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Coping with Uncertainty: The "Vienna and Berlin Mechanisms" in Light of the First Decade of Their Existence

*Introduction*¹

Concurrent with the end of the East-West conflict, changes began occurring in the character of the CSCE. Until 1990, one could describe the CSCE as a series of conferences. However, right after the end of the Cold War, it started to develop into an international organization. The participating States wanted to avoid the fate of many intergovernmental organizations, i.e. the emergence of an unwieldy bureaucracy, formalized procedures and a rigid body of substantive rules. Thus, in the beginning, CSCE institutions were intentionally kept weak and small and only later gradually grew larger. However, in the period in between a disparity became apparent. Namely, there were no institutions to deal with the substantial conflicts arising that had seemed so unlikely during the euphoric moments of the Paris Summit of November 1990 but became so real a few months later. The bridge between the original series of conferences and the present classical intergovernmental organization was created by instituting certain mechanisms.

Most of these mechanisms deal with various aspects of dispute settlement. As the CSCE/OSCE has always been identified with the broad concept of security, these mechanisms have been used to deal with different aspects of potential security problems. The four mechanisms that were established in the early 1990s deal with the following issues:

- (1) consultation and co-operation as regards unusual military activities, the so-called Vienna mechanism;
- (2) consultation and co-operation with regard to emergency situations, the so-called Berlin mechanism;
- (3) the human dimension mechanism, the so-called Moscow mechanism;
- (4) the procedure for peaceful settlement of disputes, the Valletta mechanism.

These four mechanisms are the products of less than fifteen months of work between November 1990 and February 1992.

¹ The author gratefully acknowledges the indispensable support of the Prague Office of the OSCE Secretariat for providing documents on the functioning of the Vienna and Berlin mechanisms in the early 1990s.

The first three mechanisms have addressed selected aspects of international security. The Vienna and Berlin mechanisms deal with matters that fall under the category of the CSCE's "first basket". The Moscow mechanism is clearly related to the third, humanitarian "basket". The Valletta mechanism does not deal with specific aspects of security but addresses dispute settlement generally. The basic difference between the Vienna, Berlin and Moscow mechanisms on the one hand, and the Valletta mechanism on the other, is not only in the specific character of the former and the general character of the latter. More to the point is that the former mechanisms make an attempt to predict those security problems that may emerge in the post-Cold War environment and might require the urgent reaction of the community of CSCE States. The Valletta mechanism, as was mentioned above, does not specify the problems that may require dispute settlement and the matter of urgency is also lacking. More precisely put, it specifies certain security problems negatively. Namely, some of the most important and politically sensitive matters are not subject to the mechanism.² There is another major difference between these mechanisms, however. While some limited use of the former three mechanisms has been made, *the Valletta mechanism has never been invoked*. Valletta was furthermore superseded by the Convention on Conciliation and Arbitration within the CSCE, which was adopted by the parties to the Convention at the Stockholm Council Meeting in December 1992.³

This paper deals with the Vienna mechanism on unusual military activities and the Berlin mechanism on emergency situations in light of their application during the 1990s. These are examined for two reasons: 1. After their fairly frequent application in the early-1990s they were invoked again in 1999 - in light of a fundamental change in circumstances. 2. As the OSCE is looking for new conflict management mechanisms, it is worth viewing the means it has at its disposal. Without this, it may well be that the participating States will re-invent the wheel.

The reasoning behind not addressing the Moscow mechanism is simple. With the establishment of the function of the High Commissioner on National Mi-

2 When "the dispute raises issues concerning its (a party's, P.D.) territorial integrity, or national defence, title to sovereignty over land territory, or competing claims with regard to the jurisdiction over other areas, the Mechanism should not be established or continued". Report of the CSCE Meeting of Experts on Peaceful Settlement of Disputes, Valletta, 8 February 1991, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 567-581, here: p. 576. It is understandable that during the Valletta meeting three countries put an emphasis on ensuring these matters were not subject to the mechanism. Namely, the Soviet Union and Yugoslavia, two countries that not much later had certain problems with their territorial integrity, and Turkey which was concerned that the Gulf war would lead certain forces to seek to establish a Kurdish state, on sections of Turkish territory. The position of Spain and the UK, two countries that wanted to exclude their territorial dispute over Gibraltar from the regulations of the Valletta mechanism, was convenient to the other three.

