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The Contribution of the Istanbul Document 1999 to European Security and Co-operation

The fourth post-Cold War Summit held by the OSCE in Istanbul (18-19 November 1999) has certainly been more positive and productive than those in Budapest (1994) or Lisbon (1996). Indeed, in addition to a standard Summit Declaration, the "Istanbul Document 1999" consists of a Charter for European Security, an updated version of the Vienna Document on CSBMs and a decision (originating from the Forum for Security Co-operation) on small arms and light weapons. It also includes two non-OSCE instruments related to the CFE Treaty.¹ The present analysis will focus on the Charter and the Summit Declaration. After providing an overview of the negotiating process leading from the development of a security model to the elaboration of the Charter for European Security, it will review the seven main issues addressed within the generally complementary provisions of the Charter and the Summit Declaration: new security risks and challenges, institutional structures, the politico-military dimension, conflict prevention and crisis management, the economic dimension, the human dimension and OSCE relations with the outside world.

From the Development of a Security Model to the Charter for European Security

In 1994, as a counter-move to NATO's projects for Eastward enlargement, Russia advocated the transformation of what was still the *Conference on Security and Co-operation in Europe* (CSCE) into an international organization. This organization was to be based on a legally binding charter, to be directed by a decision-making body patterned after the United Nations Security Council and henceforth act as the overarching co-ordinating instrument of all other security institutions of the region (from NATO to the CIS) on the basis of special agreements providing for an appropriate division of labour.² Due to the fact that they were utterly unacceptable to the rest of the participating States, these demands received a diluted response. In addition to *formally* changing the name of the pan-European institution into "*Organization for Security and Co-operation*" (OSCE), the Budapest Document announced the participating States' decision "to start a discussion of a model based on the

1 Those instruments are the Agreement on Adaptation of the CFE Treaty and the Final Act of the Conference of the Parties to the CFE Treaty.

2 Text of the Russian proposals: DOC.433 of 30 June 1994; DOC.621 of 30 August 1994; DOC.645 of 2 September 1994. See also CSCE/FSC/SC.23 of 28 October 1993.

CSCE principles (...) for a common and comprehensive security for the twenty-first century".³

Work on the Security Model officially started in March 1995 under the Hungarian Chairmanship. Soon after, the Permanent Council established an open-ended working group and fixed the modalities for a special Vienna-based seminar to take place in September 1995.⁴ On the basis of that preliminary work, the Budapest Ministerial Council decided, in December of the same year, that the issue would be tackled simultaneously by the Senior Council (on a permanent basis until the 1996 OSCE Lisbon Summit), a Security Model Committee functioning under the auspices of the Permanent Council and within the framework of new seminars.⁵ Actually, the only substantial result achieved in 1995 was the drafting of an informal list of risks and challenges to security in the OSCE area.⁶

In 1996, under the Swiss OSCE Chairmanship, the work on the model continued within the framework of the Security Model Committee as well as in the Economic Forum (March 1996), the Parliamentary Assembly (July 1996) and the Contact Group on the Mediterranean.⁷ However, negotiations were slow-moving. After much confused debate at the Lisbon Summit (2-3 December 1996), the participating States declared their readiness to "consider developing a Charter on European Security".⁸

In a cautious and restrained manner, they hinted that the latter could include provisions for the strengthening of the OSCE and also guidelines for the co-operation between the OSCE and the other European security organizations.

In 1997, when Denmark took over the OSCE Chairmanship, prospects for success appeared rather unfavourable: the Americans continued to express solid opposition to the initiation of a drafting process while the Russians, who were negotiating on a bilateral charter with NATO, seemed to be less interested than they were before. Under the circumstances, the Danish Chairmanship was only able to organize two seminars respectively concerning "Specific Risks and Challenges" (5-7 May 1997) and "Regional Security and Co-operation" (2-4 June 1997).⁹ However in December 1997, a political breakthrough materialized at the Copenhagen Meeting of the Ministerial

3 Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (Ed.) *The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995*, The Hague/Boston/London 1997, pp. 145-189, here: p. 173.

4 Summary results: REF.PC.568/95 of 5 October 1995.

5 Cf. Fifth Meeting of the Council, Budapest, December 1995, in: Bloed (Ed.), cited above (Note 3), pp. 215-228, here pp. 223-227.

6 Cf. REF.PC/418/95 of 24 August 1995 (and Rev.1 and Rev.2).

7 Cf. 4-EF(SC) Journal No. 3 of 29 March 1996; REF.SEC/365/96 of 27 June 1996; REF.PC/432/96/Rev.1 of 13 September 1996.

8 Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century, in: *Organization for Security and Co-operation in Europe, Lisbon, 1996, Lisbon Document 1996*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1997, Baden-Baden 1998*, pp. 419-446, here: pp. 426-430, p. 429.

