



Geneva Centre for the Democratic Control of Armed Forces (DCAF)
Policy Paper - №10

**The OSCE Between Crisis and Reform:
Towards a New Lease on Life**

Victor-Yves Ghébali

Geneva, November 2005

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The OSCE Between Crisis and Reform: Towards a New Lease on Life

Victor-Yves Ghébali

1. Introduction

In the post-Cold War landscape of European security, four quite different type of multilateral institutions are operating with partially intersecting mandates: NATO, the European Union, the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE). As a direct offspring of the Conference on Security and Cooperation in Europe (CSCE), or the Helsinki process, the OSCE certainly illustrates a most original creation of multilateral security diplomacy.¹ Its institutional identity is characterised by a number of features which actually represent proper assets:

1. *All-inclusive membership.* OSCE's 'Europe' refers to a region encompassing not only the whole Continent up to the Caucasus, but also North America and the former Soviet Central Asia. Being a Euro-Atlantic as well as a Eurasian organisation, the OSCE emerges as the only security forum reflecting Europe's political bonds with both North America and the Eurasian part of the former USSR.
2. *Cooperative security approach.* The OSCE implements a global security program through a 'cooperative security' approach. Such an approach rules out coercion, prescribes military transparency and makes use of preventative diplomacy as a privileged form of action. More significantly, it also involves mutual accountability on the basis of right of friendly interference in internal affairs derived from the legacy of the CSCE. Indeed, gross or systematic violations of OSCE commitments by any participating State are not to be followed by sanctions or even public allocation of blame.² Rather, they generate offers of assistance aimed at helping the concerned government to redress a situation considered (in the spirit of indivisibility of security according to which partnership must prevail over political antagonism) to be detrimental to the State in question and to the whole community of participating States. Since the aim is not to interfere but rather to maximise common security, it is implicitly assumed that assistance offers are not supposed to be rejected. The Achilles' heel of cooperative security is that it presumes goodwill and good faith from governments. In the absence of full cooperation, the approach is inevitably barren.
3. *Politically binding commitments.* OSCE's decisions and normative instruments (all adopted by means of consensus) create 'politically binding' commitments. Given that an international commitment does not need to be legal in order to have a binding character, OSCE commitments are not inferior to legally binding ones. OSCE-participating states are expected to honour them as good faith commitments. In

¹ Institutionalised by the Charter of Paris for a New Europe (November 1990), the CSCE was retrospectively renamed the 'OSCE' as from 1 January 1995.

² Yugoslavia's suspension from the OSCE, in 1992, was an (isolated) exception to the rule.

other words, the violation of OSCE decisions and normative instruments is as inadmissible as that of plain legal commitments.

4. *Decentralised and non-bureaucratic structures.* Headquartered in Vienna, the OSCE includes two major operational institutions located in Warsaw (Office for Democratic Institutions and Human Rights) and in The Hague (High Commissioner on National Minorities). It clearly avoids bureaucratisation since less than 500 officials work in those three cities. Immunity from bureaucratisation also stems from the fact that OSCE's Secretary General and Secretariat assume more administrative than political functions – just because leadership is the preserve of a yearly rotating Chairman-in-Office (CIO) assisted by the former and next CIOs forming a troika.
5. *Low-cost activities.* When institutionalised, what still was the CSCE started up its activities with about 1 million euro (1991). Although, the budget dramatically grew afterwards – reaching a peak of some 205 million euros in 2000 – it has remained moderate in comparison to other regional or universal security organisations. The 2005 budget only amounts to 168.6 million euros. In many respects, it can be argued that the OSCE offers high value for low cost.
6. *Operational focus and capacity for rapid response.* Through a unique network of 16 field missions (involving some 1,000 seconded international agents and 3,000 locally hired staff) the OSCE provides advice, expertise and practical assistance to its participating States on matters pertaining to the three dimensions of security. Due to the flexibility of its structures and methods of work, it has currently displayed a strong capacity for rapid response to conflict situations: hence, for instance, there was instant and effective reaction to the collapse of State structures in Albania (1997).
7. *Privileged partnership with the United Nations.* The OSCE is the sole European security body which has formally undertaken to abide by the rules of Chapter VIII of the Charter.³ It has established with the UN a privileged partnership which actually can be considered as the most positive implementation, so far, of Chapter VIII's spirit and letter. Through its conflict management activities, the OSCE (whose membership includes four out of the five permanent members of the Security Council) effectively contributes to ease the security burden of an otherwise overstretched UN.

Against this overall positive background, two elements of weakness have to be mentioned. First, the OSCE operates as a discrete (if not esoteric) institution whose developments are not easy to follow or appreciate. This is so because of a combination of reasons: it does not have a consolidated founding instrument; its participating States are not eager to raise its profile beyond a certain point; its comparative advantage and trademark lie in preventative action – a function requiring to be conducted confidentially, through some sort of 'stealth diplomacy'. Second, especially since 2000, the OSCE is confronted with a crisis putting its relevance in question. The present paper offers a critical overview of the overall record of the OSCE as well as an analysis of the basic problems and possible solutions to the OSCE crisis.

³ The OSCE self-proclaimed as a regional agreement under Chapter VIII of the UN Charter through the Helsinki Decisions 1992 (§ 2 of Chapter IV) and the 1992 Helsinki Summit Declaration (§ 25).

2. The Overall Record of the OSCE: An Overview

The OSCE performs such functions as security dialogue, standard-setting, monitoring of normative commitments, operational assistance to democratisation and conflict management. Composed of three ‘dimensions’ (formerly known as ‘baskets’), its comprehensive security agenda intertwines the politico-military aspects of security with economic/environmental and human dimension matters. The crucial function of conflict management is addressed from a cross-dimensional perspective.

2.1. The Three Dimensions of Comprehensive Security

The three dimensions differ in terms of institutional resources (see Table I), as well as visibility and achievements. Whereas the human dimension appears as the most performing and high-profile, the economic dimension is the less productive – with the politico-military dimension occupying a middle-of-the-road position.

Table I: Main Institutional Tools of the Three Security Dimensions

Politico-military dimension	Economic dimension	Human dimension	All three dimensions
Forum for Security Cooperation	Economic Forum	ODIHR	Annual Security Review Conference
Annual Implementation Assessment Meetings	OCEEA	Representative for the Freedom on Media	LTMIs
HCNM (as a tool for conflict prevention)	Economic and Environmental Sub-Committee of the Permanent Council	HCNM (as a tool for the promotion of human dimension commitments)	
LTMIs (as a tool of conflict management)		Human Dimension Implementation Meetings	

Through its politico-military dimension, the OSCE addresses issues pertaining to arms control, confidence- and security-building measures (CSBMs) as well as security sector governance – not counting the special case of anti-terrorism.⁴ The OSCE can be credited with significant achievements in non-arms control matters. Thus, through Sections VII-VIII of the 1994 Code of Conduct on Politico-Military Aspects of Security, it has established a regime for the democratic control of armed forces which still has no counterpart in any other universal or regional security organisation.⁵ Furthermore, the Vienna Document 1999 offers an outstanding CSBMs regime providing for (in addition to verification measures by means of observation, inspection and evaluation) information-oriented CSBMs, communication-oriented CSBMs, constraining CSBMs and

⁴ The strategy developed by the OSCE to combat new security threats in response to the 9/11 terrorists attacks aimed at four major goals: elimination of the financing of terrorism, combatting all kinds of illicit trafficking (human beings, drugs, small arms, etc.), improvement of police force performance and more effective border management.

