibach am 5 Dezember 2005, p. 3.

47. OSCE Ministerial Council, Ljubljana 2005, Statement by the Delegation of the Russian Federation, 6 December 2005, p. 1. MC (13).JOUR.2, 6 December 2005 Annex 5.

48. Intervention at the Thirteenth OSCE Ministerial Council, as delivered by Under-Secretary for Political Affairs R. Nicholas Burns to the Council, Ljubljana, 5 December 2005, p. 3.

49. OSCE Ministerial Council, Ljubljana 2005, Statement by the Delegation of Norway, MC (13).JOUR/2 Annex 3.

50. Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures, FSC. DOC/199, 16 November 1999.

to existing transparency and confidence; (d) complement, not duplicate or replace, OSCE-wide CSBMs or arms control agreements; (e) be in accordance with international laws and obligations; (f) be consistent with the Vienna Document; (g) not be detrimental to the security of third parties in the region.⁵¹ The only element of this set of conditions that requires further elucidation is the fact that regional (including sub-regional/bilateral) CSBMs should 'contribute to the ... indivisibility of security'.⁵² When states agree upon additional subregional or bilateral arms control measures in a region where the level of regional (all-European) arms control commitments is the highest in the world, it is partly a demonstration of varied security needs and hence, indirectly, a demonstration of the fact that European security is not indivisible. More precisely put, those elements of security that can be addressed by arms control measures do not provide for the indivisibility of security; thus, the perception of the indivisibility of security in Europe is weakened. It is furthermore obvious that the provision in the Vienna Document quoted above is due to a diplomatic compromise aimed at beefing up the conditions of sub-regional/bilateral CSBMs. This major step taken by the participating states could be interpreted in a variety of ways. It can be regarded as a positive contribution to further enriching CSBMs in the European context. It may be even more important that the OSCE countries wanted to acknowledge the varied security situation of the participating states. In this way it was underlined that whereas there is a need for CSBMs in some parts of the OSCE area, they are not necessary elsewhere. As regional measures complement Europe-wide measures this is not a sign of subsidiarity. It is a demonstration that the fragmentation of European security makes differentiation necessary also with regard to CSBMs.

The rationale for OSCE-wide measures has undergone a change as NATO has expanded to include new member states which accept its democratic principles and partnership mechanisms. These states no longer demand additional confidence-building among themselves (unlike Greece and Turkey among the 'old' members⁵³). Had they given the indication that they needed some special CSBMs in the bilateral or sub-regional contexts the conclusion might be drawn that although they have become members of the alliance they still face some rivalries that make them liable to be security risks. It may be concluded that CSBMs are not there to indicate the persistence of security risks,

51. *Ibid.* (142).

52. *Ibid.* (142.2).

53. For the bilateral CSBMs agreed upon between the two, see Zdzisław Lachowski, *Confidence and Security-Building Measures in the New Europe*. SIPRI Research Report No. 18 (Oxford: Oxford University Press, 2004), pp. 151-55.

they are there to further security. However, this view is not shared generally. It is also to be expected that some bilateral CSBMs adopted before NATO accession will be phased out in the coming years. (The termination of the 1998 Hungarian-Slovak CSBM agreement in January 2005 was a good example, and the forthcoming termination of the Romanian-Hungarian bilateral Open Skies Agreement continues the trend.) It is arguable that bilateral and subregional CSBM accords do not necessarily have to be terminated upon accession to the Alliance and such a decision should be left to the parties – particularly, as the existence of their bilateral CSBMs is not an indication of a security problem but a demonstration of their security cooperation. Furthermore, such bilateral CSBMs, like the unique Romanian-Hungarian Open Skies Agreement, can set an example to countries in other parts of the world. It would be misleading to conclude that the formal accession to the same alliance eliminates the need for CSBMs. The approach that there is no need to have regional/bilateral CSBMs between parties that have joined the same alliance is propagated by some countries, which mistakenly regard the continuation of arms control arrangements in the Alliance that existed before those states joined NATO as the persistence of a security problem. The latter position is part and parcel of a broader agenda that plays down the importance of arms control in international security.

The role of arms control in post-conflict settlement

When it was concluded that it was no longer a major clash between two military blocs that would jeopardise European security, but rather local and sub-regional conflicts, there remained the question of what the role of arms control in post-conflict settlements would be. There was one conflict which was ripe for resolution: the war in the former Yugoslavia, with emphasis on the three main players in Bosnia and Herzegovina (Bosnia itself, Croatia and the then Federal Republic of Yugoslavia). The resolution was made possible by peace imposed upon the region in the Dayton Agreement and the peace operation established on the territory. Later, it became apparent that the introduction of arms control measures and their extensive on-site monitoring might contribute to stabilisation, particularly if the effectiveness of monitoring is increased by a permanent military presence. This does not bring about stabil-

ity, however, unless the sources of conflict are addressed. This happened partly in the year 2000-2001 when within the space of twelve months three major players of the conflict in the former Yugoslavia disappeared from the political scene.⁵⁴ It will also happen in the second half of the first decade of the present century if the pending status and statehood issues of the former Yugoslavia (specifically the status of Kosovo and Montenegro) are resolved to the satisfaction of all parties and if destabilisation does not have a snowball effect.

Two agreements were subsequently concluded. One on confidence-building measures in January 1996, the other on arms limitations in June 1996. The former largely benefited from the 1994 OSCE document on CSBMs, the latter from the CFE Treaty, both post-Dayton documents reproducing some structures from the former two. Without the European 'technology' of conventional arms limitations and CSBMs, the two arrangements would have been extremely difficult to achieve generally or in such a short period of time. The implementation of both agreements was highly successful. This was certainly due to the facilitating role played by the foreign forces controlling the territory where arms reductions had to take place and transparency measures implemented. Although it may be argued that the populations affected by the conflict were tired of violence and in that sense the conflict was 'ripe for resolution', it is more important to consider the role of extensive foreign military assistance in the implementation of limitations and confidence-building measures. If one concludes that the implementation of such measures, which has certainly fostered neighbourly relations, was conditional on foreign military presence then we are presented with a picture that does not promise too much as regards indigenous solutions for frozen conflicts. If, however, one takes the view that the parties would have returned to normality one day with or without external (including military) assistance, then the conclusion is entirely different.

It is correct to conclude that conflicts that have gone on for a long time usually have lasting repercussions on the parties following their formal resolution. This is no doubt the case not only in the former Yugoslavia but also in some parts of the South Caucasus and elsewhere. Hence, the normalisation or re-establishment of good neighbourly relations should not be fostered only by external players, states and international institutions alike, *until a*

54. President Franjo Tudjman of Croatia died, President Alija Izetbegovic of Bosnia and Herzegovina resigned from his post whereas President Slobodan Milosevic of Serbia fell from power and was later extradited to The Hague.

formal resolution comes about, but also afterwards. In the case of Bosnia and Herzegovina, the reconciliation of the parties forming the Federation has been demonstrated so successfully that at their review conference in June 2004 the parties agreed that the changed circumstances had made the Agreement obsolete in practice, and that they would immediately cease to apply most of the measures and terminate the agreement by 29 September 2004.⁵⁵ It is a further demonstration of reconciliation that a single army could soon be set up extending to two composite entities of the Federation. This change will have to have some bearing upon the arms limitation agreement agreed on the basis of the Dayton peace accord as well (as that agreement regulated force ratios between the entities of Bosnia and Herzegovina among others, the merging of the armed forces of the country now makes these ratios irrelevant).

In the light of the success of the post-Dayton arms control arrangements in the former Yugoslavia, experts advocate that similar arrangements should form part and parcel of agreements designed to end conflicts elsewhere. The question arises as to how many conflicts we are going to have to deal with in Europe, which could be influenced by arms control measures among others. How could conflicts be made 'ripe for resolution'? It does not reduce the importance of arms control measures if there are only a few cases where they can be used effectively.⁵⁶ It may reduce the contribution of arms control to neighbourly relations and regional security, however. Furthermore, if there are only a few cases where arms control (meaning both structural and operational arms control measures) in the broad sense could contribute to conflict settlement, it may make it difficult to present this as a new function of arms control. This is certainly the case in the European context. There are very few international conflicts where arms control could contribute to resolution. It is certain that arms control could be an integral part of the settlement of inter-state conflicts. If political conflict resolution is not achieved there is no room for a settlement that entails arms control. Although this may not be fatal for neighbourly relations, it may contribute to arms control losing its relevance.

Arms control, including CSBMs, has demonstrated that it can play an important role in post-conflict stabilisation in Yugoslavia. There have been examples when CSBMs demonstrated their ability to contribute to improving the political atmosphere during the

55. See Heinz Vetschera, 'Mission accomplished in Bosnia and Herzegovina: Agreement on Confidence- and Security-Building Measures declared obsolete', *OSCE Magazine*, vol. 2, no. 2, June 2005, pp. 28-30.

56. On the basis of the experience gained from the agreements under the Dayton accord it is concluded that there 'is some reason to believe that similar agreements might have a similarly positive effect in the southern Caucasus'. See Neil MacFarlane, 'Arms Control, Conflict and Peace Settlements: The Caucasus', in Keith Krause and Fred Tanner (eds.), *Arms Control and Contemporary Conflicts: Challenges and Response* (Geneva: HEI, 2001), p. 50.

conflict phase. CSBMs were applied during the Kosovo intervention and were at least a partial success. A step forward was made by Russia in a voluntary, one-off event in 2000 when it arranged an observation visit by representatives of other European states to an area of 'ongoing military activities' in Chechnya. As a follow-up, Russia proposed a procedure for triggering verifiable CSBMs in crisis situations in its model for a modernised Vienna Document. Other states have been either reluctant or unable to make use of such measures in voluntary schemes.

A new arms control agenda

It seems the future of CSBMs in Europe is in the context of subregional and bilateral arrangements. This fact provides evidence that the agenda of narrowly defined CSBM agreements has been exhausted and there is no reason to negotiate further Europe-wide accords. This does not exhaust the CSBM agenda in Europe. It certainly causes one problem, however. The rejuvenation of the OSCE requires measures which attract political attention and provide visibility. Subregional and bilateral CSBMs do not belong to this category.

There is an emerging arms control agenda closely integrated with human security: addressing landmines, small arms and light weapons, including MANPADS. The OSCE has addressed these matters and adopted various documents. In this manner, it has contributed to the new arms control agenda that has been recently shaping global arms control. On landmines, OSCE participating states were aware of the priority of the convention on anti-personnel landmines and adopted a complementary measure. This fostered ratification of the convention, although a number of OSCE participating states have not yet ratified it, for various reasons. The list includes, among others, Russia and the United States as well as Poland and Ukraine.⁵⁷

The OSCE document on small arms and light weapons adopted in November 2000 reflected the recognition of the responsibility the participating states have for the production and the spread of such weapons globally. It was the main objective of the participating states to combat their illicit trafficking, without affecting legal access to them. It was followed by a set of best-practice guidelines on different areas relating to various stages of the service life of small arms and light weapons. A handbook compil-

57. Armenia, Azerbaijan, Finland, Georgia, Kazakhstan, Kyrgyzstan and Uzbekistan are also OSCE participating states, not parties to the treaty as of 20 December 2005. See www.icbl.org/treaty/snp.

ing these guidelines was published. The handbook is intended to help governments, NGOs, and international organisations to address the matter.⁵⁸

It has been known ever since Afghan irregulars used man-portable air defence systems against the Soviet forces in the 1980s how dangerous these weapons are, and also how cheaply they can be employed against valuable targets, including civilian planes. That their eventual use by terrorists against civilian aircraft was no longer a purely abstract concern was demonstrated however after an Israeli charter plane was targeted by a MANPADS in Kenya in November 2002. The OSCE subsequently agreed that participating states adopt the principles developed by the Wassenaar Arrangement, the agreement on export controls for conventional arms and dual-use goods and technologies.⁵⁹

The politico-military dimension is not confined to arms control, however. When the CSCE existed primarily as a conference, it provided a forum for an extensive security dialogue that certainly contributed to mutual understanding. The CSCE/OSCE in the post-Cold War era, although it has retained this element, has a broader agenda. As the channels for exchanging views have multiplied due, among other reasons, to extensive military-to-military exchanges between major players of Euro-Atlantic politics, there has been a relative decline in the visibility of this aspect of OSCE cooperation. This despite the fact that there are relevant military-political developments that it would be worthwhile to address. Strategic concepts have changed, pre-emptive doctrines have been put into practice and applied in some countries and the laws of war have been more extensively violated by armed forces of OSCE participating states than ever before in the name of the 'war on terrorism' and certainly not only by the state that declared that war. Nevertheless, there has been little high-level exchange in the framework of the organisation. At the Sofia Ministerial Council in December 2004, Russia put forward an idea to hold a 'high-level seminar on military doctrines and defence policy in the OSCE area', especially in the context of NATO's recent enlargement.⁶⁰ This was an idea that was worth considering. The Forum on Security Co-operation (FSC) passed a decision in June 2005 and the two-day seminar was subsequently held on 14-15 February 2006.⁶¹ Some experts expected that the seminar 'might be the right place to identify a future-oriented arms control agenda including a review of the 1999 Vienna document'.⁶² Fortunately, the seminar

58. See OSCE *Handbook of Best Practices on Small Arms and Light Weapons* (Vienna: OSCE, 2003). See at www.osce.org.

59. Zdzislaw Lachowski and Pál Dunay, 'Conventional arms control and military confidence-building', in *SIPRI Yearbook 2005: Armaments, Disarmament and International Security* (Oxford: Oxford University Press, 2005), pp. 659-60. For more details see www.wassenaar.org.

60. Statement by Russian Minister of Foreign Affairs Sergei Lavrov at the Twelfth Meeting of the OSCE Ministerial Council, Sofia, 7 December 2004, p. 2. Available at www.mid.ru

61. 'Decision No. 3/05 Dates of the OSCE Seminar on Military Doctrine', FSC.DEC/3/05, 29 June 2005 and Decision No. 9/05 of the Ministerial Council on the OSCE Seminar on Military Doctrine.

62. Wolfgang Zellner, 'The Reform of the OSCE: Problems, Challenges and Risks', in Victor-Yves Ghébal and Daniel Warner (eds.), *The Reform of the OSCE 15 Years After the Charter of Paris for a New Europe: Problems, Challenges and Risks*, PSIO Occasional Paper 2/2006 (Geneva: HEI, 2006), p.91.

took a far broader agenda and achieved its objective of getting a dialogue on military doctrines started again in the OSCE.⁶³

The role of the OSCE in conflict resolution

The OSCE has been a major contributor to conflict prevention, crisis management and post-conflict rehabilitation. Its strength in conflict prevention cannot be measured without paying attention to those instruments that have been established in other areas, like the High Commissioner on National Minorities (HCNM). The post was established to address the most prominent conflict source of the 1990s through mediation and low-profile conflict mitigation. Whether the activity of the HCNM effectively contributed to conflict prevention in the context of conflicts that would have become either politically more significant or eventually violent without the involvement of the HCNM is not easy to answer.⁶⁴ This is for the simple reason that conflict prevention is not a visible activity, when successful. The factor of invisibility creates certain problems, as those conflicts whose prevention was assisted with the involvement of the OSCE do not, regrettably, contribute to the profile of the institution.