3 This Convention is the first, and up until now, the only legally binding CSCE/OSCE agreement. However, it is not applicable to all OSCE participating States, but only among those who have ratified the Convention.

norities at the Helsinki Summit of July 1992, the politically most controversial human rights matters, those of minority rights, are being dealt with by another forum. Moreover, the Warsaw Office for Democratic Institutions and Human Rights has also "absorbed" a good part of the area to be covered by the Moscow mechanism.

The Vienna and Berlin Mechanisms: Assumptions, Foundations, Regulations

The genesis of the Vienna mechanism on unusual military activities and the Berlin mechanism on emergency situations dates back to the preparation for the November 1990 Paris CSCE Summit. The former was on the agenda of the ongoing talks on confidence- and security-building measures in Vienna with the participation of each CSCE participating State. The latter was discussed in the Preparatory Committee of the Charter of Paris for a New Europe among the same circle of participants and also in Vienna. The former was completed and became part of the CSBM document of 1990 and also appeared in subsequent documents, which replaced the 1990 document. However, the mechanism on emergency situations was not approved by the participating States at that time.

Most participating States were of the view that such a mechanism on emergency situations was necessary. Of all countries, the United States, which was most often associated with arbitrariness and unilateralism in the 1990s, was opposed to the emergency mechanism in Vienna. All other states deemed this mechanism necessary, or were ready to live with it at any rate. The U.S. did not deem this mechanism necessary and it was impossible to make them understand that it was highly unlikely the mechanism would be used "against" them. Bearing in mind their dominance in international relations, which became increasingly clear during the past decade, this was understandable. The U.S. probably believed that because their influence was powerful enough, they were in a position to address any major political conflict they opposed by regulating it bilaterally. This attitude could have served as an early warning to the allies and partners of Washington just a few months after the end of the Cold War. The U.S. would not have necessarily allowed increased multilateralism just to reassure them. Furthermore, the U.S. still maintained an intimate, more precisely intimately adversarial, relationship with the Soviet Union. Moscow, apparently a status quo power in decline, was interested in maintaining the then formally still existent bipolar structure of international affairs. The Soviet Union that had already faced some ethnic rivalries on its territory and challenges against its integrity in the late 1980s disliked the idea of a multilateral mechanism that would permit external intervention in its internal affairs.

Two months had passed after the debates in the Preparatory Committee in Vienna when an illuminating example was offered to those who nurtured

certain illusions about the future peaceful evolution of the international system. On 13 January 1991, Russian black berets showed how the Soviet Union could react to the independent-minded forces in Soviet republics. The shooting occurred against demonstrators in Vilnius, the capital of the then Soviet Republic of Lithuania. However, this could have happened elsewhere in the Soviet area as well. With some delay, the United States understood that what European diplomats had pointed out in Vienna had become reality. They realized the Soviet Union might soon fall apart and that this process could induce extensive use of violence. The U.S. was no longer interested in objecting to a vaguely formulated political emergency mechanism for the sake of the Soviet Union and because it was not to their detriment, went along with the emerging consensus. One should also not forget that the European Community had drafted this mechanism and at that time the U.S. was far less ignorant of the position of its major allies than in certain cases during the second half of the 1990s.⁴

Thus the participants of the first meeting of the CSCE Council in Berlin in June 1991 were able to reach a consensus and approved the emergency mechanism. The meeting was overshadowed by the approaching hostilities in Yugoslavia. Even though the U.S. Secretary of State James Baker made an appeal for maintaining the unity of Yugoslavia it was clear history would not evolve along the lines of the desires of Western politicians. The ongoing events gave ample evidence that a political emergency mechanism would soon be necessary. The place it would have to be employed was no longer distant, no longer a political no-man's land in southern USSR. It was an area in the middle of southern Europe adjacent to countries of increasing strategic importance, near a number of fragile new democracies, like Albania, Bulgaria, Hungary and Romania.

During the last few months of its existence, the Soviet Union did not play any particular role except to pursue the increase of the number of countries whose agreement was necessary to launch the mechanism from twelve to 13. The Soviet delegation argued in favour of this change in order to prevent the then twelve European Community member countries from invoking the mechanism alone. Considering the historical situation, it was impossible to imagine that an agreement by twelve countries would not be supported by a number of other democracies. Thus, the Soviet step in Berlin was clearly nothing but lip service.