⁵ For more details, see Victor-Yves Ghebali & Alexander Lambert: *The OSCE Code of Conduct on Politico-Military Aspects of Security. Anatomy and Implementation*. Leiden, Martinus Nijhoff, 2005, xxi-428 p.

crisis management CSBMs. In the framework of the politico-military dimension, the participating States are committed to exchange, annually and according to strict deadlines, an impressive variety and bulk of information (see Table II). Besides the hurdles related to the growing financial and bureaucratic burden from constant reporting and exchange of information, the major problems existing at the level of that dimension are threefold. First, there are the natural limits of CSBMs: the menu of possible CSBMs applicable in period of political ‘good weather’ have been exhausted; although fashionable from an abstract perspective, CSBMs applicable in ‘bad weather’ conditions have so far demonstrated no real operational potential at operational level. Second, although negotiated under the umbrella of the OSCE (and initially meant to engage only the NATO and the Warsaw Pact countries), the Conventional Armed Forces in Europe (CFE) Treaty only links 30 out of the 55 OSCE participating States. As long as the Treaty regime will remain a non-OSCE regime, the politico-military dimension could not pretend addressing the ‘hard’ security issues of the European military agenda. Third, there is the absence of an integrated OSCE concept for security sector governance; the OSCE addresses the various elements of that theme (democratic control of armed forces, rule of law, border management and policing) in a piecemeal fashion, with no global vision or unified guiding principles.

Table II: Basic Texts and Instruments Related to the Politico-Military Dimension

Arms Control	CSBMs	Security Sector Governance
Principles Governing Conventional Arms Transfers (1993)	Global Exchange of Military Information Document (1994)	Code of Conduct the Code of Conduct on Politico-Military Aspects of Security (1994): Sections VII and VIII on the democratic control of armed forces
Principles Governing Non-Proliferation (1994)	Vienna Agreement on CSBMs in Bosnia and Herzegovina (26 January 1996),	Section II of the 1999 Vienna Document on CSBMs: (Defense Planning)
Questionnaire on the ratification process of the 1993 Chemical Weapons Convention (1996)	Florence Agreement on sub-regional arms control (14 June 1996)	
Questionnaire on Anti-Personnel Landmines (1997 and 2004)	Vienna Document on CSBMs (1999 updating)	
Document on Small Arms and Light Weapons (2000) decisions	Vienna Concluding Document on arms control in and around Yugoslavia (18 July 2001)	
Document on Stockpiles of Conventional Ammunition (2003)		

The *economic dimension* has remained the neglected child of the OSCE because the overwhelming majority of participating States view its role just as a political ‘catalyst’ for the activities of more specialised and endowed organisations than the OSCE. Its most blatant shortcomings include non-delivery of operational services, insufficient integration to conflict management, inaction of the environmental component, absence of a basic normative instrument setting guidelines for intergovernmental cooperation, etc. Such shortcomings could not be addressed without the injection of a critical mass of human and financial resources – an unwelcome perspective for practically all OSCE States.

The case of the prosperous *human dimension* does not need much elaboration. Suffice it to recall that the OSCE activities in this field are based on a massive and complex network of normative commitments including the panoply of fundamental human rights, the protection of vulnerable groups and the promotion of the rule of law.⁶ At the operational level, the human dimension delivers assistance to democratisation and, especially, monitoring of free and fair elections as well as electoral assistance. It also performs a watchdog function as regards the freedom of the media and champions (by means of a dedicated ‘point of contact’) the cause of the Roma and Sinti. Three main problems presently confront the human dimension. The first problem is related to the structural violations of major OSCE commitments by many States in the OSCE region.⁷ The second has to do (as discussed below) with Russia’s allegations about the intrusiveness of Long-Term Mission (LTM) operations and ODIHR’s ‘biased’ monitoring activities. The third concerns the increasingly divergent positions of the European Union and the United States on such significant matters such as capital punishment, torture, freedom of religion (status of sects as ‘non-traditional religions’) and the limits of freedom of information.

2.2. The Cycle of Conflict Management

For the purpose of conflict management, a function inaugurated in 1992, the OSCE has developed two proper instruments: the High Commissioner on National Minorities (HCNM) and field missions. The HCNM is a specialised tool mandated to address only conflicts involving ethnic minority issues and exclusively at a pre-conflict stage.⁸ By contrast, field missions are entitled to tackle conflicts of whatever nature at all the phases of the conflict management cycle. Initially created as ‘Long Duration Missions’, they soon became known as ‘Long-Term Missions’.⁹ The concept of LTMs emerged pragmatically, out of the concern for avoiding an extension of the Yugoslav conflict beyond Croatia and Bosnia and Herzegovina. Soon after, the format was applied in other places as well. Furthermore, a number of LTMs – whether ‘Centres’ (in Uzbekistan, Kazakhstan, Turkmenistan, Kirghyzstan), ‘Offices’ (in Belarus, Armenia, Azerbaijan) or just ‘Missions’ (in Serbia/Montenegro) – were established for non-conflict management

⁶ For a compendium of those commitments, see *OSCE Human Dimension Commitments. A Reference Guide*. Warsaw, OSCE/ODIHR, 2001, xxi-315 p.

⁷ For more details, see the annual reports issued by the International Helsinki Federation for Human Rights.

⁸ For more details, see *Quiet Diplomacy in Action. The OSCE High Commissioner on National Minorities*. Edited by Walter Kemp. The Hague, Kluwer Law International, 2001, xvii-396 p.

⁹ With some exceptions: ‘Spillover Mission’ (Macedonia), ‘Presence’ (Albania) or ‘Assistance Group’ (Chechnya). For more details, see the author’s ‘The OSCE Long-Term Missions: A Creative Tool under Challenge’, *Helsinki Monitor*, Volume 15, No 3, 2004, pp. 202-219.

purposes such as assisting States in matters pertaining to the three dimensions and especially in sustaining democratic institution-building (see Table III).

Table III: Chronology of the Establishment of Long-Term Missions

1992	1993	1994	1995	1996
Kosovo, Sanjak & Voivodina (closed in 1993)	Moldova	Bosnia and Herzegovina	Chechnya (closed in 2002)	Croatia
Macedonia	Latvia (closed in 2001)	Ukraine (closed in 1999)		
Georgia	Tajikistan	Uzbekistan		
Estonia (closed in 2001)				

1997	1998	1999	2000	2001
Albania	Kosovo Verification Mission (closed in 1999)	Kosovo, within UNMIK	Armenia	Serbia & Montenegro
Belarus	Kazakhstan		Azerbaijan	
	Turkmenistan			
	Kirghyzstan			

Up to now, the OSCE has addressed actual or potential conflicts taking place *exclusively* in the geopolitical space of the former USSR or in the Balkans. Those conflict situations have been of an intrastate nature, with two major exceptions: the Nagorno-Karabakh conflict and the deterioration of Russian-Georgian relations since the end of 1999. Nearly all situations are related to ethno-nationalism and can be referred to either as ‘ethnic’ or ‘ethnicised’ conflicts. Ethnic conflicts involve communities opposed by language or religion, or both – that is to say the exclusive markers of ethnicity (given that, as demonstrated by the decoding of the human genome, ‘race’ is meaningless from a biological point of view). Thus, rifts between Armenians and Azeris, Ossetians and Georgians, Chechens and Russians, Albanians and Serbs in Kosovo, or Albanians and Macedonians illustrate such a type of conflict. It must be reminded that ethnic differences do not, as such, generate conflict; essentially, they exacerbate preexisting political and socio-economic tensions leading up to armed confrontation. An ethnic minority becomes problematic when the living conditions of the group’s members become intolerable due to systematic discrimination, oppression and repression. As to ethnicised conflicts, they might involve either different ethnicities (as above) or populations belonging to a same ethnic group. Here, ethnicity is instrumentalised by political actors who invoke (unilaterally or not) an imaginary or alleged difference presented as utterly irreducible. Although waged under the flag of ethno-nationalism, their real stakes are actually different, as in the case of the Transdnisterian conflict for example. Whether ethnic or ethnicised, a number of OSCE conflicts involve a clash between the principle of self-determination of peoples and that of the territorial integrity of States. In such circumstances, the OSCE has adopted a clear-cut position which

excludes independence while envisaging for the breakaway regions the largest allowable regime of self-rule.