9 Summary results : REF.PC/362/97 of 22 May 1997 and REF.PC/498/97 of 6 June 1997.

Council, with the participating States' firm decision "to develop a comprehensive and substantive OSCE Document-Charter on European Security" to be adopted, as a politically-binding text, at the level of an OSCE Summit.¹⁰

In March 1998, under the Polish OSCE Chairmanship, the Permanent Council transformed the Security Model Committee into a working body and established two working groups each focusing on a particular set of ingredients that could be included in the Document-Charter.¹¹ Through a US initiative, the Permanent Council also decided to postpone the 1998 OSCE Summit to the second part of 1999 in order to allow enough time for the finalization of the Document-Charter. The drafting process proved to be much more protracted than foreseen for two main reasons both related to Russia: First, Moscow tabled a considerable number of formal and detailed proposals whose contents or modalities were often considered unrealistic or undesirable by the overwhelming majority of the other participating States; second, given the political situation in 1999 (NATO's military intervention in Kosovo and the resumption of war in Chechnya), Russia rejected all proposals aimed at increasing OSCE potential to intervene in the internal affairs of a country. The successive (and rather divergent) draft versions of the Charter bore witness to the difficulty of negotiations.¹²

The Charter for European Security was finally adopted and signed at the Istanbul Summit on 19 November 1999.¹³ Starting with an analysis of the risks and challenges to the security of post-Communist Europe ("Our Common Challenges", paragraphs 2-6) and a reaffirmation of pan-European principles ("Our Common Foundations", paragraphs 7-11), it provides for the strengthening of OSCE structures ("Our Common Response", paragraphs 12-33) and, more particularly, of its operational capacities ("Our Common Instruments", paragraphs 34-47) before finally offering, in an appended "Platform for Co-operative Security", guidelines for a new partnership co-operation with other security organizations.

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- 10 Guidelines on an OSCE Document-Charter on European Security, Decision No. 5 of the Sixth Meeting of the Ministerial Council, in: Organization for Security and Co-operation in Europe, Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 431-457, here: pp. 444-448, p. 445.
- 11 Cf. OSCE, Permanent Council, PC Journal No. 162, Decision No. 221, PC.DEC/221 of 27 March 1998.
- 12 PC.SMC/48/99 of 11 May 1999 (Chairman's Perception); PC.SMC/132/99 of 20 July 1999 (Chairman's Perception II); PC.SMC/134/99 of 23 July 1999 (Consolidated Text). Last draft versions of the Charter: PC.SMC/1145/99 of 21 September 1999 - with Rev.1 of 8 October 1999, Rev.1/Corr.1 of 11 October 1999, Rev.1/Corr.2 of 18 October 1999, Rev.2 of 28 October 1999, Rev.3 of 11 November 1999, Rev.4 of 14 November 1999, Rev.5 of 16 November 1999, Rev.6 of 16 November 1999 and Rev.7 of 18 November 1999. Not less than 178 formal proposals or comments were submitted to the Security Model Committee (PC.SMC/1 to PC.SMC.178). Checklist of the 1998 documentation: SEC.GAL/8/99 of 20 January 1999.
- 13 Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, reprinted in this volume, pp. 425-443.

New Security Risks and Challenges

From the beginning of work on the Security Model, the participating States realized that they could not agree on the modalities appropriate for strengthening the operational capacities of the OSCE without identifying the risks and challenges prevailing in the OSCE area beforehand. On the basis of the views expressed by the governments in 1995, the Hungarian Chairmanship established an initial list corresponding more or less to the three dimensions of the OSCE.¹⁴ In 1996, the Swiss Chairmanship updated the Hungarian inventory by providing a more elaborate version, which in addition, included risks stemming from military capabilities.¹⁵ Neither the Danish (1997) nor the Polish Chairmanships (1998) submitted further systematic listings. The Chairman's Perception submitted by the Norwegian Chairmanship in 1999, affirmed, as suggested by the European Union, that the changing security environment precluded a static and all-inclusive listing of risks and challenges on the ground that these were of a transnational, mixed (domestic/international) and interrelated character.¹⁶ The very short lists tentatively submitted later by the Norwegian Chairmanship met with no success.¹⁷ Actually, the participating States could not agree on the items to be included in (or deleted from) the list nor were they able to identify the practical measures to cope with each set of items.¹⁸

As a consequence, the final text of the Istanbul Charter does not contain a systematic listing. It is recognized that threats to pan-European security today stem from conflicts within states as well as from conflicts between states (paragraph 2). This underscores the necessity of confidence-building among people within states and the strengthening of co-operation between states (paragraph 3). Basically, the Charter highlights *international terrorism, violent extremism, organized crime, drug trafficking* as growing security challenges in the OSCE area and mentions the excessive and destabilizing accumulation and uncontrolled spread of *small arms and light weapons* as a threat to peace and security: Protection against this string of scourges calls for the promotion of strong democratic institutions and the rule of law (paragraph

14 See footnote 6. It is to be mentioned that in the Hungarian inventory, "economic" and "social" risks were listed in distinct sections.

15 REF.PC/637/95 of 9 October 1996, also submitted to the Lisbon Summit as Annex to REF.S/82/96 of 29 November 1996. See also paragraph 2 of the Lisbon Declaration on a Common and Comprehensive Security Model, cited above (Note 8), p. 426, and paragraphs 7, 9, 12 of the Lisbon Summit Declaration, in: Lisbon Document 1996, cited above (Note 8), pp. 420-425, here: pp. 421-422; as well as paragraph 5 (i) of Decision No. 5 of the Sixth Meeting of the Ministerial Council, cited above (Note 10), pp. 447-448.

16 Cf. PC.SMC/48/99 of 11 May 1999 (paragraphs 5 and 6). European Union's proposal: PC.SMC/31/99/Corr.1 of 19 February 1999.

