

Appendix 1A. The Organization for Security and Co-operation in Europe: constant adaptation but enduring problems

PÁL DUNAY

I. Introduction

Despite landmark political changes that have affected both its environment and its relevance, the Organization for Security and Co-operation in Europe (OSCE), like its predecessor the Conference on Security and Co-operation in Europe (CSCE), has proved to be a highly adaptable institution.¹ The current drive for reform, launched as an analytical debate,² taken up by some participating states,³ and most recently also advocated by the organization proper,⁴ has been made urgent by a more recent decline in the importance and a gradual marginalization of the OSCE. The enlargements of the European Union (EU) and the North Atlantic Treaty Organization (NATO) have been a major contributory factor to this marginalization.⁵ Of the five key features that used to distinguish the CSCE/OSCE—comprehensive participation from the Euro-Atlantic states, legitimacy when addressing domestic issues, a focus on the whole conflict cycle, a home for otherwise isolated nations, and a relatively weak and non-constraining institutional structure—none any longer provides a unique advantage in the European context. Although the OSCE is still the only Euro-Atlantic institution with comprehensive participation, the EU and NATO have made major efforts to create partnership networks and eliminate sharp contrasts between their members and other states. This has offered a hedge against isolation for those non-NATO and non-EU members that want it. These same organizations have extended their role in the domestic dimensions of security, partly because the

¹ Several books and studies provide an assessment of the OSCE. The *OSCE Yearbook*, published since 1995 by the Institute for Peace Research and Security Policy, Hamburg; and the *Helsinki Monitor* are the best sources. Two monographs give insightful overviews of different aspects of OSCE activity: Ghébali, V.-Y., *L'OSCE dans l'Europe post-communiste 1990–1996: Vers une identité paneuropéenne de sécurité* [The OSCE in post-Communist Europe 1990–1996: towards a pan-European security identity] (Bruylant: Brussels, 1996); and Lachowski, Z., *Confidence- and Security-Building Measures in the New Europe*, SIPRI Research Report no. 18 (Oxford University Press: Oxford, 2004).

² Such expert opinions have appeared in the *OSCE Yearbook* since 1997. See in particular Kubis, J., 'The OSCE today and tomorrow', and Matveev, A., 'The OSCE identity crisis', *OSCE Yearbook 1999*, Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg (Nomos Verlag: Baden-Baden, 2000), pp. 31–39 and 59–78, respectively; and Everts, D. W., 'The future of the OSCE', Rotfeld, A. D., 'Does the OSCE have a future', and Boden, D., 'Whither the OSCE?', *OSCE Yearbook 2003*, pp. 23–30, 31–42 and 43–49, respectively.

³ The Russian Federation played a prominent role in this respect. For some of its earlier reform proposals see Dunay, P. and Lachowski, Z., 'Euro-Atlantic organizations and relationships', *SIPRI Yearbook 2004: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2004), pp. 54–58.

⁴ A reform of the OSCE management structure has been under way for the past 3 years.

⁵ If applicant countries are included, more than half of the OSCE participating states are committed to Europe's most important integration frameworks.

difference between domestic and international aspects of security has become increasingly blurred, and have also been actively engaged in addressing different phases of conflict. The OSCE's relatively weak institutional structure has been based on a rotating Chairmanship since 1991—following the adoption of the supplementary document to the 1990 Charter of Paris for a New Europe.⁶ Permanent elements were added later, to the point where it is possible to speak of a proliferation of institutions,⁷ but the OSCE's lack of a strong permanent political executive has continued to limit its continuity and visibility. The need to address these problems is increasingly recognized by the OSCE.

II. OSCE reform proposals in 2004

When the OSCE addresses certain security issues, 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.

Political demands for reform, notably from the states formed from the territory of the Soviet Union, were formulated on three occasions in 2004. In July, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine and Uzbekistan—an unexpectedly large caucus—adopted a harshly critical position on the OSCE.⁸ They started out from the imbalance between the organization's three original dimensions (security, economic and human) and concluded that priorities had shifted in favour of the OSCE's 'peculiar interpretation' of the human dimension,⁹ with a special emphasis on monitoring human rights and building democratic institutions in the areas of the Commonwealth of Independent States (CIS) and the former Yugoslavia. The caucus argued that this imbalance: (a) upsets the relationship between the three dimensions; (b) has intensified the attention paid to some countries

⁶ The 1990 Charter of Paris for a New Europe; and Supplementary document to give effect to certain provisions contained in the Charter of Paris for a new Europe, both available at URL <<http://www.osce.org/docs/English/1990-1999/summits/paris90e.htm>>. See also the glossary in this volume.