In conflict management, the OSCE closely cooperates with the UN. Thus, when UNPREDEP (United Nations Preventive Deployment Force) was terminated in 1999, it assumed the burden of conflict prevention in Macedonia on its own. It also continued to perform peacebuilding activities alone in Croatia, Tajikistan and Bosnia and Herzegovina after the respective withdrawal of UNTAES (United Nations Temporary Administration in Eastern Slavonia) in 1998, UNMOT (United Nations Mission of Observation in Tajikistan) in 2000 and UNMIBH (United Nations Mission in Bosnia and Herzegovina) in 2002. Cooperation reached an apex with UNMIK (United Nations Interim Administration Mission in Kosovo) – a peacekeeping operation embedding, alongside European Union and HCR components, an OSCE ‘Mission in Kosovo’ entrusted with a human dimension mandate. At the regional level, partnership on a case-by-case basis is normal practice with the European Union, NATO and the Council of Europe. The European Commission closely cooperates with most OSCE Field Missions as well as the HCNM. Practically all OSCE Field Missions in the Balkans enjoy active support from NATO. OSCE’s partnership with the Council of Europe is firmly established at the political, secretariat, operational and interparliamentary levels. This culminated on 17 May 2005 with a joint ‘Declaration on Cooperation’ committing the two institutions to work more closely together to identify coordinated responses to new threats and challenges on the basis of complementarity.

The OSCE currently performs activities related to the major categories of the UN's Agenda for Peace: preventive diplomacy, peacemaking and peacebuilding (see Table IV), the only exceptions being peace enforcement and peacekeeping. Whereas the former is just a prohibited avenue for a cooperative security organisation, the latter is a type of activity actually performed but not acknowledged as such. Chapter III of the Helsinki Decisions 1992, whose substance was reaffirmed by paragraph 46 of the Istanbul Charter, authorises the OSCE to conduct non-coercive peacekeeping operations of its own and also to mandate other European regional institutions to do so on its behalf. Up to now, the OSCE has not made use of this faculty.¹⁰ However, the OSCE does venture into actual peacekeeping through such activities as cease-fire monitoring, policing, border monitoring, etc. The Kosovo Verification Mission (1998-1999) did perform as a kind of peacekeeping operation – without the name. Finally, as an integral part of UNMIK, the OSCE Mission in Kosovo is no doubt involved in peacekeeping in the generic sense of the term. *In a nutshell, the OSCE has been fairly successful in conflict prevention, unsuccessful in conflict resolution and unevenly successful in post-conflict rehabilitation.*

¹⁰ Although hammered out in all of its details by the OSCE, a pan-European peacekeeping operation aimed at deployment in Nagorno-Karabakh has remained in limbo.

Table IV: Conflict Management Functions Performed by OSCE's LTMs and HCMN

Conflict prevention	Conflict resolution	Peacebuilding
Kosovo, Sanjak and Voivodina (Serbia/Montenegro), 1992-1993	Nagorno-Karabakh (Azerbaijan), since 1992	Bosnia and Herzegovina, since 1994
Macedonia, 1992-2000	South Ossetia (Georgia), since 1992	Croatia, since 1996
Estonia, 1993-2001	Transnistria (Moldova), since 1993	Albania, since 1997
Latvia, 1993-2001	Chechnya (Russia), 1995-2002	Kosovo (Serbia/Montenegro), since 1999
Ukraine, 1994-1999		Macedonia, since 2001
Major cases addressed by the High Commissioner on National Minorities: Russian minorities in Estonia and Latvia Albanian Minorities in Macedonia Hungarian minorities in Slovakia and Romania Russian and Crimean Tatar minorities in Ukraine		Tajikistan, since 1994

2.2.1. Conflict Prevention: A Positive Record

The OSCE certainly deserves an honourable grade in conflict prevention. The major OSCE preventative interventions have taken place in the Baltic area (Estonia and Latvia), Macedonia and Ukraine. Simultaneously conducted by an LTM and the HCNM, they aimed at preventing a worst-case scenario bearing risks of external intervention, as well as of internal destabilisation associated with a compact national minority's discontent. The HCNM also intervened, separately, to defuse tensions involving Russian minorities in the Baltic area (Estonia and Latvia), Albanian minorities in Macedonia, Russian and Crimean Tatars in Ukraine, as well as Hungarian minorities in Romania and Slovakia. In most cases, NATO and the European Union gave behind-the-scenes support to the OSCE. However, the latter assumed the leading role in the Baltic States and Ukraine – with some contribution from the Council of Europe and UNDP in the former and from UNHCR, UNDP and IMO (as concerns the particular issue of Crimean Tatars) in the latter. Only the Macedonian involved a more complex configuration.

In Macedonia, both the UN and the OSCE operated with comparable mandates but with quite different means: on the one hand, a peacekeeping operation of about 1,000 military troops (UNPROFOR and, from March 1995, UNPREDEP) and, on the other hand, a 'Spillover Mission' to Skopje consisting of some ten diplomats. In April 1993, an inter-secretariat agreement established weekly consultations between the Heads on respective presences and coordination of movements in the field. A tacit division of labour developed under which the UN addressed border incidents and the OSCE interethnic problems. Being more credible at the political and military levels, the UN took such a

lead that the conclusion of the Spillover Mission was envisaged. This did not happen, because UNPREDEP was discontinued in February 1999 following a Chinese veto provoked by Macedonia's recognition of Taiwan. After assuming the burden of conflict prevention in the country, the OSCE did not forecast the Albanian military uprising which, during the first eight months of 2001, put Macedonia on the verge of civil war – an event which marked the failure of conflict prevention in Macedonia and demonstrated that structural prevention had not been undertaken to sufficient depth. It also failed to put an end to the uprising and to achieve an acceptable political compromise. Through a Personal Representative of the Romanian Chairmanship (American Ambassador Robert E. Frowick), the OSCE did offer a solution with the so-called Prizren Agreement of May 2001. Brokered between the leaders of the main ethnic Albanian political parties and the Albanian insurgents of the UCK-M movement, the agreement was unanimously rejected because no ethnic Macedonian political leader could afford accepting, at this stage, public compromise with Albanian 'terrorists'. In any event, the OSCE was sidestepped overnight. The European Union and NATO filled the vacuum. Their joint efforts produced the Ohrid Framework Agreement of 13 August 2001 – a political settlement whose spirit did not radically differ from that of the Prizren Agreement.

2.2.2. Peacebuilding: An Uneven Record

The OSCE has undertaken post-conflict rehabilitation activities in the Western Balkans and Tajikistan. In all cases, its objective was the reconstruction of a war-torn society in the aftermath of interneccine armed confrontation on the basis of a peace agreement (Croatia, Bosnia and Herzegovina, Macedonia, Tajikistan) or, more exceptionally, a United Nations Security Council resolution (Kosovo) or just a decision of its own Permanent Council (Albania). OSCE interventions have focused on the human dimension aspects of peacebuilding: protection of human rights (including those of national minorities), promotion of the rule of law, freedom of the media, establishment of democratic institutions (especially the judiciary), development of civil society, etc. In a single case, that of Bosnia and Herzegovina, the OSCE addressed military aspects through the elaboration (and monitoring the implementation) of specific CSBMs and arms control instruments.¹¹ It is also worth mentioning that in Tajikistan, the OSCE initiated peacebuilding (in support of United Nations peacemaking efforts) before the achievement of a peace settlement. In Macedonia, its role shifted from conflict prevention to peacebuilding: after the Albanian armed uprising of 2001, the OSCE shifted to post-conflict rehabilitation in order to implement some provisions of the Ohrid Framework Agreement. In Kosovo, the OSCE was interestingly called upon to contribute, through UNMIK, to an enterprise of international administration. Noticeably, all OSCE peacebuilding operations were undertaken in conjunction with the UN, NATO and the European Union.