17 Annex 2 of section III.B of PC.SMC/132/99 of 20 July 1999 and PC.SMC/134/99 of 23 July 1999, p. 93.

18 On the negotiating positions concerning this issue, see PC.SMC/134/99 of 23 July 1999, pp. 92-97.

4).¹⁹ The Charter also acknowledges that *acute economic problems* and *environmental degradation* may have serious implications for the security in the OSCE area and argues that the responses should be continued economic and environmental reforms, promotion of market economies, due attention to economic and social rights, as well as combating corruption and (once again) the promotion of the rule of law (paragraph 5).²⁰

Finally, the Charter admits that instability in the Mediterranean and in Central Asia "creates challenges that directly affect the security and prosperity of OSCE States" (paragraph 6). This has to be understood against the background of the expanding activities of the OSCE in Central Asia - a development duly highlighted by the Istanbul Summit Declaration (paragraphs 13-14).²¹

Institutional Structures

In this area, Russia presented far-reaching demands aimed at a complete institutional reform of the OSCE.²² Beginning with a full-fledged rationalization of OSCE structures based on a formal distinction between "principal organs" and "special institutions", this kind of reform would have implied not only the strengthening of existing bodies (the Secretariat or the Forum for Security Co-operation), but also the creation of new organs: a "Council of Heads of State or Government" combining the present functions of OSCE Summits and review meetings as well as a "Committee on Political Security" attached to the Permanent Council. Russia deemed that the Secretary General should be allowed 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 - a provision evidently inspired by article 99 of the United Nations Charter. It also suggested that the Director of the Conflict Prevention Centre serve as a deputy to the Secretary General. Furthermore, Russia made the demand that OSCE decisions become "binding" (as a first step towards the attribution of legal foundations to the OSCE) and, at the same time, called for excluding the "consensus minus one" rule under which Yugoslavia was sus-

19 The Istanbul Document 1999 also contains an FSC decision announcing that the FSC would include the problem of the spread of small arms and light weapons as an item of priority and launch a comprehensive discussion on all aspects of this issue. Cf. FSC/DEC/6/99 as well as Organization for a Security and Co-operation in Europe, Istanbul Summit Declaration, Istanbul, November 1999, reprinted in this volume, pp. 413-424, here: pp. 422-423.

20 The fight against corruption is a recurrent theme within the Charter: Paragraph 33 recognizes that corruption poses "a great threat to the OSCE's shared values" since it "generates instability and reaches into many aspects of security, economic and human dimensions". See also paragraph 37 of the Istanbul Summit Declaration.

21 On the OSCE strategy in Central Asia, see the author's article in *Défense Nationale* (Paris), November 1998, pp. 101-111.

22 Cf. PC.SMC/33/98 of 28 May 1998, PC.SMC/75/98 of 3 September 1998 and PC.SMC/78/98 of 4 September 1998. See also PC.SMC/38/98 of 29 May 1998, p. 5.

pended in 1992. Finally, arguing that the Charter needed ongoing revision to adapt to changing political realities in Europe, it requested the institutionalization of the Security Model Committee.

The Istanbul Charter hardly lived up to Moscow's expectations. Motivated by a real concern for not jeopardizing the OSCE's unique flexibility, all the other participating States (except Belarus) rejected the perspective of an institutional overhaul.²³ However, the Charter provides for a new informal open-ended body (the Preparatory Committee) whose task is to assist the OSCE's Permanent Council in adopting decisions with more transparency and through a wider political consultation process (paragraph 35). For reasons of urgency or of political opportunism, the practice of consultation used in the Permanent Council does not normally involve the small delegations until the last stage: The establishment of a Preparatory Committee is specifically designed to remedy an unsatisfactory situation of that kind. Regarding consensus, paragraph 10 of the Charter confirms the continuation of consensus "as the basis for OSCE decision-making", but without *specifically* excluding the use of the consensus minus one procedure. The Charter also takes stock of "the completion of the work of the Security Model Committee" (paragraph 51), thus ruling out the institutionalization of the latter.

Two other institutional provisions of the Charter are worthwhile mentioning. In paragraph 17, the Charter states that the Parliamentary Assembly "has developed into one of the most important OSCE institutions (...), particularly in the field of democratic development and election monitoring": Beyond its face value, this unusual tribute from an intergovernmental body towards an interparliamentary organ suggests that the competition between the Warsaw Office and the Parliamentary Assembly in the field of election monitoring is no longer a problem.²⁴ A very different matter, paragraph 18 of the Charter recognizes that "difficulties can arise from the absence of a legal capacity of the Organization" and, therefore, announces that the participating States "will seek to improve the situation" in this regard. Included at the insistence of France, this provision signals that the non-consensual issue related to the granting of a legal capacity to the OSCE has now been reopened.²⁵ The Istanbul Summit Declaration also addresses the issue: Noting that a large number of participating States had not been able to implement the 1993 Rome Ministerial Council decision on the legal capacity of OSCE institutions and on privileges and immunities, paragraph 34 tasks the Permanent Council with establishing an open-ended working group to draw up a report at the next

23 On the negotiating positions, see PC.SMC/134/99 of 23 July 1999, pp. 45-53.

24 In the Istanbul Summit Declaration, the participating States value *both* the work of the ODIHR *and* the OSCE Parliamentary Assembly "before, during and after elections" (paragraph 26).