The OSCE is a major contributor to carrying forward the resolution of frozen conflicts in the post-Soviet space. It is partly due to the frameworks established by the OSCE (e.g. the Minsk group), and partly due to the fact that they have been the focus of international attention more broadly, that these conflicts have remained frozen for such a long time. The conclusion could be drawn that the vigilance of the OSCE probably significantly contributed to the fact that these conflicts have not erupted again. Without its steady attention conflicts could have easily re-erupted into violence. It is arguable that more could have been done in order to move the conflicts closer to resolution. Some recent developments have indicated, however, that some major changes in state policies may be required to bring about a departure from the current stalemate. It seems that some major rearrangement in the situation/domestic politics of some states involved in or having an impact on a given conflict is essential to move the conflict towards resolution. Good examples are the successful resolution of the conflict in Adjara due to the (in this case successful) policy of the new Georgian leadership or the potential repercussions of the changes in Ukraine on Transnistria's neighbourhood. Although

63. OSCE Press Release, 'Seminar on Military Doctrine promotes transparency, openness', Vienna, 14 February 2006.

64. It is correct to conclude, however that the HCNM had a major impact upon the relations between minorities, their state of residence and the state where the majority of the population shares the nationality of the minority. Several empirical reports were published on this topic by CORE. See at www.core-hamburg.de

some of those separatist conflicts still linger on they are not central to European security.

The OSCE should provide a forum for the communication that may facilitate the settlement of these conflicts. Some frozen conflicts temporarily give the superficial impression that they are closer to resolution than was previously the case. Currently, this seems to be the case as regards the Nagorno-Karabakh conflict⁶⁵ whereas some others (Abkhazia, South Ossetia and Transnistria) give less the impression of moving toward resolution. It is obvious, however, that frozen conflicts will not be resolved by offering 'carrots' exclusively. It is equally important to use sticks eventually. These are not in the hands of the OSCE, however. Furthermore, the cooperation of the main actors is an indispensable precondition of any settlement.

The OSCE could be identified as a complementary channel to keep the attention of its participating states focused on those conflict zones and demonstrate to the parties that the OSCE, as an organisation with comprehensive membership in the Euro-Atlantic area, closely monitors developments in these regions. It is in the area of the management of political conflicts, more than in any other field of activity of the OSCE, that it is easy to trace the division of labour and the prominent role of the major players of Euro-Atlantic politics. Notably, the OSCE has played the role of vector among the main players, i.e. the US, the EU and the Russian Federation (the latter often being a party to conflicts as well as a regional great power). The more those players that have significant leverage in the conflict region engage in conflict management and in driving the conflicts towards resolution the better the chances are of moving the conflicts out of their frozen status. This has been demonstrated in Georgia where the determination of the central government combined with external attention has brought about some change. It was a welcome development that the OSCE Ministerial Council meeting of December 2005 could agree upon a statement⁶⁶ as a demonstration that some of Georgia's conflicts have been moving out of the stalemate, although temporary setbacks cannot be ruled out. No such movement is observable in Moldova, however, although the EU has been paying increased attention to this area lately.

Europe as a whole can live quite comfortably with frozen conflicts. This is one of the factors that some of the conflicting parties should recognise. Apparently, however, this is not the case. This is

65. A number of participants made very optimistic statements concerning the Nagorno-Karabakh conflict at the December 2005 OSCE Ministerial Council meeting: 'The Nagorno-Karabakh crisis may see major progress in the very near future', Speech by Benita Ferrero-Waldner, at the Thirteenth OSCE Ministerial Ljubljana, MC.DEL/9/05, 5 December 2005, p. 1.

66. OSCE Ministerial Council, Ljubljana 2005, Statement on Georgia. MC.DOC/4/05, 6 December 2005.

partly due to the fact that the parties assume sufficient attention will be paid to their conflict to ‘rescue them’. This is the classical tunnel-vision familiar to everybody who has ever experienced negotiating training or exercises. Another reason is that the termination of the conflict runs counter both to the interests of certain elements inside the conflict zone and in the world at large. As is the case with conflicts in other regions of the world, there are spoilers who would lose status, economic benefits or both if the conflict came to an end. In the case of all frozen conflicts it is possible to identify spoilers, among others in the establishment of those ‘de facto’ states, which have been in existence for more than a decade on the territory of Armenia, Georgia and Moldova.⁶⁷ It is important, however, that the conflict zones, despite their unrecognised and unrecognisable status, should not remain black holes on the map of Europe. There should be increased vigilance to prevent lawlessness prevailing in some of these areas, and to prevent them becoming sources of organised crime, including trafficking. If peace operations exist in these areas they should have a strong police element.⁶⁸ The fact that there is no effective state responsibility in those areas does not mean efforts cannot be made to prevent the spread of transnational threats from them. More positively, rehabilitation efforts and development projects could improve living conditions in those areas. The OSCE could foster these politically.

Confronting transnational security concerns

The main security concerns are of a transnational character nowadays. It will primarily depend upon how these are addressed whether the politico-military dimension will regain its relevance. They include terrorism, organised crime and various forms of trafficking. They are interlinked. Organised crime networks are often involved in financing terrorist groups and trafficking is actually a specific form of organised criminality. When addressing these matters it is necessary to take into account the fact that they are both of a cross-dimensional and global character, and that they take advantage of a benign environment if state capacity is weak and the level of corruption is high.⁶⁹ All this means that addressing these matters requires long-term attention, often cooperation with non-participating states and fostering the building of state capacity, including the capacity to fight corruption.

67. See Dov Lynch, *Engaging Eurasia's Separatist States: Unresolved Conflicts and De Facto States* (Washington, DC: United States Institute of Peace, 2004).

68. See Dov Lynch, ‘New thinking about “frozen” conflicts’, *Helsinki Monitor*, vol. 16, no. 3, 2005, p. 194.

69. Similarly Wolfgang Zellner, ‘Addressing transnational threats and risks – A key challenge for the OSCE’, *Helsinki Monitor*, vol. 16, no. 3, 2005, p. 215.

Terrorism is the primary threat to global security nowadays and many OSCE participating states, ranging from the US, the UK and Spain to Russia and Uzbekistan, are targeted by terrorism. The OSCE has made a fair effort to address this issue in its *acquis* since 2001. Bearing in mind the objective importance of the matter and also the significance several participating states attribute to it, it is unimaginable that it would not continue to do so. As the OSCE does not have operational capacity to fight terrorism, its role will have to remain supplementary in this area. Establishing a focal point in the OSCE to address the matter would certainly not go amiss.⁷⁰

The activity of the OSCE will remain confined to adopting certain political documents, helping countries to build capacity, and engaging more effectively in global efforts through the transfer of knowledge, for example in guaranteeing that the acceptance of the twelve conventions that address terrorism would be generally recognised by the participating states. In spite of the limited if not marginal role of the OSCE in this area, it is necessary to maintain its role in order to share knowledge with regard to alternative ways of addressing terrorism. This is of particular importance when two major players of the OSCE, the US and the Russian Federation, see eye to eye in this area and tend to over-emphasise the importance of military force in fighting terrorism, stressing the imperative need to ‘cripple the ability of terrorists to operate’.⁷¹ Under the current conditions and in the light of the operational activity that countering terrorism should entail, there is no reason to expect more than a minor supplementary role for the OSCE in this field.⁷²

It has to be noted that terrorism as the dominant theme of international security of our time has also become something of a buzzword. Countries refer to certain activities as ‘fighting terrorism’ in order to gain recognition. At the OSCE Ministerial Council of December 2005 it was the Foreign Minister of Uzbekistan who found it necessary to draw attention to ‘double standards’ in the assessment of the anti-terrorist activities of states. According to him, the OSCE ‘has done essentially nothing to evaluate the unprecedented terrorist action that took place in Andijan in May 2005’.⁷³ This is certainly an interesting interpretation of what constitutes a terrorist act.

It is in other areas, like fighting organised crime, including trafficking and corruption, where the OSCE could make a difference.

70. In spite of the undeniable importance of appointing an official dedicated to addressing terrorism, it raises the point whether it is organisationally sensible to increase the number of functions and further increase the need of horizontal coordination inside the organisation.

71. Ekaterina Stepanova, ‘The OSCE and US-Russian Co-operation in the Fight Against Terrorism’, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002* (Baden-Baden: Nomos Verlag, 2003), p. 70.

72. Similarly, Gudrun Steinacker, ‘The Role of the OSCE as a Regional Security Organisation in Combating International Terrorism’, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003* (Baden-Baden: Nomos Verlag, 2004), pp. 89-93.

73. Statement by the Head of the Delegation of Uzbekistan at the Thirteenth Meeting of the OSCE Ministerial Council, Ljubljana, 5-6 December 2005, p. 2. The Russian original of the statement is slightly different and reads as follows: ‘the OSCE “has not given principled assessment of the unprecedented terrorist attack carried out in Andijan in May 2005.”’ Vystuplenie glavy delegatsii Uzbekistana na vstreche SMID OBSE [Address of the Head of Delegation of Uzbekistan at the Meeting of the Foreign Ministers of the OSCE], Ljubljana, 5-6 December 2005, p. 2.

For two reasons: (i) it has developed some capacity to address some of these phenomena, particularly human trafficking, hence competence in this area has gradually increased in the OSCE; (ii) as the matter is lower on the list of other organisations' security concerns than terrorism, the stage is 'less crowded', i.e. there are fewer organisations which address this issue in the European context. As with every transnational security problem, these are cross-dimensional matters. They are just as close to this politico-military dimension as to the humanitarian one.

The OSCE has made addressing human trafficking a priority first in the context of the Western Balkans and, subsequently, more generally. It is not only necessary to emphasise that it is an emerging matter of increasing importance. It is also linked to some other transnational threats, like other forms of trafficking. Although there are national organs and some international bodies addressing the matter operationally, the OSCE has made a unique contribution through heightening awareness and politicising the matter in the European context.⁷⁴

The OSCE could develop competencies and transfer national knowledge to help the capacity-building of those states willing to address corruption. Here again success is contingent upon the willingness of participating states affected by this phenomenon. The EU has regularly brought this phenomenon to the attention of candidate countries and some states of the Western Balkans and will certainly continue to do so in the framework of European Neighbourhood Policy. Some NGOs, primarily Transparency International, have been doing a lot to increase knowledge and raise consciousness. There is room for further activity, however. It is apparent that the response of countries where corruption is inherent in state structures up to the highest level of government will amount to no more than lip service. In fact, it may be necessary to remove corrupt structures before such attitudes change. The words of the new President of Kyrgyzstan, who has said that corruption 'has penetrated so deeply into all aspects of our lives that we will have to continue addressing this problem for a long time to come'⁷⁵ serve as a forcible reminder of the scale of the problem. Without adequate political conditions it is impossible to address the matter. As addressing it effectively would inevitably involve an element of intrusion, this would leave the OSCE open to accusations of interference in the affairs of other states in some quarters. As fighting corruption would entail the transfer of knowledge by

74. For a good overview of its aspects see Helga Konrad, 'Trafficking in human beings – the ugly face of Europe', *Helsinki Monitor*, vol. 13, no. 3, 2002, pp. 260-71.

75. Kurmanbek Bakiev, 'Kyrgyzstan: Counting on the OSCE', *OSCE Magazine*, vol. 2, no. 2, June 2005, p. 15.

some participating states to some others it would be possible again to interpret this negatively in terms of a relationship of ‘mentors and pupils’.⁷⁶ Such language would be used only by those in this context who want to find pretexts for inaction and deny the value of the cooperative transfer of knowledge in this area.

All in all, the politico-military dimension is not bankrupt although it would certainly benefit from the reinforcement of its agenda. The necessity of this was recognised at the December 2005 OSCE ministerial meeting in Ljubljana where many of the nineteen decisions taken addressed such matters. These extended to combating transnational organised crime, combating the threat of illicit drugs, human trafficking, enhancement of legal cooperation in criminal matters to counter terrorism and improve container transportation security and further efforts to implement the OSCE Documents on Small Arms and Light Weapons and Stockpiles of Conventional Ammunition.⁷⁷ Some other decisions address multi-dimensional matters, for example the one on ensuring the highest standards of the conduct and accountability of persons serving on international forces and missions.⁷⁸ Judged exclusively on the basis of the decisions of the Ministerial Council, one could conclude that the politico-military dimension is far from moribund. It should also be noted that many of these matters are cross-dimensional, particularly those that have relevance for the long-term missions of the OSCE.

It is obvious that there are threats and risks which are emerging on the European agenda and others which are no longer relevant. The CSBMs agreed upon in the 1980s and 1990s and the CFE process are not being neglected due to subversive intent, they are in decline because they are not addressing the primary security concerns. Later, the CSCE’s/OSCE’s apt response to various inter-ethnic and separatist conflicts in the post-Cold War era contributed to the vitality of the politico-military dimension.

Although the politico-military dimension of the OSCE has lost some of its appeal compared to the status it enjoyed during the Cold War era, it has not become irrelevant. It would be wrong to conclude that it has lost its importance and that it is ignored by many participating states. The Minister for Foreign Affairs of the Russian Federation articulated this rather jaundiced view of the current state of this dimension of the OSCE when he recently remarked: ‘total “calm” prevails in the politico-military branch of the OSCE’s activities. Yet, precisely arms control and confidence-

76. This terminology is used by Russian Foreign Minister Sergei Lavrov, ‘Reform will enhance the OSCE’s relevance’, *The Financial Times*, 29 November 2004, p. 13.

77. Decisions No. 3/05, 5/05, 13/05, 4/05, 6/05 and 8/05, respectively.

78. Decision No. 16/05.

building measures constitute the “exclusive proprietary label” of the OSCE.⁷⁹ However, Russia’s view appears much less valid if those activities of field missions which are related to the political dimension – preventing potential conflicts and addressing frozen ones – are also taken into account. If the OSCE could address some transnational threats that partly belong to the realm of the politico-military dimension, its contribution could be more significant than is currently the case.

This was demonstrated when the OSCE Ministerial Council of December 2005 addressed a matter that lies at the intersection of inter-state relations and transnational threats/cooperation: the border security and management concept. This is certainly innovative. It remains to be seen how the OSCE will be able to make a difference in this field by fostering cooperation, particularly in areas where borders are regarded more as lines of division than of cooperation.⁸⁰

The economic-ecological dimension

According to its own definition, the task of the OSCE ‘involves monitoring of economic and environmental developments among participating states, with the aim of alerting them to any threat of conflict; and facilitating the formulation of economic and environmental policies and initiatives to promote security in the OSCE area, particularly in participating states that are involved in a process of transition...’⁸¹ The dimension has largely been an orphan of the CSCE/OSCE. This is partly because the structure of international relations in the Cold War and the incompatible economic structures did not make progress possible in this area. Following the end of the Cold War, countries in economic transition needed external support for their transformation. Due to lack of resources, the CSCE could not provide such support. This was recognised by the then Chairman-in-Office: ‘...it is true that the OSCE has neither the personnel nor the financial resources for major projects with economic elements. It is not a funding institution nor does it manage economic development projects. Other organisations are well placed to do this and are already active. But the OSCE can act as a political catalyst, to identify potential economic or environmental trouble spots, and mobilise states and other organisations into taking concrete actions.’⁸² Furthermore,

79. Statement by Mr. Sergei Lavrov, Minister for Foreign Affairs of the Russian Federation, at the Thirteenth Meeting of the OSCE Ministerial Council, Ljubljana, 5 December 2005, MC.DEL/16/05, p. 3.

80. OSCE Ministerial Council, Ljubljana 2005, Border Security and Management Concept: Framework for Co-operation by the OSCE Participating States, MC.DOC/2/05.