By the summer of 1991, two mechanisms were already in existence, which could be used to address poorly defined potential conflict sources. Whereas the mechanism for unusual military activities focused on movements of military forces, the emergency mechanism was conceived to deal with politically pressing problems, i.e. potential conflicts. If one takes a close look at this, it is clear that abstractly each mechanism addresses the same problem: the uncertainty and unpredictability of the sources of conflict threat. Conse-

4 Cf. CSCE/2-CSO.1, 23 May 1991.

quently, they are not only rooted in the post-Cold War environment in the sense that they were passed at the beginning of the 1990s immediately after the end of the East-West conflict. In fact, they go beyond this and their roots are in the post-Cold War reality that has been characterized by uncertainty, a feeling that anything may occur in the less happy half of Europe at any time. A systematic threat analysis could point towards the fact that participating States started from the assumption that either there would be no conflict in Europe,⁵ or if there were conflicts, their sources could not be predicted. No one knows who will cause conflicts and for what reason. Thus it is better "to be prepared" for every eventuality. This was the message of the early post-Cold War era. Each mechanism, to some extent, relies on the same means. A mechanism will make the community of CSCE participating States aware of a problem in the hope that international attention will influence the country whose activity deviates from the values shared by the others. To put it differently, when post-Cold War conflict sources were considered it was the tacit assumption of CSCE States that if a conflict broke out it would not be due to the lasting, premeditated, malign intentions of a participating State. Hence states could be influenced through the use of soft methods. Therefore the follow-up actions that may be contemplated by the participating States beyond invoking the mechanism are similarly soft. They either consist of convening another meeting on a higher level or of assessing the situation and agreeing upon recommendations or conclusions (Berlin mechanism). The execution of fact-finding and monitoring missions is the option used derived from the Vienna mechanism. Because of the reasons mentioned above, neither mechanism includes an instrument to enforce sanctions. As assumptions proved invalid in some cases (e.g. Serbia), remedies for the problem remained ineffective.

There are differences between the two mechanisms as well. The most important is the definition of the actions that may lead to invoking the mechanism. The Vienna mechanism can be employed in the case of "any unusual and unscheduled activities of (...) military forces outside their normal peacetime locations which are militarily significant (...)".⁶ The Berlin mechanism is less specific. It mentions "a serious emergency situation which may arise from a violation of one of the Principles of the Final Act or as the result of major disruptions endangering peace, security or stability".⁷ In theory if one

5 This point is in line with the argument put forward by Francis Fukuyama, *The End of History and the Last Man*, New York 1992, equating the end of the East-West conflict with the end of conflict generally - certainly an unfounded view.

6 Vienna Document 1990 of the Negotiations on Confidence- and Security-Building Measures Convened in Accordance with the Relevant Provisions of the Concluding Document of the Vienna Meeting of the Conference on Security and Cooperation in Europe, Vienna, 17 November 1990, in: Bloed (Ed.), cited above (Note 2), pp. 489-535, therein: Mechanism for consultation and co-operation as regards unusual military activities, pp. 494-495, here: p. 494.

7 Berlin Meeting of the CSCE Council, 19-20 June 1991, in: Bloed (Ed.), cited above (Note 2), pp. 807-818, Annex 2: Mechanism for consultation and co-operation with regard to emergency situations, pp. 811-813, here: p. 811.

pays attention to the above wording the Berlin mechanism could incorporate the Vienna. This was certainly not the intention of the "founding fathers", however. On the contrary, this concept was specifically excluded in the document that established the Berlin mechanism, which stated it would "not be used in place of the mechanism concerning unusual military activities".⁸ The idea was that while Vienna deals with military risks, Berlin would deal with political concerns "endangering peace, security and stability". This is a reiteration of the broad security concept the CSCE assumed as its starting point. As security encompasses a broader area than just military matters, the separation of military and political causes of conflict becomes somewhat artificial. In both cases the respective mechanisms can be invoked by any participating State independently. It is, however, a further major difference that the Vienna mechanism remains under the full and exclusive control of the state that has invoked it, whereas the Berlin mechanism, as was mentioned above, can be employed by any participating State, however no meeting can be convened without the backing of twelve other participating States. Thus, a total of thirteen states is necessary to guarantee the crucial political attention which an emergency meeting produces. One would conclude that in theory the Vienna mechanism could be utilized more easily than the Berlin. Consequently, when the activity has a military component it is tempting to make use of the former, rather than the latter.