2.2.3. Conflict Resolution: A Failed Record

Success in this phase of the conflict management cycle depends to a large extent on the willingness of conflicting parties to arrive at a compromise, as well as on the capacity of

¹¹ Namely the Vienna Agreement on CSBMs in Bosnia and Herzegovina (26 January 1996), the Florence Agreement on sub-regional arms control (14 June 1996) and the Vienna Concluding Document on arms control in and around Yugoslavia (18 July 2001).

the mediating third party to have a credible set of inducements and sanctions. In instances where political willingness exists, the OSCE might be able to establish enough confidence among the parties to induce them either to reach a direct settlement or to accept a solution based on its own proposals. However, as a cooperative security organisation, it lacks the structural capacity to provide inducements or to impose sanctions – the indispensable tools of effective mediation. The Chechnya conflict and the so-called ‘frozen’ conflicts are illustrative of such inability.

The OSCE, but no other security organisation, was allowed by the Russian Federation to intervene as a third party in the Chechnya conflict. It did so by means of an Assistance Group established in April 1995. After short-lived mediation efforts in 1996-1997 and some subsequent modest humanitarian activities, the Assistance Group failed to deliver. It proved unable to prevent the Russian military intervention of 1999 or to stop what was amounting to total war against the Chechen population. Following the refusal of the overwhelming majority of participating States to confine the Assistance Group to a simple humanitarian function (as demanded by Moscow), the Group's mandate was terminated on 31 December 2002. Since then, regrettably, the OSCE ceased adopting any official pronouncements on Chechnya, despite ongoing atrocities committed by Russian troops.

Similar difficulties characterised the management (ongoing since 1992-1993 of the so-called ‘frozen’ conflicts in Nagorno-Karabakh, Transdnestria, South Ossetia and Abkhazia.¹² All those conflicts have root in a territorial secession whose success was due to military support from a third party – Armenia in Nagorno-Karabakh, and Russia in the Moldovan and Georgian cases. Besides the establishment of dialogue framework between each of the breakaway regions and the central State, OSCE efforts for political compromise have been thwarted for at least three major reasons:

- *Moscow's dual role as mediator and party.* Russia co-chairs the Minsk process which addresses the Nagorno-Karabakh conflict and assumes the function of mediator in South Ossetia together with the OSCE, as well as with Ukraine and the OSCE in Transdnestria. In disregard of the impartiality required by such functions, Moscow has fully backed Armenia against Azerbaijan. It has also been providing constant political, economic and military support to the self-proclaimed (and still unrecognised) entities of Transdnestria, South Ossetia and Abkhazia. The Transdnestrian leadership basically consists of Russian citizens, most of whom are connected to the Russian intelligence services and military establishment. Following massive granting of citizenship to Georgians, about 80% of the citizens of South Ossetia (and also Abkhazia) have now become Russian citizens. Moscow's policy with regard to frozen conflicts proceeds from the concern of securing the southern flank of the Russian Federation by means of a long-term military presence in Georgia, as well as transforming Moldova into an outpost military base at the doorstep of Ukraine and the enlarged NATO. In the case of Nagorno-Karabakh, Moscow supports Armenia because the latter is its only reliable ally in the Caucasus and all the more because its territory (which separates Azerbaijan from Turkey) presents the advantage of breaking the geopolitical continuity between Ankara and the Turkish-speaking Republics of Central Asia. As regards all frozen conflicts,

¹² Actually, the conflict in Abkhazia is managed by the UN with a token contribution from the OSCE.

Russia's strategy is to avoid military escalation while maintaining sufficient tension to justify its political role and military presence.

- *Intransigence of the breakaway authorities.* The authorities of these breakaway territories did accept dialogue with the central State, but have rejected all proposed schemes for self-rule. Notwithstanding Moscow's behind-the-scenes encouragement, their uncompromising stands had to do with the huge benefits associated with Mafia-type activities. Transnistria, in particular, represents an unchecked region where money laundering, large-scale smuggling of goods, trafficking in human beings, weapons and drugs routinely take place; powerful and well-organised Mafia networks (with connections in Russia, Ukraine and even Moldova) control the region. Comparable networks exist in South Ossetia and Abkhazia, but seemingly not (at least at a comparable scale) in Nagorno-Karabakh.
- *Western diplomatic complacency.* The West has constantly condoned what actually is a useless mediation processes. From the Budapest Summit (1994) to the Porto Ministerial (2002), it induced the OSCE to welcome the existence of 'some progress' towards the resolution of frozen conflicts and to pay tribute to the mediating role of Moscow as well as to acknowledge the 'positive role' of Russian-led CIS 'peacekeepers'. It went as far as to endorse a Moscow-inspired project on the federalisation of Moldova – a project which would have legalised a Mafia-type regime, attributed to the leadership of that pro-Russian regime a constitutional right to veto Moldova's aspirations towards the European Union, and transformed the country into a *de facto* Russian protectorate. The West apparently had realised this only by the end of 2003, when Moscow overplayed its hand in Moldova (through the Kozak Memorandum providing for the maintenance of Russian troops there for a period of 15 years) and displayed outright opposition to Georgia's 'Revolution of the Rose'.

Military commitments contracted by Russia at the 1999 Istanbul Summit constitute a further complicating factor in the resolution of frozen conflicts. As regards Moldova, Russia made two unconditional engagements: the withdrawal and destruction of its conventional armaments and equipment limited by the CFE Treaty (to have been accomplished by the end of 2001) and the complete withdrawal of its troops stationed in Transnistria by the end of 2002. Regarding Georgia, more complex arrangements were arrived at. Russia pledged to reduce, to specific levels and by no later than 31 December 2000, the amount of its CFE-related military equipment. It agreed to complete negotiations in 2000 regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki. It also accepted to withdraw from its military bases at Gudauta (in Abkhazia) and Vaziani (near Tbilisi) by 1 July 2001. The commitments related to the adapted CFE Treaty were honoured because Russia had a particular interest in the rapid entry into force of a treaty which would somewhat limit the destabilising effects of NATO's enlargement through the imposition of legal constraints on NATO's Baltic flanks. Initiated on 1 August 2000, the process of withdrawal and destruction of Russian conventional armaments and equipment limited by the CFE Treaty in Moldova was achieved ahead of time, on 14 November 2001. In Georgia, the Vaziani base was closed and handed over to the Georgian government before the Istanbul deadline. Russia also withdrew its military equipment from the Gudauta base in 2001, but did not close the latter, on the pretext of the opposition of the Abkhaz population. All the other Istanbul commitments remained unfulfilled.

In 2002, the OSCE Porto Ministerial Council meeting took care not to blame Moscow. With extraordinary indulgence, the Ministers simply noted Russia's intention to achieve withdrawal from Moldova, 'provided necessary conditions are in place', by 31 December 2003. They also merely acknowledged 'the desire of the parties' to complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki and the Russian military facilities within the territory of Georgia. At the Ministerial Council meetings held in Maastricht (December 2003) and Sofia (December 2004), Moscow refused to subscribe to a declaration renewing its withdrawal commitments on the ground that the Russian-Georgian and Russian-Moldovan agreements reached at Istanbul were of a bilateral nature and did not imply any legal obligations with regard to other countries. However, on 30 May 2005, an agreement was reached under which Russia took the commitment to withdraw its some 3,000 troops from Georgia and to close by 2008 its bases in Georgia and in Batumi and Akhalkalaki (but not Gudauta); no similar breakthrough has occurred in regards to Russian troops and equipment in Transdniestria. Be that as it may, the interwoven issues of unresolved frozen conflict and unfulfilled Istanbul military commitments stand at the heart of a growing OSCE Russian 'headache' and, actually, crisis.