25 Initial French proposal: PC.SMC/168/99 of 20 October 1999.

Ministerial Council reviewing the situation and offering appropriate recommendations.²⁶

The Politico-Military Dimension

The section of the Charter on the politico-military dimension is virtually meaningless. It consists of three provisions drafted in general terms. The first states that the "politico-military aspects of security remain vital to the interests of participating States" (paragraph 28). The second, which refers to the adapted CFE Treaty, announces that the latter - after its entry into force - will be open to voluntary accession by other OSCE participating States with territory in the area between the Atlantic Ocean and the Ural Mountains (paragraph 29). The third welcomes the 1999 updated version of the Vienna Document on CSBMs, which (aside from Chapter X proposing voluntary measures tailored for regional purposes) offers no innovations or improvements of a major nature (paragraph 30).²⁷ The Istanbul Summit Declaration refers to the CFE Treaty (paragraph 39) and the Vienna Document (paragraph 40) in the same general formal way. It also recommends that the states participating in the negotiations of Article V of Annex 1-B of the Dayton Agreement - in view of disarmament measures in and around Yugoslavia - aim at concluding their work by the end of 2000 (paragraph 41), urges the early completion of the ratification process of the Open Skies Treaty (paragraph 42)²⁸ and reaffirms support for international humanitarian action against anti-personnel mines (paragraph 43).

It should be recalled that in the area of the politico-military dimension, Russia expressed several concerns directly related to NATO's Eastward enlargement and, at a later stage, to NATO's military intervention in Kosovo - namely the security interests of states not belonging to a military alliance and the non-deployment of nuclear weapons in foreign countries.²⁹ Those concerns were shared by some CIS countries, who made joint proposals in the same direction including the concept of nuclear-free zones.³⁰ However, several participating States (Romania, Poland, Turkey) formally objected to such ideas. In addition, the European Union members advocated other ideas: confirmation of the right of participating States to freely choose or change their security arrangements, rejection of the pretension of any state, group of states

26 On the subsequent developments on that issue in 2000, see: SEC.GAL/20/00 of 6 March 2000 (and Add.1 of 22 March), PC.DEL/242/00 of 17 April 2000, CIO.GAL/42/00 of 23 June 2000, PC.DEL/371/00 of 3 July 2000, SEC.GAL/71/00 of 13 July 2000 and SEC.GAL/76/00 of 14 July 2000.

27 This is why the text has been referred to as the "Vienna Document 1999" and not 2000. The lack of progress was the direct consequence of the Kosovo and Chechnya events.

28 The 1992 Open Skies Treaty has not yet come into force pending two ultimate ratifications: those of Russia and Belarus.

29 Cf. PC.SMC/98/98 of 25 September 1998 and PC.SMC/39/99 of 10 March 1999.

30 Cf. PC.SMC/111/99 of 15 October 1998.

or organization to claim a pre-eminent responsibility for maintaining peace and stability in the OSCE area and, finally, a ban on stationing foreign troops without the free consent of the host state or a UN Security Council resolution.³¹

Finally, no references to the stationing of foreign troops have been included in the Charter or in the Summit Declaration.³² Similarly, provisions concerning the security interests of states not belonging to a military alliance and the non-deployment of nuclear weapons in foreign countries are absent from both texts. The Charter does recognize that each participating State "has an equal right to security", that participating States "will not strengthen their security at the expense of the security of other States" (paragraph 8). As a matter of fact, it restates the basic position of the European Union by stressing "the inherent right of each and every participating State to be free to choose or change its security arrangements, including treaties of alliance, as they evolve" and admitting that "no State, group of States or organization can have any pre-eminent responsibility for maintaining peace and stability in the OSCE area or can consider any part of the OSCE area as its sphere of influence" (paragraph 8). This terminology certainly allows Russia to read it as being anti-NATO; but it also purports an implied condemnation of the Russian concept of "near abroad".³³

It is also worthwhile mentioning that, in response to the concern of small countries (such as Malta), the Istanbul Charter offers an emerging soft security guarantee. Developing an idea vaguely formulated in the 1994 Code of Conduct on Politico-Military Aspects of Security, paragraph 16 commits OSCE governments to "consult promptly (...) with a participating State seeking assistance in realizing its right to individual or collective self-defence in the event that its sovereignty, territorial integrity and political independence are threatened" in order to "consider jointly the nature of the threat and actions that may be required" in defence of OSCE common values.³⁴

Conflict Prevention and Crisis Management

In connection with conflict prevention and crisis management, the Summit Declaration reviews the situation of OSCE field missions and their role in the Balkans (paragraphs 3-12), the Caucasus (paragraphs 15, 16, 17, 20, 21, 23) as well as in Eastern and Central Europe (paragraphs 18, 19, 22, 24, 25). Its most politically important provision deals with Chechnya since its carefully

31 Cf. PC.SMC/41/99 of 12 March 1999.

32 However, paragraph 19 of the Istanbul Summit Declaration welcomes Russia's unilateral commitment to a withdrawal of its military forces in Moldova by the end of 2002.

33 On the negotiating positions concerning the politico-military dimension, see PC.SMC/134/99 of 23 July 1999, pp. 111-116.