⁷ The following main institutions have been added to the OSCE structure since 1992: a Secretary General, a High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, a Representative on Freedom of the Media and a Special Representative in Combating Trafficking in Human Beings. There is reason to conclude that the institutions established earlier have had a more noticeable effect on the OSCE than those established more recently.

⁸ Statement by CIS Member Countries on the State of Affairs in the OSCE, Press Release, Moscow, 3 July 2004, Unofficial translation, 9 July 2004, URL <http://www.great-britain.mid.ru/pr_rel/pres16-04.htm>. 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. Barry, R. L., 'The OSCE at a turning point', Basic Notes, Occasional Papers on International Policy, 7 Sep. 2004, URL <<http://www.basicint.org/pubs/Notes/2004OSCETurningPoint.htm>>.

⁹ Lavrov, S., 'Reform will enhance the OSCE's relevance', *Financial Times*, 29 Nov. 2004, p. 13.

while ignoring the problems of others—thereby creating double standards;¹⁰ and (c) compromises some fundamental principles of the 1975 Helsinki Final Act—notably non-intervention in internal affairs and respect for the sovereignty of states.¹¹

Since the end of the cold war, only rare references have been made in the OSCE context to non-interference. Most participating states have recognized the ability of the OSCE to go further into internal affairs, beyond the boundaries of domestic jurisdiction, as one of its comparative advantages in international politics. It has recently been argued that the non-intervention principle no longer applies to the OSCE, although this is not a view shared by most participating states.¹²

In an effort to address criticisms, Bulgarian Foreign Minister Solomon Passy, the OSCE Chairman-in-Office 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.¹³ The Chairman-in-Office sent a letter to this effect to the 54 foreign ministers of the OSCE participating states.¹⁴

In the so-called Astana Document of September 2004,¹⁵ eight CIS member states went further by presenting proposals amounting to a change of the whole OSCE agenda. They called for more attention to be paid to the politico-military aspects of security and for a shift in the focus of the human dimension to address ‘freedom of movement and contacts between people, 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’. The CIS group also proposed that the OSCE partners should move away from the practice of restricting OSCE field activities to monitoring the political situation in other countries.

One motive for seeking to shift the focus of the human dimension in this way can be readily understood. Many CIS countries have doubtful democratic credentials and would like to have less attention paid to their record on human rights and elections. Belarus, Kazakhstan, Kyrgyzstan, Ukraine and Uzbekistan each had impending elections or referendums in the months following the Astana appeal. Nonetheless, in seeking to focus more implicitly on the consequences of EU enlargement for ‘new neighbours’, the CIS countries identified a real issue. The common visa policy of an enlarged EU limits the free movement of citizens from other visa-obligated countries.

¹⁰ I.e., too much attention on the former Soviet Union and the former Yugoslavia and too little attention on West European states with unresolved domestic security challenges such as Spain and the Basque region, France and Corsica, and the United Kingdom and Northern Ireland.

¹¹ The 1975 Helsinki Final Act. See the glossary in this volume and URL <<http://www.osce.org/docs/english/summite.htm>>.

¹² Bloed, A., ‘CIS presidents attack the functioning of the OSCE’, *Helsinki Monitor*, vol. 15, no 3, (2004), p. 220.

¹³ Speech by Dr Solomon Passy, OSCE Chairman-in-Office, at the 13th Annual Session of the OSCE Parliamentary Assembly, CIO.GAL/63/04, 5 July 2004, Edinburgh, pp. 3–4, URL <<http://www.osce.org/cio/bulgaria/documents/>>.

¹⁴ 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 Aug. 2004. OSCE, ‘OSCE chairman believes time ripe for transforming organization to meet changed political realities’, Press Release, 9 Aug. 2004, URL <http://www.osce.org/news/show_news.php?id=4277>.

¹⁵ Ministry of Foreign Affairs of the Russian Federation, Appeal of the CIS Member States to the OSCE Partners, Astana, 15 Sep. 2004, Information and Press Department, URL <http://www.in.mid.ru/brp_4nsf/>. The 8 states were Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine and Uzbekistan.