81. OSCE, *OSCE Handbook*, 3rd edition (Vienna: OSCE, 2000), p. 133.

82. Address by H.E. Mircea Dan Geoana, Minister of Foreign Affairs of Romania, Chairman-in-Office of the OSCE to the Permanent Council, Vienna, 11 January 2001, p. 3.

the CSCE/OSCE was not the organisation that could provide the vision needed to meet the main aspirations of the transition countries. Both of these functions fell primarily to the EU. It seems history repeats itself and the states of the Western Balkans and the Western NIS also put their eggs into the EU basket. Bearing in mind the resources at the disposal of the EU as compared to the OSCE, it is obvious that certain types of assistance cannot be provided by the latter. With regard to the economic dimension, the OSCE should not duplicate the work of other more appropriate organisations, like the World Bank or the EBRD. Hence, expectations concerning the economic dimension of the OSCE will have to remain limited.

All this does not mean that the OSCE cannot help, assist and facilitate certain processes. In well-defined areas dealing with specific topics it is possible that the OSCE could contribute. It seems Central Asia, the only territory of the OSCE area that has no established status with the European Union, could be the priority geographical area in the field of economic assistance. Particular attention should be paid to those states which do not have a rich natural resource base and are going through transition. Russia, which is anxious to demonstrate that dimensions other than the humanitarian can be important in the OSCE, put forward a proposal to convene a conference to 'discuss problems such as the development of international cooperation in the energy sector, the strengthening of overall security in relation to energy supplies and deliveries, and the promotion of efficient energy-saving measures'.⁸³ It is possible that Russia intends to have such a meeting in order either to highlight the viability of the economic dimension or to demonstrate Russia's importance for the energy security of the OSCE area. Bearing in mind the problems the world (including the fifty-five participating states) faces there is no reason not to consider the initiative positively. Russia has expressed its disappointment that its proposals on energy security have not been approved, because of what it describes as 'artificial linkages and an unworthy political haggles'.⁸⁴

Although the issue of corruption was mentioned in the context of politico-military security, it goes without saying that it could be interpreted as a phenomenon that also has relevance in the context of the economic-ecological dimension. It has been pointed out that there is 'a dramatic correlation between the corruption perceptions index ... and the Environmental Performance Index'.⁸⁵ The link

83. Statement by Russian Minister of Foreign Affairs Sergey Lavrov, Sofia, December 7, 2004, *op. cit.*, p. 3.

84. Statement by the Delegation of the Russian Federation, *op. cit.*, p. 2.

85. Thomas L. Price, 'The OSCE's economic dimension', *op. cit.*, p. 168.

between corruption and long-term economic prosperity in the light of the global movement of investments could be just as well established.⁸⁶ If the OSCE could pay more attention to these matters in an area largely untouched by other regional organisations, it would do a service both to itself and to populations deprived of prosperity by corrupt elites.

The same constraints characterise the ecological dimension, where cooperation should be fostered to improve quality of life and prevent lack of cooperation among states worsening their citizens' quality of life and possibly leading to conflict. The sharing of water resources is certainly a matter worthy of attention in the Central Asian context.

In spite of these niches where the OSCE could act, it is probably realistic to start out from the sceptical assumption that this dimension 'remains the neglected child of the OSCE because the overwhelming majority of participating states view its role as a political "catalyst" for the activities of more relevant organisations'.⁸⁷

The human dimension

The OSCE Handbook defines this as 'commitments made ... to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout the OSCE area.'⁸⁸ The human dimension has always been one of the most important aspects of the activity of the CSCE/OSCE. During the Cold War, in the context of the East-West conflict, the OSCE regularly criticised the East for lack of democracy and disrespect for human rights. Major change occurred with the emergence of mechanisms to monitor the implementation of commitments in the human dimension and then with the establishment of institutions in this field. The institutional expansion of the OSCE was most remarkable in this area. There are a large number of institutions of various kinds acting here. Each has made its contribution to Europe becoming what it is today.

The post of the High Commissioner on National Minorities was established at a time when the issue of national minorities was identified as the primary source of conflict. Over the last twelve years it has been a major success story of OSCE conflict mitiga-

86. It is necessary to mention for safety's sake that a rich natural resource base may modify this. If, however, the rich natural resource base is accompanied by severe shortcomings in governance and high propensity to corruption then the benefits may not be reaped and certainly will not reach broad strata of the population.

87. Victor-Yves Ghebali, 'The Russian factor in OSCE crisis: A fair examination', *Helsinki Monitor*, vol.16, no.3, 2005, p. 185.

88. OSCE Handbook, op. cit., p. 101.

tion. Nowadays, when the conflict potential inherent in national minorities is reduced, particularly in Central Europe due to a largely successful transformation of the countries involved, it is possible to facilitate interethnic relations in other geographical areas where the legacy of history makes this necessary. The area of activity could include for example zones of frozen conflicts where the situation means that practising language rights is difficult. There is one area where the activity of the HCNM is of particular importance, both objectively and in order to reduce Russia's sense of alienation with regard to the OSCE. Since the closing of the OSCE missions in Estonia and Latvia in 2001, it has been necessary to pay particular attention to the situation of national minorities in these countries (partly also to counter Russian allegations that the OSCE is biased).⁸⁹

Beyond this, there are certain issues belonging to the human dimension which are higher on the agenda than other ones. It would make sense to put on the agenda those issues that are put forward by countries other than the highly developed democracies. Within the human dimension, Russia and some other countries of the former Soviet area have put forward a proposal that aims to modify the agenda so that it will focus more on the detrimental consequences of EU enlargement for the Union's 'new neighbours'.⁹⁰ One issue in particular needs to be addressed here, namely that an enlarging EU with its current visa policy certainly limits the free movement of persons. If the issue of free movement of persons was an issue throughout the Cold War era when it was clearly in the interest of the West to debate the matter, it would be difficult to deny the importance of the same issue nowadays. This is certainly a question that the OSCE, as a pan-European institution, should address. However, this should not be done *instead* of addressing other human-dimension matters, but *in addition* to them.

Election monitoring and domestic politics

The OSCE has been pursuing a democratisation agenda in recent times. The observation of elections is an integral element of this and the organisation is internationally recognised for setting standards in this entire domain. Election monitoring is a highly controversial activity, as it has happened that some regimes have been delegitimised when elections have not been regarded as 'free and fair'. This makes the OSCE an important actor in domestic politics

89. For an accurate overview of the High Commissioner's activities see Statement by Rolf Ekeus to the 530th Plenary Meeting of the OSCE Permanent Council, Vienna, 28 October 2004.

90. Appeal of the CIS Member States to the OSCE Partners, Astana, September 15, 2004. http://www.osce.org/documents/html/pdftohtml/17461_e_n.pdf.html

and vulnerable to criticism in some quarters that it serves the interests of certain participating states advocating change.

Although election monitoring must be carried out in accordance with high professional standards, and has taken place in at least one OSCE partner country (i.e. Afghanistan), it is open to the charge of inconsistency. For example, several thousand monitors observed the repeated second round of the Ukrainian parliamentary elections on 26 December 2004 whereas the Uzbek parliamentary elections held the same day attracted almost no interest and were observed by dozens rather than thousands of monitors. Bearing in mind the way the Uzbek state functions, it might have been expected that the OSCE would pay far more attention to the elections taking place there even if no change could be expected in the political system there at that juncture.

The OSCE has never observed the elections in Turkmenistan⁹¹ and thus never had a chance to play a role in the much-needed transformation of that country. It did monitor the elections in Uzbekistan however, albeit inadequately. Some commentators have seen the 'Orange Revolution' in Ukraine as primarily the result of American machinations behind the scenes, e.g.: 'the operation – engineering democracy through the ballot box and civil disobedience – is now so slick that the methods have matured into a template for winning other people's elections (...) the campaign is an American creation, a sophisticated and brilliantly conceived exercise in Western branding and mass marketing that, in four countries in four years, has been used to try to salvage rigged elections and topple unsavoury regimes.'⁹² Such allegedly US-sponsored attempts did not succeed however in countries whose governments demonstrated resistance and gave no chance to NGOs to influence processes prior to the elections, and then went on to fraudulently rig the elections. Leaders in such countries may well conclude that any concession to democracy may result in the destabilisation of their regime. It is hardly reassuring to see that some authoritarian regimes lose power while other dictatorships, which are even more oppressive and hardline, survive.

Furthermore, countries that have been concerned about the eventual instability following elections that were neither free nor fair have taken action to prevent the opposition from gaining ground after the elections and also to get external support. This was the case for example when Azerbaijan faced parliamentary

91. See Hrair Balian, 'Ten years of international election assistance and observation', *Helsinki Monitor*, vol. 12, no. 3, 2001, p. 203.

92. Ian Traynor, 'US campaign behind the turmoil in Kiev', *The Guardian*, 26 November 2004. www.guardian.co.uk/ukraine/story/0,15569,1360236,00.html The article mentions Belarus, the former Yugoslavia (comprising Serbia and Montenegro), Georgia and Ukraine as countries where such attempts have been made, 'successfully' in 3 out of 4 cases.

elections on 6 November 2005. As President Ilham Aliyev did not have as tight a grip on power as his father, Geydar Aliyev, it was thought that attempts to manipulate election results might unleash a scenario familiar from Georgia and Ukraine. In the event, although the OSCE and the Council of Europe concluded that the parliamentary elections ‘did not meet a number of OSCE commitments and Council of Europe standards and commitments for democratic elections’,⁹³ the outcome was different from what happened in Tbilisi and Kyiv. The Azeri authorities were better prepared to act resolutely against the demonstrators, the opposition was less organised and lacked a charismatic leader, and external support was limited (perhaps due to awareness of Azerbaijan’s strategic oil reserves and the importance of the newly opened Baku-Ceyhan pipeline).⁹⁴ Moscow, on the other hand, provided very effective ‘pre-election support’ to President Aliyev, helping him to prevent a possible *coup d’état* just two weeks before the elections.⁹⁵ Although his regime may not regain full control, it has shown that the ‘colour revolution’ method applied elsewhere may still be blocked. Russia has also drawn a negative conclusion from the monitoring of Azeri elections: ‘Russia sent a large group of its observers under the auspices of the ODIHR ... Their participation in this monitoring mission has borne out that the ODIHR works untransparently, in secrecy, and, in essence, in isolation from the collective governing bodies of the OSCE, that is from the participating states. Hence the scope for biased and politicized evaluations which are given as though on behalf of the OSCE...’⁹⁶

Russia, a country that will face elections in 2007 and 2008, has started its ‘preparations’ quite early. It has instigated an outright ban on foreign (and foreign-funded) NGOs pursuing political activity.⁹⁷ Whether or not this is an over-reaction to the regime changes of Georgia and Ukraine remains to be seen. It is certain that the election monitoring activity of the OSCE will remain the subject of controversy in the years to come.

The US emphasised at the OSCE Ministerial Meeting in Ljubljana that it ‘applauds the Office of Democratic Institutions and Human Rights (ODIHR). It is the “gold standard” worldwide in election monitoring practices.’⁹⁸ In stark contrast, Russia sees ‘the need for serious improvement in the work of the Office for Democratic Institutions and Human Rights (ODIHR). Autonomy of ODIHR has turned into a complete absence of control, and decent governments cannot accept this; otherwise members of the OSCE

93. International Election Observation Mission, Parliamentary Election, Republic of Azerbaijan - 6 November 2005: Statement of Preliminary Findings and Conclusions. www.osce.org/documents/odhr/2005/11/16889_en.pdf.

94. Aida Sultanova, ‘Officials inaugurate pipeline to ship Caspian Sea oil to Mediterranean’, *Associated Press Newswire*, 25 May 2005.

95. Laure Mandeville, ‘Moscou veut tuer dans l’œuf la révolution de Bakou’, *Le Figaro*, 14 November 2005, p. 4 and ‘Poutine reprend la main en Azerbaïdjan’, *Le Figaro*, 14 November 2005, p. 1.

96. Minister of Foreign Affairs of the Russian Federation Sergei Lavrov’s Interview with *Rossiiskaya Gazeta* for 3 December 2005 and the Slovenian Newspaper *Delo* on OSCE Reformation Problems. Available at www.ln.mid.ru, p. 2.

97. Steven Lee Myers, ‘Russians seek to put restrictions on NGOs’, *International Herald Tribune*, 24 November 2005, p. 6 and Ksenia Veretennikova, ‘Byudzhetnaya demokratiya: grazhdanskoe obshchestvo budet sozdavat’ sya za kazennyi schot [Budgetary democracy: Civil society will be organized on the account of the treasury]’, *Vremya novostey*, 18 November 2005, www.vremya.ru/print/139353.html.

98. Intervention at the Thirteenth OSCE Ministerial Council, as delivered by Under-Secretary for Political Affairs R. Nicholas Burns to the Thirteenth OSCE Ministerial Council, Ljubljana, 5 December 2005, p. 2.

will also want to seek “autonomy” from the ODIHR.⁹⁹ It is interesting to see that Georgia, Moldova and Ukraine represent a view nowadays ‘that the ODIHR should make an independent decision about what level of attention to pay to each election in an OSCE participating state. The integrity of OSCE election observation depends on ODIHR being allowed to do its work without interference from participating states.’¹⁰⁰ This is certainly an interesting view, implying as it does that an inter-governmental organisation might comprise various bodies that could become fully autonomous from their masters.

There is no appeal mechanism against the report of the election monitors. It would make sense to establish a forum where discussions could take place. Although this may be a reasonable proposal¹⁰¹ if elections are followed by early destabilisation and subsequently by regime change, it is hard to avoid the conclusion that appeals will be ‘too little, too late’. The US has recognised that the current situation severely interferes with the interests of those participating states which have not completed their transformation and might be vulnerable to revolts. It did offer one fairly weak concession when it advocated ‘more post-election follow-up by ODIHR and participating states.’¹⁰² On the other hand, it is not surprising that the US has made its fundamental position crystal clear: ‘We will not agree to eliminate Election Observation Missions Heads’ ability to report on preliminary findings immediately after elections ...’¹⁰³ This means the US supports using election results after allegedly rigged elections to foster regime change. Neither the outcomes of some recent regime changes nor of elections that were recently declared neither free nor fair, although they were not followed by regime change, provide convincing evidence about the application of this method. In this situation it is understandable that several post-Soviet states argue for a change of emphasis. Rather than carrying out regular election observation missions, the OSCE should focus upon normative standards of elections. One approach does not necessarily exclude the other however. Hence, paying more attention to the normative basis of elections would not make observation impossible. The former head of the OSCE/ODIHR election section has listed a number of issues which require attention, including the media evaluation of ODIHR, election campaign financing, electronic voting, voter registration, and the coordination of observer missions. When he points out that the observation missions

99. Statement by Mr. Sergei Lavrov, Minister for Foreign Affairs of the Russian Federation, at the Thirteenth Meeting of the OSCE Ministerial Council, Ljubljana, 5 December 2005, p. 2. MC.DEL/16/05.

100. Statement by H.E. Borys Tarasyuk, Minister for Foreign Affairs of Ukraine on behalf of Georgia, Moldova and Ukraine at the Thirteenth Meeting of the OSCE Ministerial Council, Ljubljana, 6 December 2005, p. 1, MC.DEL/62/05.