3. The OSCE Crisis: Basic Problems and Solutions

3.1. The General Background of the Crisis

Three factors are presently casting a shadow of uncertainty on OSCE's future: the impact of the enlargement of the European Union and NATO, the accumulation of functional problems due to insufficient transformation from a conference process to a standard international organisation and, finally, Russia's dissatisfaction with the OSCE's political and institutional evolution.

The enlargement's ripple effect factor. Some experts hold that the political role of the OSCE has seriously been eroded as a consequence of the expansion of the European Union and NATO which offer either hard security guarantees or economic prosperity – two public goods which the OSCE cannot be expected to deliver. These experts also argue that the OSCE's functions (beginning with conflict management) are increasingly assumed by the more politically relevant, richly-endowed and capable institutional actors. Admittedly, the enlargement did reduce, in a significant amount, the number of participating States with no membership in either the European Union or NATO. However, to conclude that the OSCE is on the verge of political marginalisation, if not irrelevance, is unwarranted and highly exaggerated, as will discussed in the conclusion of this paper.

The incomplete institutionalisation factor. The OSCE obviously suffers from a number of handicaps generated by the *modus operandi* of an outstandingly pragmatic international institution – in particular the absence of an international legal capacity, a consolidated founding instrument and updated basic rules of procedure. Such shortcomings are perceived by some participating States as compelling the OSCE to operate with low visibility as well as no clear-cut rules of the game, precluding it from cooperating on an equal footing with its partner organisations and even allowing a group of countries to 'manipulate' the OSCE in the name of pragmatism and flexibility.

The Russian grievances factor. This is the crux of the OSCE crisis. On the one had, Moscow's dissatisfaction stems from a subjective (or politicised) interpretation of the two preceding

factors. On the other hand, and more importantly, Russia's participation in the OSCE represents an existential question for the latter. Indeed, after the USSR's dissolution, the CSCE assumed the role of stimulating and consolidating the efforts of the Russian Federation to overcome the legacy of 'Soviet legality' and 'international socialist law' – which meant accelerating the transformation of a Soviet-style State into a member of the modern European family of nations abiding domestically by the rule of law and externally by international law. Through the assumption of such a role, the OSCE partly linked its relevance with the democratic evolution of a Russia presumed to behave as an ongoingly supportive and cooperative participating State.

3.2. The Russian Factor

Until NATO's military intervention in Kosovo (1999), the Yeltsin administration adopted a generally cooperative posture within the OSCE. It made concessions on questions pertaining to Russian direct interests when it pledged (at the 1992 Helsinki Summit) to conclude bilateral agreements for the complete withdrawal of its troops from the Baltic States and, later on, accepted the interference of the OSCE in the Chechnya conflict by means of an OSCE Assistance Group. In the same spirit, it concurred with the suspension of Yugoslavia's membership from the OSCE (1992) and supported the establishment of an 'Advisory and Monitoring Group' in Belarus (1997). Following NATO's projects of eastward enlargement, Moscow realised that the development of an OSCE-based pan-European security system was the only available means to impose some constraint on NATO's growing political influence in Europe. Accordingly, it pleaded in favour of the transformation of what was then the CSCE – a mildly institutionalised conference process – into an international organisation including an 'Executive Committee' composed of permanent as well as rotating members. It suggested the strengthening of the three security dimensions, basically through the undertaking of pan-European peacekeeping operations, an ambitious framework for economic cooperation and the drafting of a charter of rights for national minorities and the combating of aggressive nationalism. It also requested the control of field activities through special working groups tasked to provide guidance to LTMIs. Finally, it advocated an 'appropriate division of labour' between the CSCE and the other European security institutions by means of agreements delimiting their respective areas of activity.

The Russian suggestions received weak response. At the Budapest Review Conference and Summit (1994), the participating States decided to open a debate on a 'Model for a common and comprehensive security for Europe for the 21st century' which, after three years of discussions (1995-1997), painfully moved to the drafting of a Charter for European Security. During the drafting process (1998-1999), Russia called for a legally binding Charter precluding the emergence of 'new geopolitical dividing lines', providing security guarantees for States outside politico-military alliances and establishing a web of regional security organisations coordinated by the OSCE. It prescribed an institutional overhaul including the framing of a basic instrument, the attribution of a legally-binding character to OSCE consensus-made decisions and the authorisation of the Secretary General to bring to the attention of the Permanent Council any matters which in his opinion would have a bearing on the activities of the OSCE (an idea visibly inspired from Art. 99 of the UN Charter). It also advocated the development of the OSCE's own capacities in peacekeeping and establishing a voluntary fund for the support of 'CIS peacekeeping operations' – suggestions obviously aimed at disrupting NATO's monopoly in that field. In addition, Russia suggested the creation of a 'single

infrastructure' for energy, transport and communication within the OSCE, as well as the development of an OSCE capacity to respond to crisis situations associated with risks and challenges of economic, social or environmental natures.

Most of the Russian proposals backfired because of their anti-NATO bias, over-ambitious scope or feared straitjacketing effects on OSCE's flexibility. As a consequence, the negotiation of the Istanbul Charter represented for Moscow a most disappointing exercise. Russia's sense of frustration turned into real anger when the OSCE proved unable to prevent, stop or condemn NATO's military intervention in Yugoslavia (March-June 1999). However, at the Istanbul Summit of November 1999, a global compromise was achieved under which President Yeltsin reluctantly agreed to sign the Istanbul Charter for European security (which was practically empty by Russian standards) and to make military commitments with regard to Moldova and Georgia – in exchange of the signature of the adapted CFE Treaty by NATO countries and the non-condemnation of war in Chechnya. When taking over, the Putin administration realised that Russia was not getting much from a conciliatory posture. It opted for confrontation and launched against the OSCE an ongoing assault on the basis of four major charges:

- *Double standards.* Russia considered that the OSCE exclusive focus on what happens in countries located 'East of Vienna' (the former USSR and the Balkans) was creating a fault line between patronising and, by definition, blameless participating States on the one hand, and perpetually sermonised and guilty ones on the other. In this connection, it particularly charged the LTMIs for operating under too loose governmental political control. It also accused the ODIHR of applying uneven standards to monitored elections (according to whether their operations were being conducted East or West of Vienna) through politicised assessments disregarding the 'national cultural specifics' of participating States.
- *Unbalanced development of the three dimensions.* Moscow argued here that the human dimension was overdeveloping at the expense of the politico-military dimension and the economic dimension and, at the same time, that human dimension activities were becoming unduly intrusive.
- *Political self-marginalisation.* The Putin administration also contended that the OSCE did not anymore address the 'real' threats and challenges of its geopolitical region (limiting itself to those of a peripheral nature) and that such a trend was further aggravated by a proclivity to bow down before NATO and the European Union – up to the point of leading it to become, as illustrated by the Macedonian crisis of 2001, a mere 'maidservant'.
- *Lack of clearly established rules of the game.* Finally, Moscow complained that OSCE activities were conducted on too pragmatic a basis, without real political control from the decisionmaking bodies or effective administrative oversight from an otherwise weak and understaffed Secretariat, and that the absence of clear rules of the game was allowing the West to impose upon the OSCE their own political agenda. Hence, there was urgent need for an institutional overhaul to be sealed into a consolidated legal instrument attributing to the OSCE legal personality, defining the powers and functions of all the Organisation's structures, limiting the CIO's alleged excessive de facto political autonomy and enabling participating States to exert full political control on the latter and introducing transparency and rigour in administrative and budgetary management.