If one examines the procedural aspects of the two mechanisms there are major similarities between them. One may state that "Vienna" served as an example to "Berlin" in various instances. Both mechanisms are invoked by a requesting state seeking information from the requested state concerning a certain situation or an unusual military activity. The latter is obliged to answer the request within 48 hours in both cases. "The request and the reply will be transmitted to all other participating States without delay."⁹ Due to the fact that bilateral communications are shared with all other participating States, the process is characterized as "multi-bilateral".¹⁰ Following this if the requesting participating State does not find the reply of the responding state satisfactory the process continues.

In case of the Vienna mechanism the requesting party has two choices. It may either ask for a meeting with the responding state or all OSCE participating States. It is not clear from the text whether it is mandatory to go through the bilateral phase before calling in all participating States. Even though the sequencing of the text (and nothing else) would indicate this requirement, the practice established does not coincide with this interpretation. It is entirely up to the requesting state which option (bilateral or multilateral) it chooses. It should be considered whether the unusual military activity is so severe that

8 Ibid., p. 813.

9 Point 1.2 of the Berlin mechanism, *ibid.*, p. 811, point 17.1.4 of the Vienna mechanism, cited above (Note 6), p. 494.

10 Victor-Yves Ghébal, *L'OSCE dans l'Europe post-Communiste, 1990-1996. Vers une Identité Paneuropéenne de Sécurité*, Brussels 1996, p. 42.

this makes invoking the mechanism with the participation of the entire OSCE community necessary or whether holding a bilateral meeting and submitting information to other countries would suffice. The other issue to be considered is whether the immediate petition for a multilateral meeting without the preceding bilateral one does not exhaust the available options and thus deprive the requesting party of using gradual steps on the "escalation ladder" in the case there is further unusual military activity.

In the case of the Berlin mechanism, the requesting state has no choice. If it is of the view that the underlying situation has remained unresolved it may request that an emergency meeting of the Senior Council (then Committee of Senior Officials) be held. As the original request aimed at clarification as well as the reply of the requested state are transmitted to all other participating States it would be correct to assume that they are familiar with the situation. The Chairman of the Senior Council will be informed of at least twelve other participating States ready to second the request for an emergency meeting within 48 hours. If this backing is provided the meeting will be held. In order to give some lead time before the meeting the Chairman will notify all participating States of the date and time of the meeting. This has to occur between a minimum of 48 hours and a maximum of three days.¹¹ In the case of the Vienna mechanism, the regulation requires that the meeting be convened within no more than 48 hours. Contrary to the Vienna mechanism where the requesting state is in a position to decide independently whether it wants to convene a meeting or not,¹² the Berlin mechanism makes it compulsory to find the necessary backing to be able to move from the "request - reply" phase of the process to the "meeting" phase. As the emergency meeting calls the attention of the public to the issue that causes employing the mechanism, states have reason to seek to prevent this. It would certainly be best to give the state making the request on the "developing emergency situation" a satisfactory answer. In practice, during the first nine years the emergency mechanism was employed, it was demonstrated, however, that states are usually determined not to accept the responses, but strive to continue the process and move on to convening a meeting. In cases like these the only "escape route" is to prevent that twelve other states second the request for a meeting. As the backing of other states is dependent upon political considerations, it is less probable that the great powers as actors with complex interdependencies would, in the case of possible improper conduct, have to face the "meeting" phase of the emergency mechanism.

The Berlin mechanism is organized in such a way that focused meetings may be held speedily. This is guaranteed by a set of rules. The meeting must not last for more than two days. The agenda must consist of one single point, which is worded the same way as the notification convening the meeting. The topic of the meeting will not be open to amendment. These regulations no

11 Cf. point 2.6 of the Berlin mechanism, cited above (Note 7), p. 812.

12 Cf. point 17.2.1. of the Vienna mechanism, cited above (Note 6), p. 494.

doubt give the procedure of the meeting emergency character. As it was pointed out above, the most important shortcomings of the Berlin and Vienna mechanisms are not in their procedural rules, but rather in the reality that the mechanisms cannot be applied to determined, malicious leaderships with a premeditated agenda to violate certain basic principles of international co-operation. They cannot be influenced by public exposure or the other soft measures inherent in the Berlin and Vienna mechanisms.