101. Similarly Wolfgang Zellner, ‘Managing Change in Europe’, op. cit., p. 27.

102. Kurt Volker, ‘Statement on the Purpose and Priorities of the OSCE’, as delivered by the Principal Deputy Assistant Secretary at the opening session of the High Level Consultations, Vienna, 12 September 2005, p. 3. Available at http://osce.usmission.gov/archives/2005/09/HLC_Opening_Session_09_12_05.pdf

103. ‘Statement by US Permanent Representative Ambassador Julie Finley’, op. cit., p. 4.

should also take into account the political context, although this should not be turned into a licence for making politicised statements not based on facts and findings, it probably indicates that professionals have reservations *vis-à-vis* the direct political ‘application’ of election observation missions (and their results) without solid foundation.¹⁰⁴

Crossing dimensions: The role of field missions

Field missions have been one of the major assets of the OSCE since 1992. The extensive field presence makes a difference and has helped the organisation carry out its functions effectively. Although in the beginning there was resistance against the missions established in the former Yugoslavia – three of them had to be closed – more recently they have become more accepted instruments. They operate in two distinct geographic areas, those of the Western Balkans and the so-called Newly Independent States. They contribute to gaining knowledge of the respective area for the participating states and the organisation. They also fulfil tasks in cooperation with the host country according to their mandates. Field missions are country-specific although there are proposals to initiate ‘thematic’ missions as well. Thematic missions would address certain matters throughout the OSCE area or in a sub-region not confined to individual participating states. The idea of thematic missions derives from the desire to placate Russia and other participating states that are dissatisfied with the current role and functions of missions on the basis of the idea that ‘by including several Western countries, it dilutes the geographic asymmetry problem, while focusing on a problem of common concern to all participating states would relieve the substantial asymmetry problem’.¹⁰⁵ Although this seems convincing and it might well be possible to find a few cases where it could work, it is unlikely to solve the broader problem. Furthermore, the concrete examples¹⁰⁶ put forward to illustrate how this would work are unconvincing for the following reasons: (i) the OSCE does not have comparative advantage in these areas; (ii) other organisations, global and regional alike, have developed competence in these areas. Hence, if the OSCE intends to trespass on their territory it may have to contend with rival institutions and, depending on the interests of the participating states, may lose the competition.

The missions provide the participating states and the organi-

104. Hrair Balian, ‘ODIHR’s election work: Good value?’, *Helsinki Monitor*, vol. 16, no. 3, 2005, pp. 170-1.

105. Wolfgang Zellner et al, ‘New forms and support structures for OSCE field operations’, *Helsinki Monitor*, vol. 15, no. 2, 2004, p. 98.

106. E.g. an OSCE Office for Environmental Issues in the Black Sea Region and an OSCE Office for Security Sector Reform. Ibid.

sation with information about the country where they operate. The quality of these reports varies. Those on the general developments of the host country are often redundant as the same information could be received from other sources. The level of analysis does not always exceed that provided by NGOs. The comparative advantage of the reports is more obvious when they give information about some major events in which the mission is involved. Bearing in mind the fact that the reports are available to each participating state, including the host state, they strive to demonstrate impartiality in most cases. This is certainly a sensitive exercise as the missions operate in countries which are confronted with multiple problems. The reports often deviate from reporting on their mandates. This has understandably upset some participating states.

Cooperation with the host state is essential to carry out the mission mandate. This is particularly true in the case of those field operations that carry out their tasks as part of post-conflict rehabilitation. They should facilitate processes, contribute to building state capacity and help organise events which contribute to transition, like elections. Although democratisation and the development of the rule of law are among the dominant activities of the missions, they are not the only ones. Addressing certain transnational problems emerges on the agenda increasingly often. Police projects,¹⁰⁷ projects of border management, and problems of organised crime are among them. It seems the contributions of OSCE missions in these areas are important new lines of work. If it is the shared impression of the participating states that they address emerging security concerns then it would be preferable to consider how the activity of the OSCE could be increased in those areas. Furthermore, these activities are far less controversial than those related to democratisation.

The geographic focus of missions is confined to the Western Balkans and the area of the former Soviet Union. The last two missions that existed elsewhere operated in Estonia and Latvia from 1992 to 2001 and from 1993 to 2001 respectively. They monitored the situation related to national minority issues and exhorted 'the host states to integrate sizable ethnic minorities'.¹⁰⁸ The governments of the two countries were genuinely unhappy to host the missions and lobbied for their closure. The arguments they put forward, for example that the mission presence deters investment and prevents their integration into NATO and EU, do not hold

107. They exist in Kosovo, Serbia, Macedonia and Kyrgyzstan. They react to emerging needs in situations like the one that was experienced in Kyrgyzstan where the police demonstrated its incapacity to control riots in 2002. In 2005, during the demonstrations first in the south of the country and later also in the capital, it was clear that capacity building has made a difference.

108. For more details see Victor-Yves Ghébal, 'The OSCE Long-Term Missions Experience, 1992-2004: A Global Assessment', in Victor-Yves Ghébal and Daniel Warner (eds.), 'The Politico-Military Dimension of the OSCE: Arms Control and Conflict Management Issues', *PSIO Occasional Paper*, no. 2, 2005, pp. 20-1.

water. They are all too familiar to East-Central European countries where the same arguments were put forward in a different context.¹⁰⁹ The termination of the two missions has contributed to Russia's impression that there is a bias and a geographic imbalance in the OSCE as there can be no doubt that the underlying problem of the status of national minorities in the two countries has not been resolved. It has also contributed to the perception that OSCE field presence is a 'stigma' indicating instability.¹¹⁰ This has been a regrettable side-effect of the closing of those two missions which had no counterparts either in the CIS or in the Western Balkans. Since then it has been the task of the HCNM to monitor developments regarding the situation of the Russian minorities in Estonia and Latvia.

Missions are not only important as a means of implementing OSCE policy: they are targets of criticism as well. In September 2003 Russia and a few other NIS countries (Belarus, Kazakhstan, and Kyrgyzstan) voiced three concerns in relation specifically to the OSCE's field missions. They concerned: (i) the geographical asymmetry of such missions; (ii) the excessive concentration on the human dimension of the OSCE (asymmetry in terms of issues); (iii) the intrusiveness of the missions, i.e. the allegation that they intrude on the internal affairs of participating states.¹¹¹ Although these have a lot to do with the current stalemate in the OSCE's institutional development, it is also important to note with regard to the question of geographical asymmetry that there is simply no need for OSCE missions in many countries. In other cases, the need may be perceived, but the establishment of a mission may not be deemed appropriate.

The claims that missions over-emphasise the human dimension, and the allegation that the OSCE has become a human rights watchdog, have no basis in fact. The development of projects in areas such as water management, police training, or cross-border co-operation can by no means be considered to come exclusively within the scope of the human dimension. It would be somewhat problematic, however, to state that the dimensions are *entirely irrelevant* as there are activities (e.g. traditional OSCE arms control initiatives like CSBMs, CFE, ecological programmes or human rights monitoring), which belong to one or the other. Hence, it does seem correct to conclude that 'thinking in terms of "dimensions" or "baskets" is outdated and counterproductive'.¹¹² The activity of missions increasingly provides evidence that the 'baskets' or

109. Memorably, governments of candidate countries for NATO membership have tried to convince their populations that accession will boost foreign direct investment in their countries. Nothing could be further from the truth. In reality, foreign direct investment had something to do with business opportunities and the privatisation process in those countries and practically nothing to do with NATO accession.

110. Several experts mention this problem. Among them Wilhelm Höyneck, 'The OSCE in Central Asia – On the right track?', *Helsinki Monitor*, vol. 14, no. 3, 2003, p. 303.

111. Cf. Wolfgang Zellner, 'Asymmetric Security in Europe and the Tasks of the OSCE', in Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003* (Baden-Baden: Nomos Verlag, 2004), pp. 69-70 and Delegations of Belarus, Kazakhstan, Kyrgyzstan and Russia, 'On the Issue of Reform of the OSCE Field Activities', P.C.DEL/986/03, 4 September 2003.

112. Wolfgang Zellner, 'The Future Development of OSCE Field Missions', in Victor-Yves Ghebali and Daniel Warner (eds.), *op. cit.*, p. 45.

‘dimensions’ are blurred and no longer adequately describe the various categories of OSCE activities.

Avoiding overintrusiveness

Besides providing information to the participating states and carrying out a range of other tasks, the decisive function of the missions is to be integral elements of the OSCE as an institution of co-operative security. Their primary task is to provide support and facilitate the fulfilment of OSCE commitments, not to confront regimes that fail to live up to them. There is the need to find a delicate balance between ensuring the effectiveness of missions and avoiding counterproductive over-intrusiveness. If missions pursue a course of confrontation with the government of the host country, as some did in the past, they are operating outside the proper bounds of a co-operative security structure and will be unable to contribute to the OSCE’s goals in the long run. If participating states that host missions on their territory lose interest in the OSCE, the organisation could soon become an empty shell. It is no coincidence that the US recently strongly urged ‘the Government of Uzbekistan to more fully cooperate with the OSCE, and to renew the mandate of the [OSCE] Center in Tashkent’.¹¹³

Missions are there to support the host state so that it can develop its capacity to fulfil its commitments. Providing such support may entail the exertion of gentle pressure, but it cannot lead to systematic confrontation. Smaller, task-oriented and more accountable missions may thus be more capable of contributing to the basic functions of the OSCE. However, this requires both political and institutional adaptation. Remedies for these problems can only be provided on a case-by-case basis. It has to be recognised, however, that OSCE missions have in some cases exceeded their mandates by concentrating on observing and interfering with the internal political situation of the host country.¹¹⁴ Even though the resulting reports have become valuable sources of information, such actions have met with the dissatisfaction of the host state’s authorities.

The four aforementioned countries (Russia, Belarus, Kazakhstan and Kyrgyzstan) have put forward a number of concrete proposals that aim to compensate for the asymmetries. Their focus demonstrates the intention to use the consensus rule to introduce a degree of control over the missions. Three measures

113. Intervention at the Thirteenth OSCE Ministerial Council, as delivered by Under-Secretary for Political Affairs R. Nicholas Burns, Ljubljana, 5 December 2005, p. 2. osce.usmission.gov/archive/2005/12/US_intervention_Burns_12_05_05.pdf

114. The not entirely unfounded perception of unsolicited intrusion in the domestic affairs of Belarus went so far that the Advisory and Monitoring Group had to be closed in the end of 2002 and a new mission, the OSCE Office in Minsk, had to open. This provided an opportunity to modify the mission mandate and find more acceptable persons to lead it.

would enable this: (i) limiting the duration of mission mandates; (ii) revising the process of nomination and appointment of the heads of missions; (iii) revising the financing of projects carried out in the participating states.

All missions should have a standard duration of no longer than one year, which can be extended by a decision of the Permanent Council. This would mean the subordination of missions to the Permanent Council where the consensus rule prevails and their detachment from the CiO. This means that, lacking consensus, the mission could not continue beyond the first year, and, consequently, that the mission would need to avoid any discord with the host state to ensure it is prolonged. This would entail a kind of 'UN-isation' of OSCE missions. A further proposal is that it be made a requirement to obtain the agreement of the host country on the nomination of the head of mission. This could be seen as amounting to a host-state veto on the nomination. Because the Permanent Council decides by consensus, the appointment would in fact not only be subject to the will of every participating state but would also face additional scrutiny by the host country. Finally, subjecting the extra-budgetary contributions of donor states to 'review' by the governmental bodies of the host country would mean that only projects actively supported or at least tolerated by the host could be carried out. It is understandable that those countries in the east of the OSCE area where most missions are located and which are not particularly well-endowed financially would like to review the allocation of resources that do not form part of the regular budget. The OSCE would thus be less able to contribute to projects that are not supported by host countries. It is questionable whether a compromise can be reached between the host state and the donor countries. Whereas the former would not accept projects that do not fit with its political agenda, the latter would not finance projects that do not serve a political purpose they are willing to support. The host states, it seems, would like to have their cake and eat it. They are willing to have projects funded by extra-budgetary resources conducted on their territory but wish to control them at the same time.

It can be taken for granted that the forthcoming OSCE reform will have to focus upon missions. Not only due to the dissatisfaction of several participating states, including some that host missions on their territory, but also for the reason that missions employ the overwhelming majority of international and local staff

and the OSCE spends more than 80 per cent of its budget on field activities.¹¹⁵ Furthermore, as of 2004 almost half of the field resources have gone to South Eastern Europe and a lot less to Central Asia and the Caucasus. The political shift away from the western Balkans in the direction of the former Soviet area may now be delayed due to the inability of the international community to resolve outstanding issues, primarily the future status of Kosovo.¹¹⁶ What is certain, however, is that it will be recognised sooner or later that the needs of the post-Soviet space are much greater. Although OSCE reform cannot be confined to the reform of its missions, the reform of missions is a prerequisite to further reform of the organisation.

If the proposals of the four NIS countries were accepted, it would change the role of OSCE missions fundamentally. This does not mean that some of the implicit criticisms and complaints integral to the proposal should not be considered. It is clearly the case that an inclusive security structure should also consider the interests of those countries that do not live up to every OSCE commitment. It should also be taken into account that some OSCE missions, particularly the larger ones, have gained significant autonomy. It is necessary to find ways to integrate missions more effectively by means of a more co-ordinated policy that is also of lasting relevance.

115. See Annette Legutke, 'Working in OSCE Field Missions: Recruitment, Preparation, Working and Employment Conditions of OSCE Seconded Personnel', (Hamburg: Centre for OSCE Research, November 2003), p. 1.

116. It is regrettable, however that the OSCE could not take a proactive stance to address the forthcoming resolution of its final status. This was reflected in the fact that no decision could be agreed upon on Kosovo at the OSCE Ministerial Council meeting in December 2005.

The long-term interests of the major actors

Most countries expected the emergence of a democratic system of international relations after the end of the Cold War. This has been realized as regards the significant increase in the power of liberal democracies in the system. However, it became obvious early on that the prevalence of democracies does not result in a democratic system in the sense of the UN Charter based on 'sovereign equality' of states. Most states of the Euro-Atlantic area are fully integrated in institutions other than the OSCE. For them, the OSCE is just one of the 'playing fields' of international politics, and by no means the most important. There is only one great power in Europe that is not formally integrated into such institutions: the Russian Federation. It is the Russian Federation whose position has gone from one extreme to the other with regard to the role of the CSCE/OSCE over the last fifteen years. The current structure of international relations means that it is necessary to focus on two states and one group of countries – the US, Russia and the EU – in order to get a realistic picture of the OSCE. It has to be noted, however, that although most OSCE participating states are located in one group or the other it is to some extent a simplification to establish these groups schematically. It goes without saying that the US position affects most EU members and the EU's stance also has some effect upon the US. Some of those Soviet successor states that have experienced revolutions in recent times will have to take into account the positions represented by all three main protagonists.

The US agenda

The US has been a hesitant supporter of the CSCE/OSCE. During the Cold War and immediately after it, Washington often found some value in it and used it as an instrument. There was always some reason to support some activities of the institution. Back in

the Cold War, in the days of the Carter Administration, it was an important channel of human rights policy; in the 1980s it was largely a channel of European arms control, primarily geared towards adopting confidence-building measures. In the first half of the 1990s it was partly the fluid international situation that attracted the attention of the US, which saw the organisation as a useful channel of regional intervention, as well as the fact that there was huge Russian interest devoted to the CSCE. Later the US felt that it was politically useful to placate Russia at the OSCE while NATO was enlarging. It is questionable whether the decline of the OSCE can be associated with the decline of US interest in the organisation 'as the earlier need for a constructive role of Russia in Europe began to fade'.¹¹⁷ No doubt the fact that the Russian Federation no longer attributes so much importance to the OSCE has played a role in the waning interest of the US. Whether the US deliberately withdrew interest from the OSCE as it no longer wanted to engage Moscow is far more open to question. The positive attitude towards the organisation has largely vanished since the advent of the administration of George W. Bush, although it was in any case already fading.