Feeling that its position was not taken seriously, Moscow warned that in the absence of drastic reform, the OSCE would be ‘doomed to extinction’.¹³ However, the 9/11 terrorist attacks in the USA generated a spirit of compromise which pushed the participating States to include ‘OSCE reform’ as a standing item on the agenda. Since then, a number of reform decisions were adopted (Table V). However, in terms of fundamental demands (reopening of the peacekeeping issue, regulation of LTM activities, updating of OSCE’s election standards and monitoring procedures), it must be admitted that the reform process brought practically nothing or little to Russia.¹⁴ Furthermore, the Putin administration encountered a number of political setbacks which further exacerbated Moscow’s anger with the OSCE. First, at the end of 2001, the LTMs in Estonia and Latvia were abruptly closed (on the ground that the two host countries refused any new mandate prolongation) in total disregard for Russia’s concerns.¹⁵ Second, Moscow failed to obtain approval for its ‘normalisation’ policy in Chechnya – the OSCE refused to condone the 23 March 2003 referendum through which Russia offered the Chechens a draft Constitution and electoral legislation, and also declined to observe the Chechen presidential elections on 5 October 2003. Third, after monitoring the Russian presidential election of 14 March 2004, the ODIHR issued a report underscoring that ‘the process overall did not adequately reflect principles necessary for a healthy democratic election’ because of its failure ‘to meet important commitments concerning treatment of candidates by the State-controlled media on a non-discriminatory basis, equal opportunities for all candidates and secrecy of the ballot’.¹⁶

¹³ PC.DEL/457/01 of 22 June 2001 and PC.DEL/480/01 of 28 June 2001.

¹⁴ Except on a significant issue - that of ministerial assessments on the unresolved conflicts in the OSCE area: deferring to a Russian demand that the conflicts managed by the OSCE be subject only to *uncritical* Ministerial Council’s assessments, the participating States addressed the issue, as from 2001, in the aseptically-titled ‘Statements by the Ministerial Council’. Ever since, the situation in Chechnya has never been referred to and the non-fulfilment of the Istanbul military commitments never blamed.

¹⁵ Russia’s reaction: PC.DEL/985/01 of 13 December 2001 and PC.DEL/1002/01 of 18 December 2001.

¹⁶ ODIHR’s report: ODIHR.GAL/39/04 of 2 June 2004. For a more elaborate treatment of OSCE’s Russian problem, see the author’s ‘Growing Pains at the OSCE: The Rise and Fall of Russia’s Pan-European experience’, *Cambridge Review of International Relations*, Volume 18, No. 3, October 2005, pp. 375-388.

Table V: Decisions Related to OSCE Reform, 2001-2003

Increasing political control over OSCE institutions and activities	Strengthening and 'rebalancing' the three dimensions	Enhancing the political status and 'security relevance' of the OSCE
Decision on 'Fostering the role of the OSCE as a forum for political dialogue' (MC(9).DEC/3 of 4.12.2001). Decision on 'OSCE Statements and Public Information' (PC.DEC/485 of 28.6. 2002.). Decision on the 'Role of the OSCE Chairmanship in Office' (MC(10).DEC/8 of 7.12.2002.). Decisions on 'Improving Annual Reporting on the Activities of the OSCE' (PC.DEC/495 of 5.9. 2002, PC.DEC/562 of 2.10.2003 and MC.DEC/1/03 of 24.10. 2003).	<i>Politico-military dimension:</i> Refocusing the Forum for Security Cooperation (FSC) agenda on new security threats (MC(9).DEC/3 of 3.12.2001, §§ 8-9). Adoption of the Document on Stockpiles of Conventional Ammunition (MC.DEC/9/03 of 7 December 2003).	<i>Decisions on combatting terrorism:</i> Bucharest Action Plan (MC(9).DEC/1 of 4.12.2001). Bishkek Action Plan (SEC.GAL/289/01 of 19.12.2001). Porto Charter (MC(10)JOUR/2 of 7.12.2002)
	<i>Economic Dimension:</i> Establishment of an informal Sub-Committee for Economic and Environmental matters (MC(9).DEC/3 of 3.12.2001, §§ 11-13). Adoption an OSCE Strategy document for the economic and environmental dimension (MC(11).JOUR/2, Annex 1 of 2.12. 2003). Improvement of the efficiency and effectiveness of the Economic Forum (MC.DEC/10/04 of 7.12. 2004).	Establishment of an Annual Security Review Conference (MC(10).DEC/3 of 7.12.2002). Strengthening of the Secretary General's responsibilities (MC.DEC/15/04 of 7.12.2004).
Decision on 'Fostering the role of the OSCE as a forum for political dialogue' (MC(9).DEC/3 of 4.12.2001). Decision on 'OSCE Statements and Public Information' (PC.DEC/485 of 28.6. 2002.). Decision on the 'Role of the OSCE Chairmanship in Office' (MC(10).DEC/8 of 7.12.2002.). Decisions on 'Improving Annual Reporting on the Activities of the OSCE' (PC.DEC/495 of 5.9. 2002, PC.DEC/562 of 2.10.2003 and MC.DEC/1/03 of 24.10. 2003).	<i>Politico-military dimension:</i> Refocusing the Forum for Security Cooperation (FSC) agenda on new security threats (MC(9).DEC/3 of 3.12.2001, §§ 8-9). Adoption of the Document on Stockpiles of Conventional Ammunition (MC.DEC/9/03 of 7 December 2003).	<i>Decisions on combatting terrorism:</i> Bucharest Action Plan (MC(9).DEC/1 of 4.12.2001). Bishkek Action Plan (SEC.GAL/289/01 of 19.12.2001). Porto Charter (MC(10)JOUR/2 of 7.12.2002)
	<i>Economic Dimension:</i> Establishment of an informal Sub-Committee for Economic and Environmental matters (MC(9).DEC/3 of 3.12.2001, §§ 11-13). Adoption an OSCE Strategy document for the economic and environmental dimension (MC(11).JOUR/2, Annex 1 of 2.12. 2003). Improvement of the efficiency and effectiveness of the Economic Forum (MC.DEC/10/04 of 7.12. 2004).	Establishment of an Annual Security Review Conference (MC(10).DEC/3 of 7.12.2002). Strengthening of the Secretary General's responsibilities (MC.DEC/15/04 of 7.12.2004).
	<i>Human dimension:</i> Establishment of an OSCE Mechanism for the Combating of Trafficking in Human Beings (MC.DEC/2/03 of 2.12.2003). Appointment of three CIO Personal Representatives to respectively deal with anti-semitism, the fight against racism, xenophobia and discrimination, as well as the promotion of tolerance and media freedom on the Internet (MC.DEC/12/04 of 7.12.2004).	Adoption an OSCE Strategy to address threats to security in the 21 st Century (MC(11).JOUR/2, Annex 3 of 2.12.2003).

