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Improve What You Can – Ignore What You Can't: Reform and the Prospects of the OSCE

Half a decade ago, only a few analysts, scholars and academics were interested in addressing the adaptation of the OSCE to the changing needs of European security. I feel fortunate to have been among them.[1] Although the OSCE received considerably less attention in the late 1990s than at the start of that decade, it remained an important channel for multilateral diplomacy and operational activities in the Euro-Atlantic area. The situation has since changed. Not only because there are increasing doubts about the role and prospects of the OSCE, but also because, unlike in the 1990s, decision-makers, political figures, and the broad group of people involved in OSCE activities are now actively debating the adaptation and/or reform of the Organization. It is the purpose of these efforts to improve the contribution of the OSCE to Euro-Atlantic security, make it more effective and eventually less expensive.[2]

This paper aims to contribute to the ongoing debate. The topic has been documented extensively in recent years, including in the various volumes of the OSCE Yearbook. Hence, it is not necessary to recapitulate the history of adaptation from scratch. Instead, this paper concentrates upon points of contention and disagreements in the debate.

Is the OSCE in Trouble?

The CSCE/OSCE has been an extremely successful institution. It made an important contribution to the management of the Cold War in Europe. Later it succeeded in adapting to the post-Cold War environment. As a result, the values enshrined partly in the Helsinki Final Act and partly in the Charter of Paris for a New Europe have become generally acceptable, at least on the declaratory level, to each participating State. The OSCE has also provided a framework for interaction among the 55 participating States. Finally, by deploying field missions and establishing mechanisms to observe the fulfilment of its commitments, it has, since the early 1990s, taken on a major implementation role.

1 See, for example, Pál Dunay, Be Realistic: The OSCE Will Keep Confronting New Problems, in: Institute for Peace Research and Security Policy at the University of Hamburg/ IFSH (ed.), *OSCE Yearbook 1998*, Baden-Baden 1999, pp. 119-128.

2 Although the OSCE has regularly been praised for its low cost, this does not mean that no potential remains for redundancies to be eliminated, its activities better focused, and thus its contribution to European security made even more cost effective.

1. One *differentia specifica* of the OSCE has always been the fact that its membership extends to every country in the Euro-Atlantic area. The inclusive character of membership was a major advantage in debating European security when there was no similar framework available. In the 1990s, however, it was also a disadvantage, as other Western institutions gained legitimacy by setting criteria for membership, thus fostering the transition process in Central and Eastern Europe. The OSCE was not in a position to motivate states by granting or denying membership. The one option that may seem to have existed – the expulsion of a member as a sanction and a means of encouraging compliance with certain requirements as a precondition for readmission – is too rarely used in international organizations to function as a motivating force.[3] Inclusive membership is regularly identified as the most obvious difference between the OSCE and other organizations active in the Euro-Atlantic region.

2. It is probably more important for the historical development of the CSCE that, by declaring respect for human rights to be one of its principles – as codified in the decalogue of the Helsinki Final Act – it has from its inception presented an opportunity for dismantling the absoluteness of state sovereignty. As a result, the OSCE has been in a position to intervene in the domestic affairs of its participating States despite their resistance, which is based on the principle of non-interference. This was extremely important during the decade and a half that passed between the signing of the Helsinki Final Act and the end of the Cold War. It has retained its importance since then *vis-à-vis* those countries that have been unable either to enshrine some of the basic requirements of democracy in their domestic laws or to faithfully implement them.

3. A feature that has characterized the CSCE/OSCE more recently (in the post-Cold War period) is its concentration on the prevention and management of crises and on post-conflict rehabilitation. Considering the resources the OSCE has at its disposal, one can conclude that it is most likely to be effective in the first and third conflict phases (conflict prevention and post-conflict settlement) and would be less relevant during "hot" phases of actual conflict. This view has been reinforced by events such as the instrumentalization of the OSCE's Kosovo Verification Mission (KVM). Conflict prevention and crisis management frequently require a field presence, and precisely that is another of the OSCE's key institutional features: its presence in the – potential and current – hotspots of the Euro-Atlantic area.