The Application of the Vienna and Berlin Mechanisms in the First Decade of Their Existence

Both mechanisms have only been invoked a few times. It is thus difficult to determine whether the number of cases would give sufficient information on how the mechanisms function. They were most often invoked not long after their adoption, but soon after joined the other "sleeping beauties" of European security. There was an instance in 1999, when under fundamentally different circumstances, they unexpectedly reappeared on the horizon in order to quickly disappear again.

In the first half of the nineties three emergency meetings were convened to deal with the conflict in the former Yugoslavia, one to handle the conflict in Nagorno-Karabakh. The first three meetings mentioned took place in 1991, 1992 and in 1994, the other in 1993. The mechanism on unusual military activities was employed very often in 1991 in relation to the war in the former Yugoslavia by Austria, Italy and Hungary. Austria and Italy initiated multilateral meetings whereas Hungary took no notice of this and conducted a bilateral exchange with Belgrade in the Conflict Prevention Centre in Vienna. Between the mid-1990s and 1999 neither the Vienna, nor the Berlin mechanism was invoked. On 1 April 1999, Belarus utilized the Vienna mechanism, on 21 April, Russia did the same with respect to the Berlin mechanism. Both were addressed to several countries that were participating in the Kosovo operation or hosted foreign troops for this operation on their own territories. The Belarus request was addressed to seven countries, including five NATO member states, the Russian request was directed to every member state of the Atlantic Alliance. Both requests ended in failure (as opposed to the CFE on-site inspection request in Italy where the inspection was conducted according to the rules of the Treaty). If one looks at certain cases in more detail the following conclusions can be drawn:

1. The most important is that it was very seldom, the exception actually, that the reason for employing the mechanism did not have a major military component. In spite of the fact that the Berlin mechanism deals with political conflict sources, whereas the Vienna mechanism handles military conflict sources, the reasons for utilizing the Berlin mechanism also had some mili-

tary relevance in most cases.¹³ The activities of the federal Yugoslav armed forces to fight Slovene and Croat attempts to gain independence in 1991 were among the reasons for initiating the Berlin mechanism. There was also activity by the same forces in Croatia and Bosnia and Herzegovina in 1992. The long-lasting and stalemated conflict between Armenia and Azerbaijan over Nagorno-Karabakh also resulted in launching the Berlin mechanism. In this case it would have been impossible to decide whether this was a political or a military conflict had the mechanism not been invoked at that point in time during the spring of 1993 when Armenia conducted a successful military operation on the territory of Azerbaijan. The Russian initiative to address the Atlantic Alliance war against Milošević during the spring of 1999 is another obvious example where a political conflict mechanism was employed in a primarily military matter.¹⁴ Basically, this leaves us with only one single case not having anything to do with the military aspect of security. Namely, in 1992, Hungary requested clarification from the Federal Republic of Czechoslovakia on their hydro-electric power station at Gabčíkovo/Nagymaros. The references here were Hungary's sovereignty and territorial integrity, two basic principles of the Helsinki Final Act. Even though Prague's reply was regarded as "completely unsatisfactory" by Budapest the process was discontinued without entering the multilateral phase.¹⁵

2. The first activation of the mechanism took place soon after the Berlin Council Meeting of June 1991. Understandably, the modalities of the application of the new mechanism were not clear to the participating States. It was on this basis that Nils Eliasson, Director of the CSCE Prague Secretariat, commented on the activity within the framework of the mechanism at the next Council meeting as follows: "The crisis came a little early - the new structure has not matured. One delegate joked that we needed a nice little conflict we could settle easily and show the world." The German chairman of the fifth emergency meeting and later CSCE Secretary General, Wilhelm Höynck, criticized more emphatically, "the limited range of instruments at the CSCE's disposal was a hindrance to managing crises".¹⁶ It must be realized that the hostilities in the Yugoslav Federation were not the kind of crises anyone would have wished for to be able to "calibrate" a newly established mechanism. It is doubtful however whether there is a significant crisis that

13 It goes without saying that the launching of the Vienna mechanism was always conditional on military activity.

14 It is clear from the document of the Permanent Mission of the Russian Federation to the Organization for Security and Co-operation in Europe dispatched to each member of NATO on 21 April 1999 and reported to the OSCE the next day that Russia's primary concern was the armed aggression of the Atlantic Alliance against Yugoslavia. See SEC.DEL/130/99, Note 17, 22 April 1999, pp. 1-4. In spite of this, Russia listed seven principles of the Helsinki Decalogue that brought its request for clarification in line with the foundations of the Berlin emergency mechanism, "a serious emergency situation which may arise from a violation of one of the Principles of the Final Act (...)".