3.3. The Panel of Eminent Persons' Reform Recommendations (2005)

In an effort to demonstrate that it was not the single government upset by the OSCE's evolution, Moscow gained the support of those CIS States dissatisfied with the OSCE's critical assessments of their human rights record. Hence, a devastating 'food-for-thought' paper – jointly tabled with Belarus, Kazakhstan and Kyrgyzstan – devoted to the issue of LTM_s (4 September 2003), the Moscow informal Summit Declaration regarding the state of affairs in the OSCE subscribed by nine CIS countries (3 July 2004) and the Astana appeal to the OSCE launched by eight CIS States (15 September 2004).¹⁷ In response, a small panel of eminent persons was tasked to review the effectiveness of the OSCE and to recommend appropriate reform measures in the perspective of the 30th anniversary of the Helsinki Final Act and the 10th anniversary of the Charter of Paris for a New Europe. Issued in June 2005, the Panel's Report ('Common Purpose: Towards a More Effective OSCE') considered that the problems faced by the OSCE were basically due to three challenges respectively related to the uneven pace of integration, economic growth and democratic development in the OSCE region, the enlargement of OSCE's main institutional partners and, finally, to the new threats to security associated with the globalisation process.¹⁸ It implicitly vindicated Russia's position by pointing out that the OSCE should play 'a constructive role in preventing the emergence of new dividing lines' (§ 3). In one way or another, the Report addressed the substance of Moscow's four basic grievances:

- *Double standards.* Proceeding from the implicit leitmotiv of equality of treatment, the Report pointed out that the strengthening of confidence between participating States required the OSCE to perform as an organisation for 'equal and even-handed cooperation and assistance' where all available instruments had to be applied in this spirit (§ 8 b) and that 'all OSCE commitments, without exception, apply equally to all participating States' (§ 7). It also considered that the OSCE needed 'to create a stronger sense of common purpose among its participants', by making 'States feel that they have a stake in the Organisation and that they are treated as equals' (§ 8). More specifically, with regard to staffing, it recommended that employment be based (as claimed by Moscow) on 'geographic balance' along with professionalism and gender requirements (§ 43 c).
- *Unbalanced development of the three dimensions.* The Report did not frontally address the issue of 'imbalance'. However, it made a number of recommendations obviously aiming at defusing concerns related to the issue. The fundamental proposal formulated in this regard was the establishment of a committee structure made up of three pillars (a Security Committee, an Economic and Environmental dimension Committee and a Human dimension Committee) corresponding to the OSCE's dimensions of security (§ 32). It also offered some guidelines for the possible development of each dimension. In relation to the *politico-military dimension*, the Report essentially hinted (as wished by Moscow) at the possible updating of the 1999 Vienna

¹⁷ PC.DEL/986/03 of 4 September 2003 ("food-for-thought" paper), PC.DEL/630 of 8 July 2004 (Moscow Declaration) and SEC.DEL/225 of 16 September 2004 (Astana appeal).

¹⁸ CIO.GAL/100/05 of 27 June 2005. For parallel reform proposals, see *The Future of the OSCE* (Report of the Colloquium organised the OSCE Parliamentary Assembly: CIO.GAL/99/05 of 24 June 2005), *Managing Change in Europe* (Hamburg, CORE, 2005, Working Paper 13), *Voices of Reform* (special issue of *Helsinki Monitor*, Vol. 16, No 3, 2005) and *Ideas on Reforming the OSCE*, May 2005, drafted by the Netherlands Helsinki Committee with input from of the Helsinki Committees of the International Helsinki Federation for Human Rights (www.nhc.nl/proj/Ideas-on-reforming-the%20OSCE.pdf).

Document on CSBMs (§ 21), but made no reference to peacekeeping. A fairly balanced approach was taken in regards to the *human dimension*: while reaffirming the mainstream position that ‘commitments undertaken in the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned’ (§ 24), the Report acknowledged that the monitoring of the implementation of human dimension standards should be done in an ‘unbiased and more standardised way’ for the sake of more ‘equal treatment’ and ‘transparency’ (§ 24 a) – and also that special attention should be devoted to criteria and methodology of election monitoring standards ensuring ‘objectiveness, transparency and professionalism’ and guaranteeing ‘equal treatment of all participating States’ (§ 24 c). The Report addressed the case of the economic and environmental dimension from a sobering perspective by stating, undiplomatically, that the OSCE ‘will never have the means and resources to be a major donor’ (§ 23) and could not pretend ‘[to try] to develop and manage large-scale projects on its own’ (§ 23 b). It recalled that OSCE’s role was to address the economic and environmental aspects of security, and only as a catalyst, through ‘mobilising international resources and expertise possessed, for instance, by the World Bank, European Union, UNDP, EBRD, NGOs and others’ (§ 23 a).

- *Political self-marginalisation.* The Report underscored that the OSCE was presently an ‘underused forum for comprehensive political dialogue on security and cooperation across a vast area’ (§ 4) and that there was real need to strengthen the OSCE’s identity and profile vis-à-vis other international organisations (§§ 27-30). Accordingly, it prescribed the establishment of long-term basic priorities and action plans regularly adapted to the evolving security environment (§ 8 e). It considered that the OSCE should, in its interface with its European institutional partners, ‘focus its work on those areas where it has comparative advantages and can add value’ (§ 8 a). It suggested that the relationship with the UN should be further developed ‘taking into account the ongoing discussions on the reform of the UN to strengthen the complementarity between the UN and regional arrangements, for example in conflict prevention and peacebuilding’ (§ 10 a). Finally, it recommended the OSCE to take measures in order provide to the public a better understanding of its own activities and achievements, as well as furthering its engagement with NGOs (§ 30 d).
- *Lack of clearly established rules of the game.* Although clearly stating that ‘the OSCE’s development from a conference [process] to a full-fledged international organisation must now be completed’ (§ 28), the Report did not recommend an institutional overhaul. However, about half of its recommendations (made under the heading ‘Strengthening operational capacities’ §§ 26-43) concerned structural reform issues most of which reflected Russian concerns and demands. The Report acknowledged that ‘there is frustration among participating States, including Chairmanships, that current structures are not optimal for putting the political priorities of the participating States into operation’ (§ 43). Hence there emerged such suggestions as the framing of ‘a concise Statute or Charter of the OSCE’ (§ 30 a), the adoption of a Convention recognising the OSCE’s legal capacity and granting it as well as its officials privileges and immunities (§ 30 b), the codification and updating of OSCE’s rules of procedures (§ 33 b) and a ‘clear and transparent’ management of extra-budgetary contributions (§ 43 d).

More detailed recommendations were devoted to the sensitive problem of ‘field operations’. In line with Moscow’s concerns, the Report prescribed that LTM’s mandates

'should normally not be fixed for more than one year and could be renewable depending on the specific tasks and on the outcome of consultations with the host State' (§ 42 b), that 'realistic benchmarks should be established for measuring progress and duration of implementation of the mandate' (§ 42 c) and that the position of Head of Mission be made 'open to public competition with salaries paid from the core budget of the OSCE' (§ 42 j). More significantly, it suggested the OSCE to consider 'developing a new type of thematic mission that could look at a specific issue in one country, or to ensure coherence in the work in a broader regional/sub-regional context' (§ 42 i). Finally, it advocated a clear-cut division of roles between the Chairman-in-Office and the Secretary General (§§ 35-40), paving the way for a substantial political role to be played by the latter – such as bringing potential threats to regional security to the attention of governments (§ 37 b) or taking the lead on OSCE's operational engagement in crisis situations (§ 37 e).

In the framework of preliminary special high level consultations, held in Vienna on 12-13 September 2005, the overwhelming majority of participating States gave positive welcome to the Panels' Report and most of its specific recommendations. Particularly favorable was the reaction of Russia.¹⁹ Besides, in an unusually diplomatic clear-cut statement, the United States specified the non-acceptable and acceptable elements of the Panel's recommendations. All in all, the discussions revealed some common ground on the updating of the OSCE's Rules of Procedure, the idea of a committee structure made up of three pillars corresponding to the three dimensions, the strengthening of the role of the Secretary General (being understood that the overall political authority should continue to be held by the Chairmanship) and the setting up of a new type of "thematic" fields missions and the principle of transforming the OSCE into a full-fledged international organization (with some governments expressing preference to limit the matter at this stage only to granting privileges and immunities to the OSCE and its personnel). Different views were expressed as regards the level of autonomy of OSCE institutions (and whether or not the latter should be regrouped in Vienna), field missions (duration, extensions and evaluation of mandate, transparency of activities, reporting, local staff salaries, appointments and financing of Heads and Deputy Heads of Mission), election-related issues, budgetary and extra-budgetary funding, professionalisation of the Secretariat (maximum length of service of and secondment system) and the framing of a consolidated OSCE Charter or a Convention.²⁰

4. Conclusion and Policy Recommendations

From a general perspective, the crisis presently plaguing the OSCE is not without similarity to that of the UN: both organisations are seriously challenged in their vital functions by a member State whose cooperation and support is fundamental to each of them. However, while the prospects for significant UN reform are problematic (to say the least), it can reasonably be argued that the OSCE has the potential to bounce back and enjoy a new lease on life.