During Bush's second term in office the US world political agenda has narrowed. The President outlined this clearly: 'All who live in tyranny and hopelessness can know: the United States will not ignore your oppression, or excuse your oppressors. When you stand for your liberty, we will stand with you. Democratic reformers facing repression, prison, or exile can know: America sees you for who you are – the future leaders of your free country.'¹¹⁸ Two weeks later in his State of the Union address the President stated: 'The United States has no right, no desire, and no intention to impose our form of government on anyone else. That is one of the main differences between us and our enemies ... Our aim is to build and preserve a community of free and independent nations, with governments that answer to their citizens, and reflect their own cultures. And because democracies respect their own people and their neighbours, the advance of freedom will lead to peace.'¹¹⁹ It is not necessary to comment on the consistency of the two statements. It is more important to see the missionary zeal with which the US pursues its global agenda under the current leadership. It is clear that the US regards the OSCE as necessary to the extent that it is able to contribute regionally to the American democratisation agenda. Everything else is secondary to this. The views of those

117. As is concluded by Simon Serfaty, *Memories of Europe's Future: Farewell to Yesteryear* (Washington, DC: Centre for Strategic and International Studies, 1999), p. 31.

118. 'President Sworn-In to Second Term', p. 2. Available at www.whitehouse.gov/news/releases/2005/01/20050120-1.html.

119. 'State of the Union Address', Washington DC., 2 February, 2005, p. 5. Available at www.whitehouse.gov/news/releases/2005/02/print/20050202-11.html

who advocate selective engagement were echoed in the words of a US diplomat: 'We must recognize that the OSCE cannot solve every problem, nor should it try. There are certain things this organisation does well, such as early warning and conflict prevention, the strengthening of democracy and the rule of law, and promotion of human rights and fundamental freedoms. The OSCE must continue to make this work its first priority.'¹²⁰

Beyond the current emphasis upon democratisation, if one takes a long-term view the US has taken a pragmatic position on the OSCE. It is supportive of activities which contribute to addressing current security matters and devotes no effort to those which do not influence the European security situation of our time. The following issues should be considered. On the one hand, the US has largely lost its interest in pursuing European arms control as part of politico-military security. It has been of the view that there is no conflict that could be affected by traditional means of arms control. The US ambassador to the OSCE stated this clearly: 'We are against negotiating new traditional style arms control/CSBMs, although we MAY be willing to consider specific proposals if there is a clear security need to be addressed.'¹²¹ On the other hand, though, the US has gone along with the new arms control agenda and actively supported those arms control measures, which were either appropriate in the field of human security – addressing small arms and light weapons – or related to countering terrorism, like the control of Man-Portable Air Defence Systems (MANPADS). The US has also expressed its concerns clearly concerning negotiating the same matters at various forums: 'We are against opening duplicate negotiations on issues, e.g. on WMD, already being negotiated elsewhere. We are open to appropriate OSCE reinforcing measures.'¹²² The US has been similarly sceptical about the prospects of the economic and environmental dimension – it must be said, in the light of thirty years of history, probably rightly.

In terms of declaratory policy, the US has been understandably extremely forthcoming on countering terrorism as the primary common threat of the OSCE area and has recognised the complementary role the OSCE has been playing in this area. It has been equally eloquent when it came to matters like freedom of religion or belief, the fight against intolerance, discrimination, xenophobia and anti-Semitism.¹²³ The US tends to be somewhat suspicious of every international organisation that it does not lead or

120. United States Mission to the OSCE, Statement to ASRC Session 4: 'The Way Forward', as delivered by Deputy Representative Douglas Davidson to the Annual Security Review Conference, Vienna, 24 June 2004, p. 2.

121. 'Statement by US Permanent Representative Ambassador Julie Finley', Presented at the morning session of the High Level Consultations, Vienna, September 13, 2005, p. 3. Available at <http://osce.usmission.gov>.

122. *Ibid.*

123. Similarly Wolfgang Zellner, 'Managing Change', *op. cit.*, p. 13.

control, like the World Bank or NATO. Although it has significant influence in the OSCE, it remains uncertain whether its position prevails.¹²⁴ The US has been somewhat reserved about turning the OSCE into a classical intergovernmental organisation with a permanent bureaucracy. Otherwise, the US has been strongly in favour of the field missions of the OSCE.¹²⁵ Washington made ranking diplomats available to lead some missions in the 1990s, particularly in the former Yugoslavia.

It is possible to characterise the US approach to the OSCE as follows. The two factors that determine it are a long-term pragmatic policy and a short-term ideologically-based democratisation agenda. It is obvious that the latter prevails for the time being and will continue to dominate the US agenda in the foreseeable future. As the OSCE has proved instrumental in democratisation several times recently, the prime interest of the US is to retain its current position with the minimum adaptation necessary in order to achieve compromise with other participating states. It is not certain, however, that the US has irrevocably given up on the OSCE. It keeps the OSCE at arm's length and has recourse to it whenever it feels that this is appropriate.

Russia's evolving policy

Whereas the US feels it is time to change the status quo and spread democracy further in the world, including in some parts of the OSCE area, the Russian Federation has been on the defensive globally ever since the dissolution of the Soviet Union. This has been reflected in its strong pro-status quo orientation in international politics. In the wake of recent developments, Russia would like to prevent a further meltdown in the post-Soviet space, and hopes that the changes that have taken place in Georgia, Ukraine and Kyrgyzstan will not be followed by similar ones in other countries of the former Soviet area.

Russian politicians mention three phases of the evolution of Russian foreign policy since its independence. In the first Yeltsin-Kozyrev phase it was based on weak Russia/dependent foreign policy, during the Yeltsin-Primakov phase it could be characterised as weak Russia/independent foreign policy, whereas the current phase associated with President Putin can be described as strong Russia/independent foreign policy.¹²⁶ This – somewhat

124. P. Terrence Hoppmann, 'The US and the CSCE/OSCE', *Helsinki Monitor*, vol. 11, no. 2, 2000, p. 32.

125. P. Terrence Hoppmann, 'The United States and the CSCE/OSCE', in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000* (Baden-Baden: Nomos Verlag, 2001), pp. 69-70.

126. Interview with Konstantin Kosachev, 'Rossiya ne dolzhna zamykat'sya na vystrayivaniye vzaimosvyazey isklyuchitel'no s svodnyashnimi tsentrami sily', *Yadernyi Kontrol*, vol. 11, no. 3, 2005, p. 11.

simplistic – presentation of Russian foreign policy could be observed in the changing attitude of Moscow towards the OSCE as well.

In the first phase Russia attributed great importance to the CSCE as the only organisation in Europe where it had equal status with other great powers of the Euro-Atlantic area. It was Moscow's intention to make the CSCE the centre of European political coordination and decision-making. This proved to be an illusion as most other countries were either members of regional institutions, which could also play such a role, or had been seeking to accede to those organisations. This was the first time that Russia became disillusioned with the organisation. As its bargaining power was pretty weak, however, it had to live with this.

In the second phase Russia refocused its attention to obtain 'compensation' for the enlargement of NATO. The verbal reassurance offered in the NATO-Russia Founding Act of May 1997 had little to do with the OSCE. There was one exception which was indirectly related to the OSCE: the promise to adapt the CFE Treaty to post-Cold War conditions. There were some who already perceived at the time that the 'emphasis was put again on sovereignty and the inviolability of borders, while the importance of individual rights and freedoms was generally played down'.¹²⁷ It seems that the turning point came somewhat later, however, at the Istanbul summit of the OSCE held in November 1999. Russia was sharply criticised over Chechnya and it was also obvious that President Yeltsin was unable to cope with the pressure at the meeting. Although the democratic credentials of Russia were not yet questioned at the time, and the West was more concerned about the chaos in that country than anything else, Russia started to worry about the OSCE's criticism of some Soviet successor states: 'Belarus could be named as an example of a State which is exposed within the framework of the Organization to pressures hard and biased without precedent.'¹²⁸ At the same time, Russia gradually started to formulate its reservations concerning the orientation of the OSCE: 'The emerging trend to confine the OSCE to dealing mainly with humanitarian and human rights issues, and this exclusively in the eastern part of the Euro-Atlantic area, is a matter of our concern.'¹²⁹ Already at the time, Russia was beginning to sense a loss of control.

The gap between the OSCE and Russia has gradually increased further. There was another major reason why Russia felt it was in a

127. Viatcheslav Morozov, 'Russia's Changing Attitude toward the OSCE: Contradictions and Continuity', in S+F. *Sicherheit und Frieden/Security and Peace*, vol. 23, no. 2, 2005, p. 69.

128. Statement of the Minister of Foreign Affairs of the Russian Federation Mr. Igor S. Ivanov at the Eighth Meeting of the Ministerial Council of the OSCE (Vienna, 27 November 2000), MC.DEL/127/00, p. 3.

129. Ibid.

position to disengage from the OSCE and eventually challenge its policy: 'the general weakening of the organisation'.¹³⁰ Russian officials noticed the drift of European processes away from the OSCE: 'It is turning into a mechanism for serving the interests of other organisations which do not always consider it necessary even to inform the OSCE and consult with it.'¹³¹ Four years later, the Russian Foreign Minister reiterated the same view: 'Paradoxically, this organisation is erecting a wall within itself, artificially dividing its members into the NATO and EU members, and the rest ... As it turns out, NATO deals with security issues, the EU with economic issues, while the OSCE will only monitor the adoption of these organisations' values by countries that have remained outside the EU and NATO.'¹³² In making this statement, he has questioned whether the OSCE area could be regarded as a community of values, the main underlying assumption of the OSCE's existence. These two factors together – disenchantment concerning the development of the OSCE and the perceived weakness of the organisation – were the foundations of Russia's disengagement.

Russia, in the meantime, has 'informally integrated' western institutions. It has the NATO-Russia Council at its disposal and this conducts regular meetings. It holds two summits annually with the EU. It also appears to be true that, beyond those factors, by cooperating 'with the US directly ... Russia feels as if it was regaining the global status lost with the collapse of the Soviet Union'.¹³³ This means it no longer needs to rely on the OSCE as a main channel of multilateral politics in Europe. For its own sake, it can rely on the channels mentioned above. There is an additional element that makes the position of Russia unique among the major powers of the Euro-Atlantic area. It is the only great power in which it is possible to conceive that the OSCE might conduct field missions on its territory. In addition, Russia continues to be central to the processes in the area of the former Soviet Union – in some cases positively, in others as the main 'negative determinant' in the international relations of some so-called Newly Independent States (NIS). Many of these states are in a similar situation to Russia, in that they have doubtful democratic records, which means that the OSCE closely monitors developments in them, including elections, and maintains missions on their territory. Clearly, it is this similarity that makes the formation of a coalition around OSCE policy within the NIS possible. Russia is also inter-

130. Dmitry Danilov, 'Russia and European Security', in Dov Lynch (ed.), 'What Russia sees', *Chaillot Paper* no. 74 (Paris: EU Institute for Security Studies, January 2005), p. 93.

131. 'Statement by Mr. Yevgeny P. Gusev, Deputy Minister for Foreign Affairs of the Russian Federation, at the Reinforced Meeting of the OSCE Permanent Council', 5 October 2001, PC.DEL/740/01, p. 1.

132. Sergei Lavrov, 'Democracy, International Governance, and the Future World Order', *Russia in Global Affairs*, vol. 3, no. 1, 2005, pp. 151-52.

133. Viatcheslav Morozov, op. cit., p. 72.

ested in finding areas where consensus can be built among NIS countries and its negative attitude towards the OSCE, in the light of the similarity of interests, reflects this.

It is for the aforementioned reasons that Russia and several other NIS countries have become the most stubborn critics of the structures and functioning of the OSCE. In some cases they have put forward recommendations that aim at improving the OSCE's contribution to European security, in others they have merely voiced their reservations. This has been a constant feature of Russian foreign policy since Vladimir Putin came to power. It is not clear whether Russia genuinely has a problem with the geographical focus or if it is the OSCE's perceived intrusiveness and *modus operandi* that presents a problem. It might be assumed that if the OSCE's activities were conducted in accordance with the spirit of an organisation of co-operative security, less resistance would be noticeable or it would be less vehement. In spite of this, the opposition of the NIS is based on objective factors. It is also possible, however, that the reservations felt by Russia and a number of other countries have become more pronounced as these countries have decided they do not want to be exposed to the attention of the OSCE as much as they were in the past.

In summary, there are two factors which have contributed to the current Russian attitude to the OSCE. It is a fact that Russia's 'overall co-operative posture within the CSCE remained unrewarded and its basic reform claims were thwarted'.¹³⁴ Russia thus feels it has been rejected by most OSCE member states in its aspirations to redefine some of the organisation's fundamental operating principles. There is another side of the coin, however. The development of Russia and several other successor states of the Soviet Union has taken a direction that is alien to the evolution of the OSCE since the end of the Cold War. Russia's perception is that the current agenda of the OSCE is destabilising its neighbourhood and in the long run potentially also Russia itself. Hence Russia and some of its close associates are on the defensive and their main interest is to revise the status quo in the OSCE according to their priorities. As the status quo in the organisation is a reflection of the correlation of forces and status quo in the Euro-Atlantic area at large, it is doubtful whether their interest in revising it will prevail.

134. Victor-Yves Ghébal, 'The Russian factor...', *op.cit.*, p. 184.

The EU

Among the factors that have resulted in the marginalisation of the OSCE, the enlargement of some western institutions, notably the EU and NATO, is most frequently cited. The membership of the EU now represents nearly half of the OSCE participating states. Those countries that align their policy with the EU must also be factored into the equation. The material resources of the EU, including the fact that its members provide approximately 70 per cent of the budget and a high proportion of OSCE personnel, also make it a key player in the OSCE.¹³⁵

The fact that the EU has become a *per se* foreign policy actor in Europe was the first reason why its activities began to overlap with those of the OSCE. With the recent eastern enlargement, the EU's geopolitical focus has changed and it now pays more attention to its eastern neighbours, which are countries of the western NIS. This new focus complements the way in which the EU has devoted major interest to the Western Balkans since the mid-1990s. Countries further afield in the Caucasus have also become part of the European Neighbourhood Policy (ENP), whereas Central Asia attracts the EU's attention partly as an area subject to destabilisation and a source of some transnational threats that may also affect EU territory. Apart from Central Asia, in Europe every participating state in the OSCE has gained some formal status in relation to the EU. The prime concern of the EU is stability in its larger neighbourhood. This makes the EU extremely interested in contributing to conflict prevention. It remains to be seen whether it can make sufficient difference in contributing to the resolution of some conflicts without demonstrating full commitment to those countries where the conflicts occur. The absence of the prospect of membership may significantly curtail its influence.

The conviction is widespread among EU members that the best basis for long-term stability is democratic conditions. That is why the EU, based upon its members' commitment to democratic peace, is ready to sacrifice resources to contribute to spreading its socio-economic model. A part of these resources go towards projects which do not form part of the regular OSCE budget. Bearing in mind the similarity, although not the full congruence, of the interests of the EU and those of the US, the EU faces the risk of being seen as pushing an all-out democratisation agenda. This may contribute to the feeling of alienation from the EU in those

135. In this respect it is worth mentioning, as Javier Solana pointed out in 2002, that almost 'half of the projects of the Office for Human Rights and Democratic Institutions (sic) are EU funded.' See Javier Solana, Address to the Permanent Council of the Organisation for Security and Cooperation in Europe, Vienna, 25 September 2002, PC.DEL/719/02, p. 11.

participating states of the OSCE which do not share this agenda and would prefer to see a slower pace of political change. The difference does not necessarily have to appear in terms of the goals to be achieved but in the means used and in the spirit of cooperation when changing the OSCE landscape. *The EU and its member states should seek to foster the return to co-operative security in the OSCE, recognising that it is impossible to achieve the desired transformation without addressing the alienation experienced in those countries where it is hoped the transformation will take place.* Without this, there is no chance of a partnership between the two organisations seeking consensus among the fifty five participating states.