34 Initially, Russia suggested that all possible assistance should be provided to participating States whose security would be threatened or to those facing an act of aggression recognized as such by the UN Security Council; cf. PC.SMC/39/99 of 10 March 1999, paragraph 7 and 8; PC.SMC/42/99 of 12 March 1999, p. 3.

worded text allowed President Yeltsin to approve and to sign the Charter: Under paragraph 23 the participating States strongly reaffirmed the territorial integrity of Russia and condemned terrorism in all its forms, while just acknowledging that, given the "humanitarian situation" in the region, it was important to alleviate the hardships of the civilian population. In exchange for that favour from the OSCE, Moscow reluctantly agreed to reaffirm the existing mandate of the OSCE Assistance Group in Chechnya. Moscow also accepted "that a political solution (was) essential, and that the assistance of the OSCE would contribute to achieving that goal", beginning with a visit by the Chairman-in-Office to the region.

It is however the concrete provisions related to the strengthening of the OSCE's operational capacities for conflict prevention and crisis management that represent the real "added value" of the Istanbul Charter. Those provisions include peacekeeping operations (covering *inter alia* police support activities and the REACT concept) and to a lesser extent long-term missions as well as "Joint Co-operative Actions".

Peacekeeping Operations (PKOs)

Although a large set of specific provisions on peacekeeping was included in Chapter III of the Helsinki Document 1992, the issue of PKOs remained a delicate issue within the OSCE. During the elaboration of the Istanbul Charter, three competing approaches were presented. In the first, which the United States advocated, it was argued that the OSCE had neither the expertise nor the practical capacity necessary to mount its own PKOs. In consequence, the OSCE should limit itself to providing an exclusively non-military contribution to PKOs deployed under the aegis of *other* international organizations.³⁵ Russia rejected this concept as giving, by default, a *de facto* politico-military monopoly to NATO in Europe and brought to mind that the 1992 Helsinki Document authorized the OSCE to undertake its own PKOs; however, it insisted (with unconvincing legal justification) that the latter could only be deployed on the basis of UN Security Council resolution in order to avoid the impression that such an operation be of a coercive nature or serve the interests of a "limited group of States".³⁶ Between these two extremes, the European Union countries took the middle ground affirming that it was judicious to leave all options open, that is, not to exclude *a priori* the case in which the OSCE would be the most appropriate institution for setting up a PKO.³⁷

At an initial glance the EU seems to have won the day since paragraph 46 of the Istanbul Charter acknowledges that the OSCE could not only play a direct "leading role" in peacekeeping, but also "provide the mandate covering

35 Cf. PC.SMC/37/98 and PC.SMC/40/98 of 29 May 1998.

36 Cf. PC.SMC/47/98 of 12 June 1998.

37 Cf. PC.SMC/71/98 of 17 July 1998, PC.SMC/76/98 of 4 September 1998 and PC.SMC/76/98 of 4 September 1998. On the negotiating positions for peacekeeping, see PC.SMC/134/99 of 23 July 1999, pp. 98-110.

peacekeeping by others and seek the support of participating States as well as other organizations to provide resources and expertise". Actually, paragraph 46 was drafted in particularly restrictive terms. Thus, it only announces the decision of the participating States "to *explore* options for a *potentially* greater and wider role for the OSCE in peacekeeping" (emphasis by author). After reaffirming (as requested by Russia) the rights and obligations of the participating States under the UN Charter, the same provision does not go beyond confirming that "the OSCE can, on a *case-by-case basis* and by consensus, decide to play a *role* in peacekeeping, including a leading role *when participating States judge it* to be the most effective and appropriate organization" (emphasis by author). Moreover, an analysis of other provisions of the Istanbul Charter (those relative to police activities and to the REACT concept) shows that the American approach aimed at limiting the OSCE to purely civilian tasks has prevailed.

If the issue of peacekeeping remains controversial, this is not the case for the germane issue of police support activities: monitoring of local police, training and advice to local police. Several OSCE participating States considered that the Organization should be allowed to develop police support activities within the framework of conflict management.³⁸ The Charter commits the participating States to reinforcing the role of the OSCE in civilian police-related activities aimed at conflict prevention, crisis management and post-conflict rehabilitation (paragraph 44). This type of activity - already undertaken in Croatia by the OSCE - could imply police monitoring (for example in view of preventing police from carrying out possible discriminatory activities based on religious and ethnic identity) and police training aimed at improving the tactical and operational capacities of local police services, reforming paramilitary forces, providing policing skills to fight organized crime (anti-drug, anti-corruption, anti-terrorist), creating multi-ethnic police services, etc. Paragraph 42 of the Charter, in which the concept proposed by the Americans for Rapid Expert Assistance and Co-operation Teams (REACT) is endorsed, goes in the same direction.³⁹ Those teams will be composed of *civilian personnel* and of police specialists and called upon to intervene before certain problems degenerate into crises and to manage a crisis or to contribute to the rightful implementation of a recently signed peace accord. Such teams would allow the rapid deployment of the civilian component of a PKO (launched in all probability by other organizations according to paragraph 46 as mentioned above) or could serve as "surge capacity to assist the OSCE with the rapid deployment of large-scale or specialized operations". The availability at national level of REACT experts who could be mobilized on demand is not just a formal promise: Paragraph 35 of the Istanbul Summit Declaration requires