However, this is an issue that the OSCE, as an all-Europe institution, should address *in addition to*, not instead of, other aspects of the human dimension.

In his response to the Astana appeal, the OSCE Chairman-in-Office informed the 12 heads of state 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 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.¹⁶

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 criticized the OSCE’s election-related activity in particular.¹⁷ 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.¹⁸

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’.¹⁹ 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’.²⁰ The OSCE’s prime focus on the humanitarian dimension notwithstanding, the facts do not support the view that the organization has neglected the other two dimensions—as witnessed by its continuing efforts to resolve ‘frozen’ conflicts such as those in Georgia and Moldova, and 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 look for 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 increasing democracy since the adoption of the Charter of Paris.

With regard to alleged double standards, Russia’s contention that the OSCE has neglected some similar phenomena in countries further to the west fails to take

¹⁶ Address by Solomon Passy, Chairman-in-Office of the OSCE and Minister of Foreign Affairs of the Republic of Bulgaria, to the CIS Summit, Astana, 15 Sep. 2004, p. 2.

¹⁷ Ministry of Foreign Affairs of the Russian Federation, Statement by Russian Minister of Foreign Affairs Sergey Lavrov at the 12th Meeting of the OSCE Ministerial Council, Sofia, 7 Dec. 2004, URL <http://www.in.mid.ru/brp_4.nsf>.

¹⁸ Statement by the Delegation of the Russian Federation, OSCE Ministerial Council, Sofia, 2004, OSCE document MC(12)JOUR/2, Annex 9, 7 Dec. 2004, reproduced in 2nd Day of the Twelfth Meeting of the Ministerial Council, 3rd Plenary session (closed), available at URL <<http://www.osce.org/docs/english/mincone.htm>>.

¹⁹ Statement by the European Union, OSCE Ministerial Council, Sofia, 2004, OSCE document MC(12)JOUR/2, Annex 5, 7 Dec. 2004, reproduced in 2nd Day of the Twelfth Meeting of the Ministerial Council, 3rd Plenary session (closed), available at URL <<http://www.osce.org/docs/english/mincone.htm>>.

²⁰ OSCE and US Department of State, Remarks by Secretary of State Colin L. Powell to the Ministerial Meeting of the Organization for Security and Cooperation in Europe, Office of the Spokesman, Sofia, OSCE document MC.DEL/52/04, 7 Dec. 2004.

account of the respective countries' willingness and capacity to address the challenges correctly. Some countries, still struggling to reinforce independent statehood and institutions, objectively need external support to foster democratization in terms of skills, resources and perhaps also the will for change. Where the claim concerning double standards does deserve further consideration is the way in which OSCE participating states (and their non-governmental sectors) attempt to provide such support. Election monitoring often tends towards finger-pointing. There is a thin line between fostering political processes and democracy, and intrusion that may be perceived as humiliating. Moreover, the support offered may very well be contrary to the interests of the ruling elites in those countries and hence may meet strong opposition. The OSCE, as an organization of cooperative security, should pay more attention to the style in which it contributes to change in Europe.

Several CIS countries appear to have embarked on a political course that aims to constrain transparency in their political affairs. Russia, still a major independent player in European politics and thus not over-dependent on the OSCE, is leading this political course partly for its own sake and partly as a way to consolidate consensus and leadership within the CIS. Other participating states have been happy to go along as a way of hiding damaging backsliding in their transformation and democratization processes, and no doubt to avoid a repeat of the events in Georgia and Ukraine. Russian diplomacy is playing a calculated game in the OSCE. It subscribes to the Western agenda on a number of issues, most prominently on fighting terrorism, but in return expects the West largely to respect Moscow's *droit de regard* over its internal politics and regional development. Western acceptance of this 'bargain' may help current regimes in the CIS, but at the expense of the interests of their populations in the long run. Returning to the principles of cooperative security must not mean turning a blind eye to the curtailment of democracy and transformation in several CIS countries.