First of all, *the consequences of the 'enlargement factor' should not be over-dramatised*. If the OSCE has neither the politico-economic assets of the European Union nor the military clout of NATO, the risks and challenges of the post-Cold War are so complex that no single

¹⁹ PC.DEL/870/05 13 September 2005. See also PC.DEL/905/05 19 of September 2005.

²⁰ For more details, see the "Perception Paper" which the Slovenian Chairmanship established on the basis of the high level consultations : CIO.GAL/132/05/ of 16 September 2005.

international organisation can pretend to address them alone. An enlarged European Union is not likely to lead to a stronger one: the more it expands, the less it will prove able to speak with one voice at the foreign policy level – not counting that it is much less flexible in its *modus operandi* than the OSCE and will always have more difficulty to engage in the geopolitical space of the former USSR. Notwithstanding considerable overstretch in Afghanistan and Iraq, NATO's continuing relevance cannot be taken for granted, at least as long as the damage caused to transatlantic relations is not repaired at the level of substance – and not just through formal statements. In any event, the expansion of the European Union and of NATO have clear limits, linked to geopolitical constraints. This means that the OSCE maintains an edge at the level of membership, in the sense that it will offer continued relevance to those participating States with no prospective future in NATO or the European Union. In the short term, a decisive marginalisation of the OSCE seems improbable. The most probable scenario is one where the three organisations will readjust interaction on the basis of their respective comparative advantages. All in all, the real problem is not enlargement as such, but the uneven pace of military integration, economic growth and democratisation *in the OSCE region at large* (and not just within the institutional framework of the OSCE)²¹ – or, in other words, the development of different levels of security, prosperity and democracy that Russia perceives as ‘new dividing lines’.

Second, *the solution to the ‘unfinished institutionalisation business factor’ rests upon some feasible technical steps*. Those steps, which aim at aligning the OSCE with standard international organisations, have clearly and correctly been identified by the Panel of Eminent Persons' Report.

Third, *the restoration of a Russian ownership feeling within the OSCE is not an unrealistic goal*. This is so because a number of demands emanating from Russia (and other dissatisfied participating States) are valid or at least contain a grain of truth, and accordingly deserve in all fairness to be met. Significantly, Moscow has considered the Panel of Eminent Persons' reform recommendations to be generally positive and acceptable.²²

In sum, and by contrast with the UN, the OSCE is perfectly reformable. It has the capacity for adequate self-reform provided that reforms measures are envisaged from a good faith perspective. This means that reform must aim to improve the efficiency and relevance of the Organisation for the common interest of all its participating states, and not just to advance a specific national or collective agenda: no participating State or group of participating States should be determined to obtain drastic reform measures or oppose fair reform measures at the price of breaking the instrumentality that the OSCE represents. It also entails that reform should not undermine the flexibility and creativity of the Organisation by straitjacketing formats and procedures with a shift from an one extreme to other – substituting sheer rigidity for sheer pragmatism. Finally, the objective of defusing divisions among participating States should not be achieved at the expense of downgrading monitoring standards or softening existing commitments. Proceeding from such premises, this author submits the following policy recommendations.

²¹ This fact is clearly acknowledged in the introduction of the Panel of Eminent Persons' Report (CIO.GAL/100/05 of 27 June 2005, p. 3).

²² PC.DEL/870/05 of 13 September 2005. For the most comprehensive and direct statement reflecting the Russian position on the OSCE, see Ambassador Vladimir Chizov's speech at the Vienna Conference ‘30 Years of the Helsinki Process’ (PC.DEL/775/05 of 21 July 2005).

1. Completing the transformation of the OSCE into a proper international organisation. In addition to the basic elementary steps suggested in the Panel's Report (international legal capacity, short factual consolidated Charter, updated rules of procedure), this would require:

- a. The codification of the human dimension's *acquis*, which are made of bits and pieces scattered throughout a considerable number of texts, in the format of an open-ended (updatable) compendium underscoring the *precise* commitments of participating States in the rubrics of fundamental human rights, vulnerable groups and the rule of law.
- b. The establishment – as proposed in the Panel's Report – of a steering body for each of the three dimensions. The merit of that truly indispensable formula (including a strengthened Forum for Security Cooperation (FSC) as regards the politico-military dimension) would be to place all three dimensions on equal footing at guidance and oversight level.
- c. At Secretariat level, three other steps would be appropriate. First, a significant upgrading of the political role of the Secretary General. Second, a revision of the recruitment system (less dependence on secondment for field core positions and more professionalisation at headquarters through longer fixed-term contracts offering career opportunities). Third, the establishment of liaison offices in the headquarters of OSCE's major institutional partners – namely New York, Brussels and Strasbourg.

Such a set of measures would result in making the internal OSCE rules of the game more transparent and predictable, enhancing the external visibility and credibility of the OSCE, defusing the perception of double standards and, above all, restoring trust between the participating States.

2. Strengthening each of the three security dimensions with the aim of improving their overall performance as well as developing their synergy from a human security perspective – being understood that this should not be achieved to the detriment of the human dimension.

- a. As regards the *politico-military dimension*, this requires:
 - deeper and more frequent involvement of that dimension in conflict management activities through a strengthened FSC;
 - updating the Vienna Document 1999 on CSBMs, integrating such new security challenges as intrastate destabilisation, terrorism, transnational organised crime, OSCE out-of-area security threats, etc.);
 - the establishment of a linkage between the Vienna Document and the Code of Conduct at the conceptual level (defence planning) and operational level (reference to which could be made during inspections and evaluation visits);
 - the 'autonomisation' of Sections VII-VIII of the Code of Conduct coupled with the upgrading the Code's provisions on terrorism by means of a distinct Code of Conduct against terrorism in all its forms;

- the ratification of the Adapted CFE Treaty in order to pave the way for its opening to OSCE's non-Parties;
 - the development of an integrated OSCE concept for security sector governance, as implicitly suggested by the Panel of Eminent Persons through a recommendation suggesting priority attention to the 'promotion of police training, border management, the rule of law and democratic control of armed forces' - viz. some of the main elements of the security sector governance (§ 15 f).
- b. In relation to the considerably more difficult case of the *economic dimension*, the problem has not to do with just institutional measures (effective integration of the conflict management activities, upgrading the role of the Economic Forum and the Office of the Coordinator of OSCE Economic and Environmental Activities (OCEEA), reactivation of the environmental component, etc.), but also with a basic political question: how long will the participating States continue to expect the economic dimension to achieve the ends without the means?
- c. As regards the *human dimension*, what is essentially needed is (as mentioned above) a specification of the nature and scope of the participating States' commitments, as well as a reporting and monitoring instrumentality aimed at complementing the useful but token debates of the Human Dimension Implementation Meetings.
- 3. Establishing a special informal 'Cooperative Committee' tasked to address contentious issues and hammer out political compromises.** Its agenda could presently include, for instance, matters related to the scale of contributions, OSCE peacekeeping capacity, election standards, thematic LTM^s and the actual resolution of frozen conflicts.

A realistic combination of institutional and political engineering could allow the OSCE to find a new lease on life – provided, however, that political change should precede and not follow institutional change.



Geneva Centre for the Democratic Control of Armed Forces

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) is an international foundation whose mission is to assist the international community in pursuing good governance and reform of the security sector.

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