38 On the negotiating positions on that issue, see PC.SMC/134/99 of 23 July 1999, pp. 86-91.

39 American proposal: RC.DEL/233/99 of 29 September 1999 and PC.SMC/174/99 of 5 November 1999.

the participating States "to make this concept fully operational at the shortest possible time", by 30 June 2000, and to implement it "as a matter of priority". Furthermore, a special Operation Centre was to be established within the Conflict Prevention Centre operated by a core of staff competent in all the domains of OSCE activity; it will plan and deploy operations on the ground, notably those calling upon REACT experts (paragraph 43 of the Charter and paragraph 36 of the Summit Declaration).⁴⁰

Long-Term Missions

The Istanbul Charter has not introduced outstanding new elements as regards field missions, which have been established on a case-by-case basis by the OSCE since 1992. However, in paragraph 38, and on the basis of the experience gained so far, it offers an incomplete list (the first of its kind) of the functions which the long-term missions are expected to fulfil in the field. Depending on the circumstances, a long-term mission (acting alone or in co-ordination with other international organizations) may be called upon to provide expert assistance and advice (professional training, election monitoring, implementation of practical projects, etc.), especially for the consolidation of democratic institutions. It may also assume a good offices/mediation role by facilitating the peaceful settlement of conflicts and verifying and/or assisting the fulfilment of agreements related to these. It may equally provide support for post-conflict rehabilitation purposes. In any case, the long-term missions are called upon to reinforce, when appropriate, the specific capacities and expertise of host countries in order to facilitate "an efficient transfer of the tasks of the operation to the host country, and consequently the closure of the field operation" (paragraph 41).⁴¹

Joint Co-operative Actions

The idea of providing assistance upon request to those states experiencing structural difficulties in fulfilling their commitments posed no problem. Difficulties did arise with the suggestion that when this aid was refused, sanctions could be applied and moreover, that the OSCE could intervene when public order collapsed in the absence of a legitimate state authority. Concerned by NATO's unilateral military intervention in Kosovo and determined to avoid any OSCE meddling in the handling of its Chechnya policy, Russia opposed any innovative provision increasing the authority of the OSCE to

40 On the subsequent development of the REACT concept, see PC.DEC/326 of 9 December 1999, SEC.GAL/41/00 of 10 May 2000, PC.DEL/323/00 of 13 June 2000 and PC.DEC/364 of 29 June 2000 on the "Strengthening of OSCE Operational Capacities (REACT, Operation Centre, Restructuring of the OSCE Secretariat)".

41 On the negotiating positions for that issue, see PC.SMC/134/99 of 23 July 1999, pp. 78-82.

intervene in the internal affairs of its participating States;⁴² hence, the emphasis of the Istanbul Charter on the specific consent of the host state. Thus, paragraph 14 allows OSCE governments to take "joint measures based on cooperation" in order to offer, when needed, "assistance to participating States to enhance their compliance with OSCE principles and commitments". In even more hesitant terms, paragraph 15 expresses the intention of governments, to only "consider ways of helping participating States requesting assistance in cases of internal breakdown of law and order" within the framework of a joint examination of "the nature of the situation and possible ways and means of providing support to the State in question".

The Economic Dimension

As in other areas, Russia also advocated an overly ambitious continuation of the development of the OSCE economic dimension and more regular reviews of economic and environmental commitments. The Russians suggested a comprehensive widening of OSCE economic dimension commitments including the creation of a "integrated infrastructure" for energy, transport and communication, the simplification and unification of customs procedures, the equal treatment of citizens of any participating State in the field of economic and social rights, etc. In particular, they called for annual reports to be submitted to the OSCE on measures taken within each participating State for the promotion of economic and social rights "regardless of citizenship"; such reports would be subject to a multilateral review on a biannual basis. They also wanted the OSCE to respond to crisis situations associated with the risks and challenges of an economic, social and environmental nature - namely the emergence of a major economic crisis within a participating State or of an economic conflict among participating States. Accordingly, they suggested that the OSCE develop, in close co-operation with relevant international and regional economic organizations and financial institutions a mechanism and system of indicators for early warning. The Secretary General, the Co-ordinator of OSCE Economic and Environmental Activities as well as the Chairman-in-Office would play an instrumental role in this context.⁴³ Three common sense arguments were raised by the European Union against such a proposal. First, technical systems used by specialized institutions to predict financial crunches have proved risky and, in any event, the interrelationship of factors is much too complex for a wider system to have any real value. Second, the OSCE can in no way envisage matching the expertise of international economic institutions; its possible role in the economic dimension could only be to encourage and reinforce close interaction among relevant (international, regional and sub-regional) economic institutions and organi-

42 On the negotiating positions for that issue, see *ibid.*, pp. 54-69.

43 Cf. PC.SMC/42/98 of 4 June 1998.

zations. Third, economic problems do not always demand an exclusively economic solution, but also arrangements including more democracy, more open government, etc.; in other words, the development of economic security can be assured by means of a better implementation of norms and commitments related to the human dimension.⁴⁴

The few Charter provisions on economic and environmental issues only confirm the interrelation between the three dimensions of the OSCE. Thus the Charter restates current pledges based on wishful thinking - namely that the participating States would "ensure that the economic dimension receives appropriate attention, in particular as an element of (their) early warning and conflict prevention activities" (paragraph 31) and that they will "enhance the OSCE's ability to address economic and environmental issues in ways that neither duplicate existing work nor replace efforts that can be more efficiently undertaken by other organizations" (paragraph 32). However, and more concretely, the Istanbul Summit Declaration has tasked the Co-ordinator of Economic and Environmental Activities to "develop regular reports concerning economic and environmental risks to security" (paragraph 29).