It has been accurately noted that ‘what the US regards as democratisation, Russia takes as destabilisation’.¹³⁶ The difference between the two positions is not only one of perception. Conflict studies have revealed that transformation is far more destabilising than either dictatorial or democratic forms of government. Consequently, it is correct to postulate that democratisation could have destabilising effects at least temporarily and hence the two positions are not mutually exclusive. EU member states of the OSCE should make efforts to ensure that the destabilising effects of transformation are minimal. Although support for democratisation is acceptable, any drive towards radical change must come from within the country itself.

The EU should also consider its responsibility in the light of the fact that three EU member states will consecutively hold the OSCE chairmanship between 2006 and 2008: Belgium, Spain and Finland, respectively. The EU should consider its contribution to the OSCE in a variety of terms. It should encourage a more balanced distribution of functions in various OSCE bodies and should ensure that competent and committed personnel are assigned, on the basis of secondment or otherwise, to OSCE institutions, particularly in managerial positions. An investigation into the workings of OSCE missions has indicated that there is significant room for improvement in this regard.¹³⁷

136. Wolfgang Zellner, ‘Managing Change in Europe’, op. cit., p. 13.

137. It would be absurd to pretend that the heads of missions and other persons who carry out managerial functions had no nationality. If the conclusion is drawn that there are (in some cases severe) shortcomings in the management of some missions it is necessary to see clearly how heads of missions are selected and whether they have appropriate human and managerial qualities. Many of them have been EU citizens. For a unique and insightful assessment, see Annette Legutke, op. cit.

In 2004, Russia and various other NIS states, rather than putting forward progressive proposals to adapt the OSCE's organisational structure, took a position with regard to the organisation that was severely critical.¹³⁸ The group, consisting of Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine, and Uzbekistan,¹³⁹ pointed out the imbalance between the three security dimensions and concluded that priorities have shifted in favour of the human dimension with an emphasis on monitoring the human rights situation and the building of democratic institutions in the Commonwealth of Independent States¹⁴⁰ and the former Yugoslavia. This was nothing new as similar views had previously been expressed. The document challenged the recent emphasis of the organisation in three respects: first, the alleged bias towards one (the human) dimension of security at the expense of others; second, the intensive focus on some countries, while ignoring the problems in others; and third, the frequent failure to observe certain fundamental principles of the Helsinki Final Act, notably non-interference in internal affairs and respect for the sovereignty of states.

In an effort to address this criticism, Bulgarian Foreign Minister Solomon Passy, the OSCE Chairman-in-Office (CiO) for 2004, set out his own proposals for a transformation of the OSCE. He outlined a number of elements, including 'bringing it closer to the people and our constituencies', allocating more resources to activities in Central Asia and the Caucasus, and relocating some OSCE meetings to the area of the former Soviet Union. The CiO sent a letter to this effect to the fifty-four foreign ministers of the OSCE participating states.¹⁴¹

In September 2004, in what has become known as the Astana Appeal, eight NIS countries continued down the critical path taken earlier. This document reflected a more active stance and contained concrete demands for the reform of the OSCE's agenda. It called for greater attention to be paid to the politico-

138. Ministry of Foreign Affairs of the Russian Federation, Information and Press Department, Statement by CIS Member Countries on the State of Affairs in the OSCE, Moscow, 3 July 2004, www.in.mid.ru/brp_4.nsf/0/3be4758c05585a09c3256ecc00255a52?OpenDocument.

139. Azerbaijan, Georgia and Turkmenistan did not sign the document.

140. According to one observer, the declaration drafted by Russia did not represent the views of all the CIS countries. Moldova attached a reservation calling on the OSCE to do more to mediate conflicts. Some signatories reportedly signed 'out of solidarity' and others assured OSCE representatives that they were trying to be constructive. Robert L. Barry, 'The OSCE at a turning point', BASIC Notes, Occasional Papers on International Policy, 7 September 2004, www.basicint.org/pubs/Notes/2004OSCETurningPoint.htm.

141. The letter, dated 22 July 2004, was not published but is known to have repeated the ideas already outlined by the Chairman-in-Office to the OSCE Parliamentary Assembly in July 2004. It refers in vague terms to an enhanced role for both the Secretary General and the Chairman-in-Office. The OSCE briefly reported on the letter on 9 August 2004. 'OSCE chairman believes time ripe for transforming organisation to meet changed political realities', Press Release, 9 August 2004, www.osce.org/item/8486.html

142. Ministry of Foreign Affairs of the Russian Federation, Information and Press Department, Appeal of the CIS Member States to the OSCE Partners, Astana, 15 September 2004 (unofficial translation from the Russian), available at www.in.mid.ru/brp_4.nsf/0/70f610ccd5b876ccc3256f100043db72?OpenDocument. Azerbaijan, Georgia, Moldova, and Turkmenistan did not sign the document.

143. The Chairman-in-Office responded to all the twelve successor states of the Soviet Union and not only to those eight who approved the so-called Astana document.

144. Address by H.E. Dr. Solomon Passy, Chairman-in-Office of the OSCE and Minister of Foreign Affairs of the Republic of Bulgaria, to the CIS Summit, Astana, 15 September 2004, p. 2. CIO/GAL/89/04, 17 September 2004.

145. For example, the moving of the Economic Forum to Central Asia and the HDIM to the Caucasus has major cost, infrastructural and security implications that must not be ignored.

146. Ministry of Foreign Affairs of the Russian Federation, Statement by Russian Minister of Foreign Affairs Sergey Lavrov at the Twelfth Meeting of the OSCE Ministerial Council, Sofia, 7 December 2004, www.russianembassy.org.za/statements/text/dec04/dlavrov-osce071204.html

147. Statement by the Delegation of the Russian Federation, OSCE Ministerial Council, Sofia, 2004, OSCE document MC(12)OUR/2, Annex 9, 7 December 2004, reproduced on second day of the Twelfth Meeting of the Ministerial Council, Third Plenary session (closed), available at www.osce.usmission.gov/archive/2004/12/12_MC_Sofia.pdf

148. Statement by the European Union, OSCE Ministerial Council, Sofia, 2004, OSCE document MC(12)OUR/2, Annex 5, 7 December 2004, reproduced on second day of the Twelfth Meeting of the Ministerial Council, Third Plenary session (closed), available at www.osce.usmission.gov/archive/2004/12/12_MC_Sofia.pdf

149. OSCE and US Department of State, Remarks by Secretary of State Colin L. Powell to the Minis-

military aspects of security, and for the emphasis on the human dimension to shift to 'ensuring the freedom of movement and people-to-people contacts, improving the conditions for tourism, expanding ties in the area of education and science and exchanging and disseminating cultural values between all the participating States'.¹⁴² It also proposed that the role of field activities be modified by moving away from 'the monitoring of the political situation,' to emphasizing 'specific project activities'. In his response to the Astana appeal, the OSCE Chairman-in-Office informed the twelve heads of state¹⁴³, of his support for a number of their proposals, such as convening the OSCE Economic Forum in Central Asia, holding the Human Dimension Implementation Meeting (HDIM) in one of the countries of the Caucasus and, in the light of discontinued or reduced activities in the Western Balkans, allocating increased budgetary resources to activities and projects in Central Asia and the Caucasus.¹⁴⁴ The rationality of some of these proposals, and the irrationality of some others, gave an indication of how little room for manoeuvre the CiO has.¹⁴⁵

A heated exchange of views took place between Russia and a number of participating states at the Sofia OSCE Ministerial Council of 6-7 December 2004. Russia reiterated its position concerning 'imbalances and double standards' that were eroding the comparative advantages of the OSCE, and criticised the OSCE's election-related activity in particular.¹⁴⁶ Russia made its views clear quite trenchantly, angry as it was about the OSCE's and some of its participating states' involvement in the regime changes that had occurred in Georgia and Ukraine. Clearly keen to avoid cases in which monitors' reports affected the perceived legitimacy of elections and the control of the authorities who held them, Russia and its partners called for the OSCE's electoral work to concentrate on broad normative issues rather than concrete cases.¹⁴⁷ The West was united in responding that the aim of achieving a better balance between the three dimensions 'can only mean that more efforts should be put into each of them'.¹⁴⁸ US Secretary of State Colin Powell expressed the view that the USA is 'open to increasing the OSCE's activities to promote security and economic development, but not at the expense of the OSCE's core democracy and human rights work'.¹⁴⁹

The OSCE's prime focus on the humanitarian dimension notwithstanding, the facts do not support the view that the

organisation has neglected the other two dimensions – as witnessed by its continuing efforts to resolve ‘frozen’ conflicts such as those in Georgia, Moldova, between Armenia and Azerbaijan, and initiatives on anti-terrorism and counter-proliferation. The OSCE’s police reform and training programme in Kyrgyzstan, alongside parallel EU efforts, is another initiative in the field of politico-military security. Moreover, the OSCE, with its comprehensive concept of security and limited resources, must at any given time attend to the most pressing European security problems. When human rights and the efficiency of common efforts against crime, terrorism, smuggling and corruption are suffering in some states and regions from shortcomings related to a democratic deficit, the OSCE can hardly overlook this – OSCE participating states have subscribed steadily to strengthening and supporting democracy since the adoption of the Charter of Paris.

When the OSCE addresses certain security matters, it often faces either a situation in which the issues are already on the agenda of more powerful institutions – to which OSCE participating states attribute more importance – and the OSCE ‘loses out’, or the issue identified by the OSCE increases in importance and the topic ‘gravitates’ to the agenda of other, more powerful institutions. This pattern occurs in the international arena but also has domestic roots. Political establishments, when they have a choice because of parallel competences, regularly choose to work through the most powerful institutions. Powerful institutions may also have stronger advocates in national administrations, which may contribute to such a gravitation effect.¹⁵⁰

Thus, it has been one of the regular complaints of Russia and other countries of the CIS that the OSCE has intensified its focus on some countries while ignoring the problems of others – thereby creating double standards.¹⁵¹ This is an arguable point and the OSCE has already acted upon some of these complaints. Although it was not considered indispensable to do so, the ODIHR of the OSCE also organises missions to observe elections in countries of the West nowadays. Following the US Presidential elections of 2000 when irregularities led leaders like Fidel Castro and Vladimir Putin to offer their assistance to the US to better organise elections, there were some grounds for extending the activity of the OSCE to established western democracies. Despite this there is every reason to agree with the position that tackling ‘the problems of well-established democracies in a full and sys-

terial Meeting of the Organisation for Security and Cooperation in Europe, Office of the Spokesman, Sofia, OSCE document MC.DEL/52/04, 7 December 2004. A year later a member of the EU Commission emphasized that ‘There is no scope for reduction or regression, particularly not in the field of human security. “Rebalancing” the OSCE must not be done at the expense of the human dimension.’ Speech by Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy at the Thirteenth OSCE Ministerial, Ljubljana, 5-6 December 2005, MC.DEL/9/05, 5 December 2005, p. 3.

150. This fact has been recognised in the US context: ‘While the US Mission to the OSCE remains active and committed, it has little influence on senior Washington decision-makers.’ See Wolfgang Zellner, ‘Managing Change in Europe’, *op. cit.*, p. 13. In the author’s experience the same phenomenon is familiar in many other national administrations, particularly in new EU member states where foreign ministries are obsessed with the EU.

151. i.e. too much attention focused on the former Soviet Union and the former Yugoslavia and too little attention on Western European countries with unresolved domestic security challenges such as Spain and the Basque region, France and Corsica, and the United Kingdom and Northern Ireland.

tematic way would be a waste of resources with no added value...'¹⁵²

The so-called geographical imbalance

The geographical imbalance is due primarily to two reasons: (i) the number of states which have not completed their transition to democracy is limited and largely confined to two areas, those of the former Yugoslavia and the former Soviet Union. This does not mean that incomplete transition is exclusively due to the reluctance of the regimes ruling in these areas; (ii) many of these states have weak capacity to cope with challenges, including security. Again, this does not mean that it was their intention not to build such capacity. It may only be an indication of various factors, including – more often than not – problems related to the development of the independent statehood of those countries. The OSCE should be there to assist in building state capacity. OSCE missions often put heavy emphasis on this aspect of co-operation.

It is obvious that the main problem is that there are some countries that attract more attention from the OSCE than others. Even then, it cannot be said that such a perceived imbalance has been constant. The problem stems from the asymmetry that is sometimes associated with an intrusive approach of *demandeurs* who occasionally appear as representatives of OSCE institutions and missions (although it may be difficult for the latter to resist the temptation of finger-pointing when they meet state officials who represent cynical oppressive regimes with a high propensity to resist change). It is a fact, however, that the OSCE is an organisation of cooperative security that should be at the disposal of the participating states. The fact that the OSCE has been perceived to have lost its cooperative spirit occasionally has generated a certain amount of negativity towards the organisation. Unless it regains this cooperative spirit, states whose support should be the prime focus of the organisation will remain disenchanting and eventually resentful. It is open to question whether the cooperative spirit can be revived or if, in its absence, all those states which are subject to the scrutiny of the OSCE will feel stigmatised. If they continue to feel that they are unfairly treated they will continue to disengage from the organisation.

152. Victor-Yves Ghebali, 'The Russian factor ...', op. cit., p. 186.

Institutional reform

As a result of the concerns voiced by Russia and other NIS countries, and the reaction of many other participating states and OSCE institutions, it has become generally accepted that it is necessary to instigate some reform of the OSCE. It is open to question how comprehensive such a reform should be and it is dependent upon the agreement of the participating states on some major political issues.

At the Sofia Ministerial Council of December 2004 two decisions were passed directly relevant to the future of the OSCE as an organisation. The first modified the role of the OSCE Secretary General – strengthening it while retaining the primacy of the Chairman-in-Office. The Secretary General, the OSCE’s chief administrative officer, has already taken on certain political and support functions and will now be responsible for providing expert, material, technical, and other support and advice to the Chairman-in-Office. The Secretary General will be able to make public statements on behalf of the organisation and may also support the process of political dialogue and negotiations among participating states and ‘bring to the attention of the decision-making bodies . . . any matter relevant to his or her mandate’.¹⁵³ It is too soon to contemplate what the consequences will be, but it should be noted that a similar provision in the UN Charter made it possible for the UN Secretary-General to acquire a major political role.¹⁵⁴ The change induced may modify the evolution and orientation of the OSCE in the long run although it will have no immediate effect. The change is conditional on the support of the participating states. This is not a foregone conclusion, however. The US in its starting position at the initial high-level consultations has indicated its reluctance to broaden the role of the Secretary General.¹⁵⁵

The second decision established a panel, composed of a maximum of ‘seven eminent persons with knowledge of the OSCE ... including from participating states hosting field presences’, to make recommendations on strengthening the effectiveness of the OSCE.¹⁵⁶ It presented its report on 27 June 2005.¹⁵⁷ The panel, consisting of highly experienced persons with knowledge encompassing different periods in the history of the CSCE/OSCE and with a variety of backgrounds in international politics, recognises many of the changes that have taken place in the international

153. OSCE, MC Decision no. 15/04, Role of the OSCE Secretary General, MC.DEC/15/04, point 4, 7 December 2004, reproduced on second day of the Twelfth Meeting of the Ministerial Council, Third Plenary Session (closed), available at www.osce.org/usmission.gov/archive/2004/12/12_MC_Sofia.pdf

154. Charter of the United Nations, Article 99, www.un.org/aboutun/charter/.

155. ‘Statement by U.S. Permanent Representative Ambassador Julie Finley’, *op. cit.*, p. 3.