15 See Ghebali, cited above (Note 10), pp. 119-120.

16 Cited by Richard Weitz, *The CSCE and the Yugoslav Conflict*, in: RFE/RL Research Report, 31 January 1992, p. 26.

would be "suitable" to prepare the participating States and the Organization on the appropriate manner of reacting to crises. In light of experiences during the 1990s, one has reason to conclude that due to their unique character, only limited lessons can be drawn from individual crises.

3. Specific cases did not follow the same pattern. If one takes into consideration the discussions surrounding the initiation and the continuation of a mechanism in certain cases the following can be concluded: The usually chosen procedure was not based on the weight of the conflict or the different reactions by the party requested to respond, but depended on other factors. Broad political or diplomatic considerations impacted upon the way a mechanism was applied by participating States. This was the case particularly with respect to the Berlin mechanism. As was mentioned above, in most cases the requesting party was not satisfied with the reply of the responding state. In spite of this, the process in some cases continued with a multilateral meeting whereas in others it did not. It may be that a party requesting clarification discontinues the process as it has already achieved its goal by gaining the attention of all the other OSCE participating States. In other cases, although the necessary backing by twelve other participating States to go multilateral apparently existed, interest in the endeavour vanished. This was the case when Hungary requested that the ČSFR provide information on the Gabčíkovo/Nagymaros hydro-electric power station and the unilateral diversion of the Danube. In this case, the Hungarian government did not want to continue its efforts. This was due to the heavy diplomatic pressure it faced from some of the country's major partners. They argued that the dispute settlement should continue in front of other forums, like the International Court of Justice. In the case of Russia's request for clarification concerning the spring 1999 NATO operation against the regime of Milošević, Moscow achieved what it wanted by making its point clear and public at each and every forum at its disposal. It certainly found it satisfactory that the West was motivated to involve Russia in the resolution of the post-Yugoslav conflicts. However, from the adverse reaction of NATO member states Russia could not feel there was any point in continuing the exchange.¹⁷ Not to mention the fact it would have been difficult to find twelve other countries willing to second a Russian request for convening a meeting with the involvement of all OSCE participating States. Nevertheless, this could not have been the reason why Russia did not make an attempt to have this meeting convened. The situation described may be interpreted as a conspiracy of a powerful coalition of states. It could also be interpreted benignly as a change in power relations in the international system where the enforcement of certain values (human

17 The reply of Hungary for instance contested the Russian position *in extenso*. It contained sentences like: "Responsibility for the present crisis lies with President Milosevic. He has the power to bring a halt to NATO's military action by accepting and implementing irrevocably legitimate demands of the international community." Verbal statement of the Hungarian OSCE Mission to the Permanent Mission of the Russian Federation to the OSCE, SEC.DEL/132/99, 23 April 1999.

rights, self-determination) gains wide-ranging support and that of other values (sovereignty, territorial integrity) does not.

4. The Berlin mechanism was most often invoked for hard security issues. It may be for this reason that with the exception of Russia in 1999, adjacent countries, directly concerned by certain developments in their neighbourhood, launched this mechanism.

There are two elements worthy of mention on the employment of the Vienna mechanism as regards unusual military activities:

1. With the exception of two cases, the process has each time progressed multilaterally with the participation of all CSCE/OSCE participating States. The two exceptions were initiated by Hungary vis-à-vis Yugoslavia in 1991 and Belarus against seven countries in 1999. In the former case, Hungary asked for clarification on the frequent violation of its airspace by Yugoslav aircraft. As somewhat similar occurrences induced Austria and Italy to convene multilateral meetings, Hungary could have opted for this as well. However, it consciously rejected this option and chose to meet bilaterally at the Conflict Prevention Centre in Vienna. One should praise Hungary for its carefully considered conduct and many of the country's major partners did indeed do this.¹⁸ The bilateral meeting meant to "maintain the multilateral option in reserve" in case the violation of Hungary's sovereignty continued.¹⁹ It must be borne in mind that certain events beyond Hungary's control occurred that virtually precluded the application of the multilateral option.²⁰ When during the war against the Milošević regime in the spring of 1999 the Republic of Belarus invoked the mechanism, it did not even convene a meeting with those seven countries to whom it had addressed its request for clarification of the ongoing unusual military activity.²¹ Belarus asked certain pertinent questions about the international legal foundations of the operation in Yugoslavia, the size of formations that participated in it and the prospect of its continuation. The Belarus delegation registered two weeks later that