The Human Dimension

The section of the Charter concerning the human dimension is somewhat disappointing.⁴⁵ It contains mainly formal restatements on the right of human beings to a nationality (paragraph 19, third part),⁴⁶ the improvement of the situation of Roma and Sinti (paragraph 20), the eradication of torture (paragraph 21), respecting international humanitarian law (paragraph 22), equality between men and women (paragraph 23),⁴⁷ the elimination of violence against women and children either under the category of trafficking human beings or during armed conflicts and post-conflicts situations (paragraph 24), the commitment to free and fair elections (paragraph 25), the importance of the independent media (paragraph 26) and the "vital role" of NGOs in the promotion of human rights, democracy and the rule of law (paragraph 27).⁴⁸

44 Cf. PC.SMC/49/98 of 19 June 1998 and PC.SMC/50/98 of 24 June 1998. On the negotiating positions concerning that issue, see PC.SMC/134/99 of 23 July 1999, pp. 141-152.

45 On the negotiating positions for that issue, see PC.SMC/134/99 of 23 July 1999, pp. 123-140.

46 This provision has to be understood with reference to a Russian demand (targeting Estonia and Latvia) on the non-admissibility of any policy leading to an increase in stateless persons, especially with regard to those belonging to national minorities (PC.SMC/68/98 of 10 July 1998).

47 Paragraph 18 (second part) also commits the participating States to take into account the need for "gender balance" as well as geographic diversity when recruiting personnel for OSCE institutions and field operations. See also paragraph 32 of the Istanbul Summit Declaration.

48 NGOs are also referred to in paragraph 21 (international humanitarian law) and paragraph 33 (rule of law and the fight against corruption) of the Charter. The Istanbul Summit Declaration also includes the issues of free elections (paragraph 26), free media (para-

The only meaningful provision in this section is paragraph 19 (second part) drafted on the basis of a joint German-Swiss proposal aimed at reconciling the principle of the territorial integrity of states with the principle of self-determination. While affirming that the full respect for the rights of persons belonging to national minorities "besides being an end in itself, may not undermine, but strengthen territorial integrity and sovereignty", paragraph 19 of the Charter also recalls that the "(v)arious concepts of autonomy" as well as the other positive approaches enumerated in the OSCE's 1992 Geneva Expert Meeting Report remain relevant. Actually, it represents a remote echo of the German-Swiss proposal whose main thrust was *self-administration* applicable under various formulas adapted to specific local situations.⁴⁹

The OSCE and Its External Relations

This section, which does not formally exist either in the Charter or in the Summit Declaration, covers the relations of the OSCE with non-European states, other security organizations and sub-regional arrangements.

Partners for Co-operation

Little substance has remained from the various proposals tabled by the European Union and Malta within the Security Model Committee for the purpose of increased co-operation with the Mediterranean partners.⁵⁰ Accordingly, neither the Summit Declaration (paragraph 45) nor the Charter exhibit any real new development here. The Charter only hints that the Mediterranean partners will be invited "on a more regular basis to increased participation in the work of the OSCE as the dialogue develops" (paragraph 48) and also offers OSCE expertise for the possible establishment of structures and mechanisms in the Mediterranean for early warning, preventive diplomacy and conflict prevention (paragraph 49). The Charter is even less well-defined on the OSCE's Asian partners (Japan and South Korea): It expresses the readiness of the participating States to "seek to strengthen further" their co-operation with them "in meeting challenges of common interest" while welcoming "the contribution by Japan to OSCE field activities" (paragraph 50). For reasons un-

graph 27), the rights of children involved in or affected by armed conflict (paragraph 28), national minorities (paragraph 29) as well as Roma and Sinti (paragraph 30).

49 The German-Swiss proposal also envisaged the enhancement of the role of the HCNM: It suggested that the latter be used as a counsel to governments willing to elaborate statutes for local self-administration; the governments would also notify the HCNM of all relevant agreements concluded with national minorities and would commit themselves to not changing these agreements unilaterally without prior consultation with the OSCE. Cf. PC.SMC/64/98 of 10 July 1998.

50 While Malta considered the European Union's proposals as not being too moderate, the European Union objected to Maltese views on the ground that they could interfere with the Barcelona process. On the negotiating positions for that issue, see PC.SMC/134/99 of 23 July 1999, pp. 153-156.

known (but probably connected with the controversial question of a "balance" between co-operation with the Mediterranean and Asian partners), no consensus was reached on the idea of joint activities with Japan and South Korea in connection with field missions in Central Asia or on that of closer contacts with the Asia Regional Forum (ARF) which is regarded as OSCE's closest counterpart in Asia.⁵¹