4. The OSCE has contributed to eliminating the feeling of isolation experienced by those countries that are not integrated in the old institutions of Western Europe. For these countries, the Organization has become an essential channel of communication and a means of ensuring that their interests are represented. They value being included in a co-operative framework.

3 The CSCE came close to this when it suspended the participation of Yugoslavia in 1992 and did not let Belgrade return to the OSCE for nearly a decade.

5. When the CSCE started down the road of institutionalization that was eventually to lead to the transformation of the Conference into an Organization the greatest concern of the participating States was that it would become a bloated bureaucracy. They prevented this by limiting the number of persons employed by the institutions and by introducing the principle of seconding staff from the participating States. The OSCE is still concerned to avoid bureaucratization despite the significant increase in staff numbers and the gradual multiplication of OSCE institutions in recent years. The participating States wanted an instrument that was really theirs. They wished to avoid the danger of the bureaucracy shaping or significantly influencing the political agenda of the Organization. One consequence of this is that the annually rotating Chairman-in-Office has overall political responsibility, while the Secretary General is merely the Organization's chief administrative officer.

OSCE experts recognize some of these problems while tending to attribute little or no importance to others. Some are frequently overemphasized, while biases mean the existence of others is not even recognized. If the analysis does not start out from a thorough investigation of the underlying changes that have resulted in the marginalization of the OSCE, the conclusion that the OSCE should be adapted in its entirety to the constantly changing environment would be impossible.

On point 1: Observers regularly cite inclusive membership as the main advantage of the OSCE, and it is certainly an advantage to have every state present when the parties debate issues of European security. Inclusiveness has a shortcoming, however. It entails that one major means of influence is not applicable: An inclusive organization cannot set conditions of membership for states that express an interest in joining it. If we accept that NATO and the EU were particularly influential over the last fifteen years or so in their immediate neighbourhoods because they were able to offer the prospect of membership in return for adherence to their rules, we must consider why this cannot become the OSCE's most important means of influence. The answer is clear: The OSCE is deprived of this means precisely because of its inclusive membership. If member countries (participating States) voluntarily follow the Organization's rules, the absence of coercive measures poses no problem.[4] If the structure is inclusive (and decisions are based on consensus), there is no coercion inside the Organization. If a country is unwilling to fulfil the obligations associated with membership, it remains to be seen whether alternative means exist and whether they are effective. It is extremely important to distinguish between the reluctance of a state to carry out its commitments and its inability to do so. Whereas the former may require coercion, the latter calls for support and assistance. It may also serve the interests of participating States for them to disguise their unwillingness to carry out a com-

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

mitment as a matter of inability.[5] A further problem is presented by the existence of borderline cases where it is hard to distinguish between "unwillingness" and "inability" to implement commitments. Inclusive membership is thus a mixed blessing.

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

On point 2. An important differentiating feature of the CSCE/OSCE was the fact that it did not have to respect the boundaries of domestic jurisdiction. Nonetheless, the issue of legitimate interference in the domestic affairs of the participating States was highly contentious. The so-called Socialist countries consistently objected to involvement in domestic affairs on the basis of human rights violations up to the late 1980s. The recognition in the Paris Charter of multi-party democracy as a key shared value of the CSCE participating States, and the meltdown of regimes in Central and Eastern

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

Europe that preceded it, brought an end to this. If human rights are universal values shared by all OSCE participating States and recognized by all as a matter of international concern, they must *a fortiori* be recognized by subgroups of participating States. The end of the division of Europe also meant that they could be raised by organizations other than the OSCE where these were expanding into the part of Europe where concerns existed with regard to respect for human rights. Although recent military interventions undertaken by a number of OSCE participating States under the leadership of one in particular have led to a revival of demands that interference in domestic affairs be rejected, this has by no means undermined the legitimacy of interference on humanitarian grounds or in the interest of promoting democracy in the OSCE area. The change came about as a result of the shift in attitudes on the part of other institutions, primarily the EU and the Council of Europe. Whereas up to the end of the Cold War these institutions did not trespass on the territory of "the other Europe", "interference" on a variety of grounds has since become the rule rather than the exception in their activities. It suffices to consider the Copenhagen Criteria of 1993, which outlined the conditions for EU accession, and the way they have been put into practice. The EU also regularly "interferes" in the internal affairs of other states, including many OSCE participating States, by means of its Common Foreign and Security Policy (CFSP).