156. OSCE, MC Decision no. 16/04, Establishment of a Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, MC.DEC/16/04, 7 December 2004, reproduced on second day of the Twelfth Meeting of the Ministerial Council, Third Plenary session (closed), available at www.osce.org/documents/MCS/2005/02/4324_en.pdf

157. ‘Common Purpose: Towards a More Effective OSCE’, *op. cit.*

environment. The document, including more than seventy proposals, reflects compromise among the members of the panel and to some extent it is reflective of those constraints the organisation will continue to face due to the diversity of interests of the participating states. On the one hand, this could have made the high-level consultations that followed the submission of the report a bit easier. On the other hand, however, the report is not at all radical and thus the proposals it puts forward are not commensurate with the depth of the problems the organisation has been facing recently.

The report on reform of the OSCE

The report recognises the importance of consensus rule for the organisation, a traditional concern of Russia and many other participating states. To guard against being swamped by the majority in the OSCE, 'Russia regards consensus as the underlying principle of OSCE activities and a mechanism without alternative [*bezalternativnyi*] for decision-making in the Organisation'.¹⁵⁸ Applying OSCE-style consensus to an issue in effect gives any unwilling participating state a power of veto. The report – realistically – proposes to preserve the consensus rule and stipulates that countries 'that are blocking consensus should be identified'. It recommends that participating states with candidates for posts should not abuse the consensus rule when senior appointments are at stake.¹⁵⁹

The report has benefited from the views of OSCE experts who were interviewed by the panel. It recognises that due to the changed nature of security challenges, cross-dimensional approaches are necessary. It praises the achievements of the organisation in politico-military security and emphasises that the OSCE experience could be shared, particularly at the sub-regional level. Whether this amounts to recognition of the fragmentation of European security is open to question.

It is not surprising that the report is weakest on the economic-ecological dimension. This is reflected in its recommendation that the OSCE should act 'by mobilising international resources and expertise possessed'.¹⁶⁰ This means the OSCE should not develop its own expertise, nor will it have new resources at its disposal. It means the continuation of the *status quo ante* in this dimension.

158. 'Zayavleniye delegatsii Rossiya na zasedaniyi Postoyannovo soveta OBSE po voprosu o konsesuse' [Statement by the Russian Delegation at the OSCE Permanent Council session on the question of consensus], 15 March 2004, p. 1 (in Russian), www.ln.mid.ru/brp_4.nsf/.

159. 'Common Purpose: Towards a More Effective OSCE', op. cit., point 33c-e, p. 21.

160. Ibid, point 23a, p. 15.

The panel made an effort to find compromise on the controversial issues. Russia picked on the institution most closely identified with activities that are unpopular with many CIS member states – the ODIHR – which has responsibility *inter alia* for election monitoring and remains one of those OSCE instruments able to operate outside Russian control. The report raises some of those points that the ODIHR is working upon, like ‘evolving election issues, such as the introduction of new technologies’, ‘election monitoring standards’ and the periodic update of the handbook on election monitoring.¹⁶¹

The CIS countries also argued that decisions related to OSCE field missions – from appointing the heads of mission to extending their duration or remit – should be based on the consensus rule, which could only weaken the OSCE’s present room for manoeuvre and may result in an ‘UN-isation’ of such missions.¹⁶² The panel advocates the eventual setting up of a new type of thematic mission ‘that could look at a specific issue in one country’.¹⁶³ Although the idea has been aired for some time in expert circles,¹⁶⁴ it continues to be unconvincing. Missions operate in countries where security and socio-political problems are manifold. Although in an abstract sense it is possible to imagine the setting up of such missions, it is not a realistic option in the short term.

The panel recommends some ways of improving the professionalism of the organisation, including competitive selection of heads (and deputy heads) of missions and the payment of their salaries from the core budget of the OSCE. The appointment of heads of missions follows an ambivalent pattern. According to the panel, nominations ‘should be made by the Chairmanship in consultation with the Secretary General and the host country’.¹⁶⁵ The US position is clear on the matter: it would not support a measure ‘that would weaken the flexibility or political leadership of the Chairman-in-Office.’¹⁶⁶ Others, in contrast, would like to see the Secretary General play a larger role and thus somewhat alter the current dispensation whereby the OSCE is ‘Chairman-in-Office heavy’.¹⁶⁷ It is certainly in the interest of participating states to appoint heads of missions without the host state being able to veto such appointments; at the same time, it is obviously not in the interest of the OSCE to appoint a head of mission with whom the host state would be reluctant to cooperate. It is not clear whether under the current proposals the host country would

161. Ibid, points 24b, 24c and 24d, pp. 16-7.

162. Appointing heads of missions by consensus would actually go beyond practice at the UN. There, heads of missions are appointed by the Secretary-General of the organisation.

163. ‘Common Purpose: Towards a More Effective OSCE’, op. cit., point 42i, p. 24.

164. Wolfgang Zellner, ‘Managing Change in Europe’, op. cit., pp. 30-2.

165. ‘Common Purpose, Towards a More Effective OSCE’, op. cit., point 42j, p. 24.

166. ‘Statement on the Purpose and Priorities of the OSCE’, op. cit. p. 3.

167. The EU Commissioner for External Relations and European Neighbourhood Policy has been of the view: ‘We would like to see ... a stronger role of the Secretary General’. Speech by Benita Ferrero-Waldner at the Thirteenth OSCE Ministerial, Ljubljana, 5-6 December 2005, p. 3.

be in the position to express sufficiently strong opposition, short of a veto to block the appointment of a person. Bearing in mind the interest of participating states in appointing heads of missions, it remains to be seen what influence such a change would have on practice.¹⁶⁸ A degree of consensus seems to have emerged with regard to the issue of turning the OSCE into a more professional organisation with career personnel. The Secretary General of the OSCE confirmed this view: 'We need to retain our staff. It does not make any sense to let good people go for the sake of maintaining constant turn-over. ... It weakens our effectiveness.'¹⁶⁹

The report does not put forward specific proposals for streamlining the institutional structure. It recommends that participating states 'should resist the proliferation of structures in the OSCE'.¹⁷⁰ It puts forward detailed proposals about the roles and relationship between the CiO and the Secretary General of the organisation. It remains insufficiently specific, however, in putting forward proposals to avoid the further proliferation of institutions. In all likelihood the OSCE will continue to function with an extensive network of bodies and institutions. Traditional institutional hierarchy familiar in other international organisations will remain alien to the OSCE. This may interfere with increasing efficiency.

With regard to the financing of OSCE activities, the CIS initiatives of July and September 2004 sought to integrate extra-budgetary resources into the OSCE budget process. This would mean that resources provided by western states could no longer be assigned according to western political priorities. Implementation of these ideas would change the OSCE fundamentally. The panel apparently was unable to put forward any reasonable innovative proposal on the matter. It stopped short of any radical idea and underlined 'the importance of a clear and transparent system on the use of extra-budgetary contributions'.¹⁷¹

The institutional review, without addressing the underlying policies, will most probably result in the illusion of an increased level of activity in the short term without any major long-term effect. Consequently, it seems likely that the OSCE will continue to muddle along rather than develop according to a new design, grand or not.

The high-level consultations that followed the presentation of the report have demonstrated the distance between the positions

168. 'Common Purpose, Towards a More Effective OSCE', op. cit., points 42j and 43, pp. 24-5.

169. Statement by OSCE Secretary General, Marc Perrin de Brichambaut, at the High-Level Consultations, Vienna, 12 September 2005, p. 2. SEC.GAL/195/05.

170. 'Common Purpose: Towards a More Effective OSCE', op. cit., point 43a, p. 25.

171. 'Common Purpose: Towards a More Effective OSCE', op. cit., point 43d, p. 25.

of the United States and the Russian Federation. The former agreed to endorse the absolute minimum of necessary reforms and regards the current state of the organisation and its policies as OSCE *acquis*. The latter, grossly dissatisfied with the current priorities and functioning of the organisation, wants a major reform to be undertaken. Russia repeated many of the proposals it had previously put forward in conjunction with some other participating states as ‘articles of faith’. The only major development was that Russia invented a ‘*chapeau*’, emphasising a return to the interstate nature of the organisation, which should operate ‘for the benefit of all its members by clear rules fully reflecting its interstate nature’.¹⁷² This would redress many of Russia’s grievances, as it is often practice rather than the formal rules that runs contrary to its interests. Russia’s emphasis on the interstate nature of the OSCE is innovative. It means the OSCE should not engage in transnational activities, and should not address (or should at least less frequently address) intra-state matters, like elections, human rights, the treatment of minorities etc.

It is clear that to comply with Russia’s demands would eliminate those comparative advantages the OSCE has retained. Except for a few minor institutional matters, there appears to be an unbridgeable gap between the views of the two protagonists. Although it would be premature to draw conclusions from the starting positions that should lead to an agreed reform package, it is certain that the Euro-Atlantic area is at a parting of the ways. The new divide is not along the lines of declared political values but rather in the area of political practice.

The EU reacted to the report by acknowledging the effectiveness of the organisation and supporting many of its achievements, including the autonomy of election monitoring and the operational capability of OSCE field operations. Although speaking on behalf of 35 states, the EU presidency could hardly take a stronger stance on the matter as there was no full consensus among the EU member states.¹⁷³ The same happened at the OSCE Ministerial Council.¹⁷⁴

Decision of the OSCE Ministerial Council

In the light of the developments that led to the Ministerial Council of December 2005, it was expected that it would either put forward a very modest package of reforms or defer the entire issue to

172. ‘Russia offers proposals on OSCE reform’, Interfax News Agency, *Diplomatic Panorama*, 14 September 2005.

173. United Kingdom Presidency of the Council of the European Union, EU Statement for High Level Consultations in Vienna, 13 September 2005, PC.DEL/865/05. The fact the Presidency statement was followed by several statements by EU member states was a demonstration of this.

174. United Kingdom Presidency of the European Union, Closing Statement by the Presidency on behalf of the European Union, 6 December 2005, MC.DEL/69/05.

a later stage. The latter view prevailed among the participating states. This position helped them to avoid having to admit that they could only agree to differ. Hence, it was agreed to continue the work on a broad range of reform matters and report to the Ministerial Council in December 2006. This happens when the next chairmanship country does not have reform of the OSCE among its priorities. Eleven issue areas have been identified: (1) Rules of procedure; (2) Improving the consultative process, including considering a committee structure; (3) Considering ways of improving the planning and efficiency of OSCE conferences; (4) Strengthening the efficiency, effectiveness and transparency of the Organisation's activities; (5) Considering ways to further enhance the role of the Secretary General; (6) Modernising the Secretariat; (7) Strengthening the effectiveness of the OSCE institutions and field operations; (8) Examining the possibility of providing the OSCE with legal status and granting privileges and immunities; (9) Further improving the programme planning; (10) Considering ways of further improving the professionalism of OSCE personnel and the management of its human resources; (11) Considering the possibility of thematic missions in an OSCE-wide or subregional context.

As the ODIHR has been the subject of much controversy it has been tasked to submit, for discussion, to the Ministerial Council of December 2006 a report on: (1) implementation of existing commitments; (2) possible supplementary commitments; (3) ways of strengthening and furthering its election-related activities; (4) improving the effectiveness of assistance to participating states. As it has been one of the main concerns of some participating states that the ODIHR acts far too autonomously, it is requested that the ODIHR report would take into account and answer questions put by participating states and in close consultation with them.¹⁷⁵ As decision on reform has been deferred due to ongoing disagreements among some participating states, it is unlikely that a major reform package could be put together for the next ministerial council meeting. On the contrary, it can be taken for granted that no breakthrough will be achieved with regard to ODIHR and its activity.

175. OSCE Ministerial Council, Ljubljana 2005, Decision No. 17/05, 'Strengthening the Effectiveness of the OSCE', MC.DEL/17/05, pp. 2-3.

There is some resemblance between the current situation of the OSCE and that of its predecessor, the CSCE, during the Cold War. Two opponents, the United States and the Russian Federation, have diametrically opposed agendas although they are no longer caught up in a systemic confrontation. Both have short to medium-term objectives. One of them – the United States – has an ambitious democratisation agenda. Several countries in the former Soviet area, including the Russian Federation, that have not gone through democratic change or are backtracking on democracy are resistant to the idea that the OSCE be used as an instrument of systemic transformation and swift democratisation. In this polarised situation the OSCE is, tacitly, in search of a participating state or a group of countries that could help bridge the distance between the two. Irrespective of the fact that the values of most European democracies are largely identical with those of the United States, it is an enlarged group of western European countries that should attempt to serve as a bridge in terms of practical politics.

It is necessary for the EU member states to keep some distance from the political agenda of those countries which are backtracking on democracy while at the same time engaging with them. It would also be to the detriment of the EU, however, if it were too closely associated with a radical, anti-status quo oriented, short-term democratisation agenda in the OSCE.

For most European democracies, the most important thing is to prioritise those broad matters which are on the agenda of the OSCE. It is necessary to focus on aspects of the politico-military agenda which could recreate some formal balance between the politico-military and the humanitarian dimensions in order to keep on board those participating states interested in the OSCE that the organisation needs most in order to retain – or rather to regain – its relevance. It is important that each participating state recognises this paradoxical situation. If participating states accept

this as a starting point it is possible to recreate some minimal consensus around the organisation.

The politico-military dimension should contribute to preserving the relevance of arms control as the OSCE has the richest experience in Europe in this regard. It should retain some of its comparative advantages, particularly in fostering subregional and bilateral arms control measures. European democracies should facilitate the change of emphasis in arms control so that it would form an integral part of a new arms control agenda that is closer to human security (landmines, small arms, light weapons etc.) and also affects business interests (export control).

The OSCE should address terrorism and serve as a clearing house in contemplating and processing various responses. When contemplating responses to terrorism, the OSCE should avoid excessive militarisation as a solution and highlight other options. It should contribute to clarifying what addressing the 'root causes' of terrorism means, beyond inaction. The OSCE could also play a role in the transfer of knowledge on the relationship between counter-terrorism and the rule of law.

The OSCE should retain the importance of its long-term missions. It is important to combine resolve and cooperation when carrying out such missions. On the one hand, missions should carry out tasks in the interest of the people of the host states. On the other, it is necessary however to cooperate with the authorities of the host state, irrespective of the nature of the regime. If the OSCE does not reestablish its role as an instrument of co-operative security and continues finger-pointing, it cannot re-establish its credibility. The single most important matter is to demonstrate that the OSCE is there to help build capacity that states either do not possess or do not intend to develop. It is a delicate task to find the right balance between the short-term and long-term interests of democratic participating states. The EU as a powerful actor in the OSCE should find a way to contribute to democracy in Europe without associating itself unreservedly with an overly ambitious democratisation agenda.

The economic-ecological dimension should preserve its residual relevance and continue to be selective and project-oriented. It should remain complementary to the activity of the EU and hence focus on those regions not regarded as its priority.