At the December Ministerial Council, Russia referred to the Moscow and Astana proposals put forward by CIS member states as if these were already part of the OSCE *acquis*.²¹ Russia insisted on a comprehensive reform of OSCE structures that would focus on 'specialized institutions, field activities and financing system[s]'.²² To guard against being swamped by the majority in the OSCE still opposed to its ideas, it reiterated that 'Russia regards consensus as the underlying principle of OSCE activities and a mechanism without alternative [*bezalternativnyi*] for decision making in the Organization'.²³ Applying OSCE-style consensus to an issue in effect gives any unwilling participating state a power of veto.

Russia picked on the institution most closely identified with activities that are unpopular with many CIS member states—the Office for Democratic Institutions and Human Rights—which has responsibility *inter alia* for election monitoring and remains one of the few OSCE instruments able to operate outside Russian control. 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

²¹ Statement by the Delegation of the Russian Federation (note 18), p. 2.

²² Statement by the Delegation of the Russian Federation (note 18), point 5.

²³ 'Zayavleniye delegatsii Rossiya na zasedaniyi Postoyannovo soveta OBSE po voprosu o konsensuse' [Statement by the Russian Delegation at the OSCE Permanent Council session on the question of consensus], 15 Mar. 2004, p. 1 (in Russian), URL <http://www.ln.mid.ru/brp_4.nsf/>.

manoeuvre and may result in a 'UN-ization' of such missions.²⁴ The CIS initiatives of July and September 2004 also 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.

Russia put forward two further ideas for discussion by OSCE participating states: (a) a 'high-level seminar on military doctrines and defence policy in the OSCE area', especially in the context of NATO's recent enlargement; and (b) 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'.²⁵ The former proposal makes sense to the extent that the military doctrines and strategies of the participating states have changed significantly, notably in response to the new emphasis on terrorism, since the last such seminar was held. Energy security is also an area where Russia can demonstrate its important contribution. Russia has expressed its disappointment that its proposals have not been approved, because of what it describes as 'artificial linkages and an unworthy political haggle'.²⁶

The December 2004 OSCE Ministerial Council ended without a political declaration, although an unprecedented 21 decisions were agreed. This is the third time that an OSCE Ministerial Council meeting has failed to agree a political declaration.²⁷ Two decisions are directly relevant to the future of the OSCE as an organization. The first modifies 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 organization 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'.²⁸ It is too soon to judge what the consequences will be, but it should be noted that a similar provision in the UN Charter gives the UN Secretary-General a major political role.²⁹ 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.³⁰ It will present its report by 30 June 2005.

²⁴ Appointing heads of missions by consensus would actually go beyond practice at the UN, where they are appointed by the Secretary-General of the organization.

²⁵ Statement by the Delegation of the Russian Federation (note 18), pp. 1, 3.

²⁶ Statement by the Delegation of the Russian Federation (note 18), p. 2.

²⁷ The previous 2 occasions were Vienna in Nov. 2000 and Maastricht in 2003.

²⁸ OSCE, MC Decision no. 15/04, Role of the OSCE Secretary General, MC.DEC/15/04, point 4, 7 Dec. 2004, reproduced in 2nd Day of the Twelfth Meeting of the Ministerial Council, 3rd Plenary Session (closed), available at URL <<http://www.osce.org/docs/english/mincone.htm>>.

²⁹ Charter of the United Nations, Article 99, URL <<http://www.un.org/aboutun/charter/>>.

³⁰ OSCE, MC Decision no. 16/04, Establishment of a Panel of Eminent Persons on Stenghtening the Effectiveness of the OSCE, MC.DEC/16/04, 7 Dec. 2004, reproduced in 2nd Day of the Twelfth Meeting of the Ministerial Council, 3rd Plenary session (closed), available at URL <<http://www.osce.org/docs/english/mincone.htm>>.

III. Conclusions

The OSCE's lack of adaptation to the post-cold war European institutional structure 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 organizations that can deal with them more effectively. Consequently, the OSCE security agenda is progressively being emptied of its content. This has been the case with several recent agenda topics, 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 future. 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'. The OSCE has initiated organizational reforms, but without moving towards a more comprehensive review or reform of policy.

A further problem is that states that have recently adopted a highly critical stance with regard to the OSCE, and those which are pressing for reform of the organization, seem to be doing so more as a matter of expediency than of principle. 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 organization 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 outgoing 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.³¹

³¹ Quoted by Dombey, D. and Jack, A., 'Concern rises in US and EU over Russia's growing hostility to OSCE', *Financial Times*, 11 Nov. 2004.