18 It must be noted that the bilateral option was not a foregone conclusion for Hungary. There were voices that favoured convening a multilateral meeting in order to attract sufficient public attention. Others resisted that option for professional reasons. It would be worthwhile to analyse how subjective factors influence the kind of meeting invoked, i.e. whether it is multilateral or bilateral.

19 Formally this is not the case, of course. The fact that a multilateral meeting is convened to discuss the violation of the sovereignty of a country does not preclude that when the same unusual activity reoccurs another meeting with the involvement of all participating States would be convened. Politically and diplomatically, it is troublesome however to launch the same mechanism multilaterally over and over again.

20 The cease-fire deadline set by the European Community had not yet been exhausted. Convening a multilateral meeting before the deadline would have indicated that Hungary had no confidence the cease-fire would be respected by the Yugoslav armed forces. Furthermore, the CSCE forums were in recess. The multilateral meeting would have required that delegates return to Vienna upon short notice.

21 The seven countries addressed were France, Germany, Italy, the UK, the U.S., FYROM, Bosnia and Herzegovina.

three states did not respond to the request in time. The UK, Italy and FYROM exceeded the 48 hour time limit set by the Vienna Document on Confidence- and Security-Building Measures. One state, Bosnia and Herzegovina did not respond at all.²² The reason for not continuing the process beyond requesting clarification on unusual military activity could be due to certain specific factors mentioned above in connection with Russia invoking the Berlin mechanism.

2. The "unscheduled and unusual" military activity that is subject to the Vienna mechanism is formulated ambiguously. Many different types of militarily significant activities outside the normal peacetime location of military forces could fall under this category. Some observers were also under the impression that the intention had been "to reveal covert operations that might conceal preparations for a military assault".²³ This is unfounded. The idea of those who drafted the document was to phrase it ambiguously so that no significant activity was excluded from the mechanism agenda. It is correct that in light of other arms control commitments, which cover many unconcealed activities, like major exercises, troop movements, etc., it was expected the agenda of the Vienna mechanism would be extended to include additional significant concealed activities. It is important to recall that the Vienna Document does not include a stipulation "to report unusual military activities"²⁴ unless they are subject to other regulations of the Vienna CSBM Document. Reality did not follow tacit expectations and the mechanism has been invoked without exception in cases of high profile military activities, mostly large-scale manoeuvres by Yugoslavia and NATO. However, this could not have been reckoned with, as it was the assumption in 1990 that Europe would continue to be free of war, which had been the case in the preceding 45 years. As this assumption proved to be invalid, the mechanism's function has changed.

Conclusion

The Berlin and Vienna mechanisms have been applied to only a limited number of cases during the 1990s. Most experts in statistical analysis would stop here and claim it impossible to draw conclusions of general relevance from so few cases. However, although I share this opinion, there may nevertheless be conclusions, which could be drawn for the functioning of international relations in Europe in the 1990s reflected in evolution of the role of these two

22 The information is available in Vystuplenie glavy postoiannoï delegatsii Respubliki Belarus v OBSE posla V. N. Fisenko na sovmestnom zasedanii Postoiannovo Soveta OBSE i Foruma po sotrudnichestvu v oblasti bezopasnosti, PC.DEL/195/99, 16 April 1999, p. 1.