In the human dimension, a co-operative, less intrusive approach should be combined with the respect for the underlying

norms of the OSCE *acquis*. The organisation should combine firmness in applying the rules with flexibility when violation is due to lack of capacity and not to a reluctance to implement them.

This requires adopting an approach based on pragmatism and hence shedding an overly rigid attitude based on ideological considerations.

The current institutional adaptation should focus upon retaining the flexibility of the organisation and making it fit to face those security challenges that have been emerging on the horizon. This makes it necessary to increasingly focus on transnational challenges while retaining the key comparative advantage of the OSCE: field presence. Field missions should adapt flexibly so as to address the needs both of states and societies rather than pursuing ambiguous agendas.

With regard to the institutional reform of the OSCE, the EU should put its weight behind a reasonable middle ground that helps bridge the distance between the other two main players. It should also act to avoid giving the impression that once 'a compromise in the EU has been found, there is very little scope for negotiations, which contributes to the shrinking importance of the OSCE as a political platform'.¹⁷⁶ It is not in the interest of the EU to generate the feeling among the smaller non-integrated participating states that democracy has been severely curtailed in this all-European organisation.

176. OSCE Parliamentary Assembly – Swiss Foundation for World Affairs, 'Report on the Colloquium on The Future of the OSCE', Washington, 5-6 June 2005, p.6. Available at www.osce.org

The CSCE/OSCE has always been part of political change in Europe and contributed to the transformation of Europe from the Cold War to the post-Cold War era. The single most important question for the future of the organisation is whether it intends to contribute 'to the process of changing the world' or whether it intends to find its role 'within the changing world'.¹⁷⁷ If the OSCE is in favour of the former, then a different political role devolves to it than if it is merely prepared to practise self-constraint. Actually the OSCE, unlike some of its participating states, has no choice as there is no consensus among the participating states to pursue clearly-defined political changes and apply specific measures in Europe. The effectiveness of the organisation is clearly hindered by this lack of consensus.

The dilemma for many participating states is the following: democracies and law-abiding nations have limited room for manoeuvre when they seek to change the political development of other countries. They are not in a position to apply some methods that were used in the past to force the pace of political change. The desirability of the objective to spread democracy should not cause us to lose sight of this fact. There are other participating states, however, where regimes and rulers resist or curtail democracy, would prefer to maintain their authoritarian regimes, and violate human rights as they deem necessary to hold on to their power. They protect their status quo and resist change. Many states would like to avoid the imposition of the political will of other states upon their political ethos, and avoid being coerced into democracy. At the same time it is obviously preferable that people should be free to live in a democracy and enjoy their human rights. The OSCE is neither the only, nor the most important, actor in this.

The situation outlined above raises a more general question. Whose security should the OSCE guarantee – the security of the participating states or the security of the people? If security is state

177. These terms were used by Slovenian Foreign Minister and OSCE Chairman-in-Office of 2005, Dimitrij Rupel. See his 'The Contribution of the OSCE in a Changing World', Vienna, 20 July 2005, p. 1.

security it has to be accepted that states are represented by regimes and their interests may be confined to the status quo. If it is a question of the security of the people, then the role of the OSCE should be different. Currently, both agendas are present in the OSCE.

Beyond the reluctance of some participating states to accept that the OSCE, and some participating states behind it, can contribute to changing the European political landscape and complete the spread of democracy regionally, the situation is further complicated as some of the larger participating states are not in favour of extensive multilateralisation of international relations in Europe. They tend to give priority to inter-state relations in order to take advantage of their superiority vis-à-vis other states in Europe or in their neighbourhood. This applies to the US, which likes to enjoy superiority in its bilateral relations, and Russia which enjoys a similar position in its region, the area of the former Soviet Union. Furthermore, from their perspective the 55-member organisation also involves somewhat more unpredictability than bilateral relations or certain subregional frameworks. When these states give priority to institutions, they intend to rely on frameworks where they enjoy a leading role or where the institution provides some other advantage to them. For these reasons the OSCE is not the favourite forum of the successor states, the United States or, for that matter, of any participating state.

Since the mid-1990s, when the idea that the OSCE could assume the central role in the structure of European institutions became untenable, the OSCE has been struggling to find its role. It has, in effect, accepted that its role will be to fill niches. Its current position is a result of the ongoing reconfiguration of European security and growing disillusionment with the OSCE in various quarters. There is little awareness that some of the OSCE's often perceived strengths may also be considered disadvantages. Although institutional adaptation may help revitalise the organisation, the complexity of the underlying reasons behind its loss of importance make it more important that it returns to its original spirit. This could most readily be achieved by reconsidering the role of co-operative security which has recently appeared to have (at least partially) slipped off the radar screen of international politics.

The fact that the OSCE and its participating states have started to think about reforming the organisation may have two outcomes. It may result in a situation where the OSCE becomes a

more meaningful organisation and regains some of its lost importance. It may also come to pass, however, that the identification of the severe problems it has been facing lately and the inability to revitalise the organisation results in a further loss of interest and credibility. The result of attempts at reform may make the OSCE's crisis-like situation more pronounced and more visible, thus accelerating its decline. If that were to happen, the OSCE could be stripped of content and left with nothing more than the noble principles and commitments upon which it was originally based. It is precisely the principles, the comprehensive concept of security, and the set of commitments adopted by the participating states, that represent the OSCE's unique 'value added'. And yet it is hard to say how the organisation could respond if its implementation mechanisms were confronted with the hesitation or even the outright reluctance of a large part of its participating states. One way or another, the current reappraisal of the OSCE's role will certainly bring the final outcome closer.

This *Chaillot Paper* has attempted to demonstrate that the overwhelming majority of the OSCE's problems are both objective in character and highly complex. This does not necessarily mean that they are 'fatal' however. They can be confronted by the participating states – if there is sufficient political will. Currently, the internal division of participating states gives little ground for optimism. Subjective errors may have aggravated the situation of the OSCE, but it would be erroneous to conclude that the problems as a whole are largely subjective and could be solved rapidly by a few more judicious decisions or quick institutional fixes. Under the current conditions, it is unrealistic to wish to turn the OSCE into an international institution of prime importance. Nor is it necessary. Neither minimalist, nor ambitiously comprehensive, reform plans are necessary. The current, belated reform process the OSCE has embarked upon defines the framework realistically. It boils down to a muddling-through 'strategy' for the OSCE. Given the different perceptions of the OSCE's role, it seems impossible that anything more than a streamlining of its current activities can be achieved. It should, however, aim to regain some of the distinctiveness which it has lost due to the evolution of its environment. Experts who have dealt with OSCE matters systematically for a long time as well as many who have worked for the organisation are well aware of what steps need to be taken in this regard.

Despite major political changes that have affected both its environment and its relevance, the Organisation for Security and Co-operation in Europe, and its predecessor the Conference on Security and Co-operation in Europe, have proved to be highly adaptable institutions. The prospects for OSCE reform are limited by the underlying disagreement of the parties involved. The few concrete actions that are available could however be supplemented by a reappraisal of the organisation's spirit. It was conceived as an organisation of co-operative security. The most important aspect of this is to provide countries that do not have the capacity to carry out the tasks of a properly functioning democratic state with the support they need. This may entail a variety of activities, including fostering certain processes as well as applying gentle pressure when necessary. It is important, however, that the OSCE does not become another institution where a small number of *demandeurs* set the agenda for the rest, who are then held to be responsible if the former's demands are not fulfilled. There should be no finger-pointing, which can only alienate countries in need of support during their transition to democracy or when experiencing resistance to change. If it does not revive its co-operative spirit, the OSCE has no chance of finding more acceptance among its participating States.

The OSCE's lack of adaptation to the post-Cold War European institutional landscape has not been the most important factor in its relative decline. A more basic problem is that, during this period, either the OSCE's agenda has not been important enough to increase its relevance or important issues have been taken over by other organisations that can deal with them more effectively and/or are better endowed with resources. Consequently, the OSCE security agenda is progressively being emptied of its content. This has been the case with several recent issues on its agenda, such as trafficking in human beings and controlling the proliferation of man-portable air defence systems (MANPADS), that have since been appropriated by more powerful institutions. There is no reason to assume that the pattern will not be repeated in the future. Here again, those states which are members of several regional institutions should consider in which basket they should put their eggs. How often can emerging security issues be monopolised by other institutions at the 'expense' of the OSCE before this entails lasting and damaging repercussions for the organisation? Some issues, primarily in the humanitarian dimension,

seem best suited to the OSCE – but it would require a conscious decision by participating states to prevent them from being ‘relocated’. It is also possible that the OSCE could turn its attention to addressing transnational security matters emerging on the horizon. Such a change would make it necessary, however, to develop the organisation consciously in a direction that would curtail its classical inter-governmental features. The OSCE has initiated organisational reforms, but without moving towards a more comprehensive review or reform of policy.

Consequently, the changes made, or planned, thus far could be ‘too little too late’. The OSCE’s struggle for a larger role is not over, but the organisation could be on the verge of becoming a forum for exchanging views on a broad range of international security matters and not much more. If former OSCE Secretary General Jan Kubis is correct when he says that ‘what is going on in the OSCE is . . . worth watching because it is a barometer of the political atmosphere in Europe today’, there is no particular reason for optimism.¹⁷⁸

Our first impression may be that the OSCE is in crisis. There is no doubt but that it has been facing major problems in recent times. Some of those features may be described as ‘crisis-like’. However, it must be remembered this is not just the crisis of the OSCE. It is far more a crisis of the system of international relations in Europe where both intergovernmental institutions and their inter-relationship are increasingly called into question.

178. Quoted by Daniel Dombey and Andrew Jack, ‘Concern rises in US and EU over Russia’s growing hostility to OSCE’, *The Financial Times*, 11 November 2004. (Electronic version)

List of OSCE participating states

Albania	(Admitted 19 June 1991)
Andorra	(Admitted 25 April 1996)
Armenia	(Admitted 30 January 1992)
Austria	(Admitted 25 June 1973)
Azerbaijan	(Admitted 30 January 1992)
Belarus	(Admitted 30 January 1992)
Belgium	(Admitted 25 June 1973)
Bosnia and Herzegovina	(Admitted 30 April 1992)
Bulgaria	(Admitted 25 June 1973)
Canada	(Admitted 25 June 1973)
Croatia	(Admitted 24 March 1992)
Cyprus	(Admitted 25 June 1973)
Czech Republic	(Admitted 1 January 1993)
Denmark	(Admitted 25 June 1973)
Estonia	(Admitted 10 September 1991)
Finland	(Admitted 25 June 1973)
France	(Admitted 25 June 1973)
Georgia	(Admitted 24 March 1992)
Germany	(Admitted 25 June 1973)
Greece	(Admitted 25 June 1973)
Holy See	(Admitted 25 June 1973)
Hungary	(Admitted 25 June 1973)
Iceland	(Admitted 25 June 1973)
Ireland	(Admitted 25 June 1973)
Italy	(Admitted 25 June 1973)
Kazakhstan	(Admitted 30 January 1992)
Kyrgyzstan	(Admitted 30 January 1992)
Latvia	(Admitted 10 September 1991)
Liechtenstein	(Admitted 25 June 1973)
Lithuania	(Admitted 10 September 1991)
Luxembourg	(Admitted 25 June 1973)
Malta	(Admitted 25 June 1973)
Moldova	(Admitted 30 January 1992)
Monaco	(Admitted 25 June 1973)
The Netherlands	(Admitted 25 June 1973)
Norway	(Admitted 25 June 1973)
Poland	(Admitted 25 June 1973)
Portugal	(Admitted 25 June 1973)

Romania	(Admitted 25 June 1973)
The Russian Federation	(Admitted 25 June 1973)
San Marino	(Admitted 25 June 1973)
Serbia and Montenegro	(Admitted 10 November 2000)
Slovak Republic	(Admitted 1 January 1993)
Slovenia	(Admitted 24 March 1992)
Spain	(Admitted 25 June 1973)
Sweden	(Admitted 25 June 1973)
Switzerland	(Admitted 25 June 1973)
Tajikistan	(Admitted 30 January 1992)
The Former Yugoslav Republic of Macedonia	(Admitted 12 October 1995)
Turkey	(Admitted 25 June 1973)
Turkmenistan	(Admitted 30 January 1992)
Ukraine	(Admitted 30 January 1992)
United Kingdom	(Admitted 25 June 1973)
United States of America	(Admitted 25 June 1973)
Uzbekistan	(Admitted 30 January 1992)

Abbreviations

ASRC	Annual Security Review Conference
CFE	Conventional Forces in Europe
CiO	Chairman-in-Office
CIS	Commonwealth of Independent States
CORE	Centre for OSCE Research
CSBM	Confidence- and Security Building Measures
CSCE	Conference on Security and Co-operation in Europe
EBRD	European Bank for Reconstruction and Development
ENP	European Neighbourhood Policy
EU	European Union
FSC	Forum for Security Co-operation
FYROM	Former Yugoslav Republic of Macedonia
HCNM	High Commissioner on National Minorities
HDIM	Human Dimension Implementation Meeting
IFSH	Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg
IISS	International Institute for Strategic Studies
KVM	Kosovo Verification Mission
MANPADS	Man-portable air defence system
MBFR	Mutual (and Balanced) Force Reductions
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NIS	Newly Independent States (of the Former Soviet Union)
ODIHR	Office of Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
RFOM	Representative on Freedom of the Media
UN	United Nations
WEU	Western European Union
WMD	Weapons of Mass Destruction

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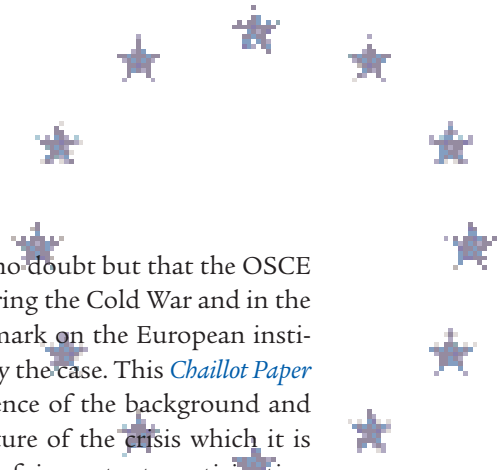
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The OSCE is in crisis. There can be no doubt but that the OSCE today, as compared to its heyday during the Cold War and in the mid-1990s, is a far less visible landmark on the European institutional landscape than was formerly the case. This *Chaillet Paper* seeks to take stock for an EU audience of the background and the evolution of the OSCE, the nature of the crisis which it is currently experiencing, the views of important participating states and the potential for the organisation's reform.

The crisis of the OSCE matters to other actors of the European security environment for various reasons. Due to its distinctive composition (comprising 55 participating states from Europe and North America), it has a geographical reach that is more wide-ranging than that of other European and Euro-Atlantic institutions, and a broad security mandate. The OSCE is therefore an important actor on the European security scene at a time when most security problems extend beyond the traditional inter-state realm and notwithstanding the fact that other organisations – primarily the EU – are gradually extending their activity to the same field.

As the EU has developed as a foreign policy actor, it has taken on many responsibilities that had previously been assumed by the OSCE. Nevertheless, the organisation remains a vital forum for EU foreign policy and an important plank of member states' vision of Europe's security architecture. In a number of areas, most notably the human dimension, the OSCE remains the EU's first and best recourse. The current crisis of the organisation is important therefore both for member state foreign policy and for the EU Common Foreign and Security Policy (CFSP).

published by
the European Union
Institute for Security Studies
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e-mail: institute@iss-eu.org
www.iss-eu.org

€10

ISSN 1017-7566
ISBN 92-9198-088-9