Interface with Other Security Organizations

The Istanbul Charter includes an annex entitled "Operational Document - the Platform for Co-operative Security" as an integral part of the text. Initially proposed by the European Union,⁵² the concepts in this section are based on the premise that the risks and challenges of post-Communist Europe cannot be met by a single state or organization. Consequently, the Platform's rationale is the strengthening and development of closer co-operation with the organizations contributing to the various dimensions of comprehensive security in the OSCE area (European organizations, European sub-regional groupings and the United Nations bodies and agencies) in order to avoid duplication and ensure efficient use of available international resources. Aimed at developing institutional co-operation on the basis of full equality and shared values, it clearly rules out the establishment of any kind of hierarchy or a permanent division of labour.⁵³

The Platform consists of a number of general "principles and commitments", which are the basis for co-operation offered to those international organizations which evolve in political "transparency" and whose membership is based on "openness and free will" - and also whose member states, collectively or individually, adhere to the undertakings of the United Nations Charter and the fundamental OSCE instruments, fulfil their arms control/disarmament/CSBM obligations and are prepared to deploy institutional resources in support of OSCE work in general and more particularly in the fields of conflict prevention and management. In view of increasing inter-institutional understanding of existing conflict prevention tools, the OSCE proposes regular contacts and meetings with organizations who have accepted the Platform, the designation of liaison officers, the establishment of points of contact and cross-representation at appropriate meetings. Special meetings at political, executive and/or working level are also suggested to co-ordinate policies, determine areas of co-operation and address the modalities of such co-operation. For field operations, the Platform calls for regular information exchanges and meetings, joint needs assessment missions, secondment of experts, appointment of liaison officers, development of common projects

51 Cf. PC.SMC/134/99 of 23 July 1999, p. 156.

52 Cf. REF.S/34/96 of 25 November 1996.

53 On the negotiating positions for that issue, see PC.SMC/134/99 of 23 July 1999, pp. 70-75.

and operations, and joint training efforts. In regard to possible co-operative responses to specific crises, the OSCE offers to serve as "a flexible framework for co-operation of the various mutually reinforcing efforts". Lastly, the Platform charges the Secretary General with preparing an annual report on "interaction between organizations and institutions in the OSCE area".

The ultimate *raison d'être* of the Platform is the development in the OSCE area of a "culture" of co-operation between international organizations pursuing analogous or complementary goals. In itself the objective can hardly be said to be a revolutionary one. However, considered in the light of institutional competition, which has characterized the first post-Cold War years, it is timely and relevant. In greater Europe, where several security institutions exist and are often requested to react simultaneously, the mutual acceptance of a minimum of formal common rules is certainly a positive event. Actually, and as demonstrated by the joint implementation of the Dayton Agreement by a range of international organizations on the basis of comparative advantage, synergetic co-operation has become, since 1996, a regular trend in the OSCE area. From this perspective, the Istanbul Platform presents a real merit: It codifies the basic rules of what may be called an "institutional armistice".

The Sub-Regional Dimension

Arguing that post-Cold War sub-regional arrangements (Black Sea Economic Cooperation, Council of the Baltic Sea States, Central European Initiative, etc.) contribute to overall security, a number of participating States considered that the OSCE should elaborate a framework with a view of combining the existing (and future) arrangements into an interlocking web consistent with OSCE principles. Russia took the lead with a comprehensive proposal based on three main ideas. First, existing and future regional co-operation and security arrangements should not grow at the expense of the exclusion (let alone the isolation) of any participating State. Second, existing regional co-operation and security arrangements should develop on the basis of permanent and full transparency: Information about them should be accessible to all participating States through an open data bank established within the framework of the OSCE. Third, the OSCE should monitor and co-ordinate existing and future regional co-operation and security arrangements by means of several devices including a biannual conference and a special co-ordinator.⁵⁴ Without going as far as Russia, Germany, Poland and France suggested in a joint proposal that the Charter should offer a framework and general principles for regional co-operation, encourage new processes and/or arrangements, interrelate these processes and assure their coherence with the OSCE process - provided that no participating State would obtain leading

54 Cf. PC.SMC/70/98 of 14 July 1998, PC.SMC/73/98 of 28 August 1998 and PC.SMC/104/98 of 2 October 1998.

status in these regional undertakings which, in any event, would be open to all those wishing to contribute to them.⁵⁵

The participating States finally settled for a middle-of-the-road position. They have expressed their willingness to "offer the OSCE, in accordance with the Platform for Co-operative Security, as a forum for subregional co-operation". In practical terms, it meant that the OSCE would "facilitate the exchange of information and experience between subregional groups and may, if so requested, receive and keep their mutual accords and agreements" (paragraph 13).

Conclusion

Notwithstanding the shadow cast over it by the ongoing war in Chechnya and the undue indulgence the OSCE showed towards Moscow, the Istanbul Summit can be considered as particularly successful. The Charter for European Security represents one of the most important texts of post-Cold War OSCE although, admittedly, its contents include more *operational* provisions than normative. In any event, it was signed during an auspicious year in which the OSCE established (in close co-ordination with the UN) its largest ever field mission in Kosovo, concluded with total success its functions related to the dismantling of the Russian Skrunda Radar Station in Latvia, successfully completed the work of its field mission in the Ukraine and placed the Stability Pact for South Eastern Europe under its direct auspices.

55 Cf. PC.SMC/34/98 of 29 May 1998. On the negotiating positions concerning that issue, see PC.SMC/134/99 of 23 July 1999, pp. 117-123.