23 See Weitz, cited above (Note 16), p. 25.

24 Albania reminded the Russian Federation of this when Russia requested clarification concerning "unusual military activity on the Albanian territory". See point 1 of note 37/99 E of the Permanent Mission of the Republic of Albania to the Permanent Mission of the Russian Federation to the OSCE of 12 May 1999.

mechanisms. The decline of the application of the two mechanisms not much after their introduction is due to a number of reasons:

1. The fact that even just after they had been introduced, they were relied upon less and less, is an indication that there has been a significant move away from the uncertain security posture of the early-1990s. The uncertainty at the time stemmed from two factors: The scenario was uncertain as it was unclear what types of conflict would emerge in the whole region east of the European Union and NATO. The countries where such threats might emerge could not be confined to a handful of states. As the West increased its leverage in East-Central Europe and started to understand the differences between various local actors the situation changed fundamentally. The sources of threat (ethnic rivalry, mutually exclusive territorial claims) have become more clearly defined. The number of actors who would possibly violate the norms of international behaviour seriously has also shrunk significantly. Consequently, the assumptions on which the mechanisms were based have changed. Only a few actors and strictly confined scenarios characterized the late 1990s and will at the beginning of the 21st century continue to do so. These changes could make the two mechanisms largely irrelevant in themselves.

2. There is also another less welcome factor. Namely, contrary to the past when attempts were made to engage or placate potential problem countries and trouble-makers through a wide range of instruments, those soft mechanisms that do not offer extensive carrots and do not carry significant sticks are not regarded as adequate any longer. Whether states (and leaders) have become "rogues" by themselves or were declared to be "rogue powers" by outside forces is open to question. When dealing with a "rogue" partner only those measures are reasonable, which have been backed by credible sanctions, that is, through coercive measures. This was the treatment applied to the chief offender, Slobodan Milošević, in the Kosovo operation of 1999. The United States, most often champion of the movement to declare a country as a rogue state²⁵ - which puts immediate pressure upon its partners and allies -, seems to perceive an optimal international system as one of democracies. However, they do not view a system of democracies as identical with a democratic international system.

In sum, two major tendencies have made both mechanisms largely inapplicable. On the one hand, an increasing number of states have joined the Western sphere of influence, that zone of democratic peace that does not require these

25 This point is not affected by the change of terminology in the United States. On 19 June 2000, Secretary of State Madeleine Albright introduced a new system of categories, and *de facto* dropped the term "rogue state". Now the former rogue states are called "states of concern" or "states leaving concern". The new system reflects the recognition that naming a state as a rogue is more or less a self-fulfilling prophecy and therefore less than helpful. More details see in Weekly Defense Monitor, vol. 4, no. 27, 6 July 2000, <http://www.cdi.org>. In spite of this the Bush administration revised the above position and started to use the old term "rogue state" again not much after their coming into office in 2001.

mechanisms in order to avoid military threat or political risk to other countries. On the other, there are a strictly limited number of actors in Europe who cannot be effectively influenced by soft mechanisms that highlight certain "deviations" from basic principles and rules of European co-operation. In those cases, the Berlin and Vienna mechanisms may continue to be necessary, though insufficient to influence the activity of some of these states.

3. Another factor of a different character is that the evolution of the CSCE/OSCE has made mechanisms, including the two presented here, unnecessary. Its institutional structure has evolved rapidly in a direction that resulted in the establishment of quasi-permanent institutions, among these the Permanent Council. When there are already bodies that facilitate constant exchanges between the participating States, understandably those mechanisms where similar issues can be addressed do not flourish. It is open to question however whether public attention can be maintained through the activity of a permanent institution comparable to the attention that surrounded the meetings convened under the Berlin or Vienna mechanisms.

There is only a slim chance that the two mechanisms play a role in the future. An increasing number of states have been integrated into or are linked with the Western stability zone. They are anxious to avoid situations, which would give cause to invoke such mechanisms. Furthermore, if they do not comply fully with the prevailing norms of the region, they could be confronted with "gentle" pressure in other forums. The "rogue", or for that matter "rogue-d", states that should be influenced, *inter alia*, by these two mechanisms are excluded from the system because in their cases soft measures are regarded as insufficient or rather inadequate. Last but not least, there are states, primarily the Russian Federation, where a multitude of other measures are considered to be applicable. Rather than applying the Vienna mechanism, bilateral channels are utilized in order to ensure certain disagreements do not become public, or the Code of Conduct is invoked. In sum, a decline in the use of these mechanisms is apparent and it is due to the changes in the international system rather than the changing aspirations of OSCE participating States. Despite such a sober assessment it may well be necessary to consider the formal existence of these mechanisms when the OSCE participating States contemplate bringing new mechanisms into life rather than relying upon "old" ones.