The terrorist attacks of 11 September 2001 and their aftermath have also changed the global agenda in the arena of international security, and thus also the security agenda of the OSCE area. It has become indispensable that security issues conventionally considered as domestic matters be addressed by foreign states and international organizations. Whether individual states choose to launch a "war on terror" or to address terrorism as a security matter of another kind, the nature of the threat is such that they are compelled to pay attention to each other's domestic security situations and to co-operate. If the prime security concern of most OSCE participating States is a transnational threat, and if it can be influenced by tightening internal security structures in one or more states, then the reaction, in accordance with the interest of the affected states in their own defence and their own survival, is going to be transnational as well. This will inevitably result in the further erosion of the dividing line between "domestic" and "international" concerns – a tendency that has been present for a long while and which received a further boost as a result of September 11.[6] Reacting effectively to the prevailing threat to European security requires co-operation between the various national security services.

6 It is sufficient to mention some of the EU instruments that gained momentum after September 11, including Eurojust, the European arrest warrant, and the only half successful intensification of co-operation between intelligence services ("half successful" because not entirely successful at the level of political declarations, although quite successful as far as the daily co-operation of the services themselves is concerned).

Alongside the specific changes affecting the global and European security environments, recent years have also seen a growing tendency for states to address and attempt to influence each other's domestic affairs in their foreign policies. The line between "domestic" and "international" is thus becoming blurred. This general tendency has gradually eroded the OSCE's special character, and this change has more serious consequences for the Organization than the increasing inclusiveness of the EU and NATO. The uniqueness of the OSCE's involvement in the internal affairs of its participating States no longer holds.

On point 3. Since the early 1990s, the OSCE has gradually become field-mission heavy. At the same time, however, its presence in potential or former conflict zones has also been its main strength. The 18 missions provide valuable information on the conflict zones within the OSCE area.[7] Missions also play a role in local policy making. They have significant power to influence developments in the areas in which they operate. However. there are a number of reasons why the picture is not all positive. Specifically, there are certain problems with the appointment of heads of missions and the definition of their tasks. It seems there is no strong institutional control over them. They owe some loyalty to the Chairman-in-Office who nominates them but they operate with significant autonomy vis-à-vis subsequent Chairpersons. It is somewhat doubtful whether it is possible to speak about a single OSCE policy. Some missions are extremely large, and there are some doubts about their efficiency. There are no controls over the rationality of their activities in this respect (and in several others). However, besides providing information to the participating States and carrying out a range of other tasks, the decisive function of the missions is to be integral elements of the OSCE as an institution of co-operative security. Their primary task is to provide support and facilitate the fulfilment of OSCE commitments, not to confront regimes that fail to live up to them. If missions pursue a course of confrontation towards the government of the host country, as some have done in the past, they are operating outside the proper bounds of a co-operative security structure and will be unable to contribute to the OSCE's goals in the long run. Missions are there to support the host state so that it can develop its capacity to fulfil its commitments. Providing such support may entail the exertion of gentle pressure, but it cannot lead to systematic confrontation. Smaller, task-oriented and more accountable missions may thus be more capable of contributing to the basic functions of the OSCE. However, this requires both political and institutional adaptation.

On point 4. Integration has been the dominant process in Europe since the end of the Cold War. It has found expression in the enlargement of formerly Western institutions and in the redefinition of relations between these institutions and states that have been either unwilling or unable to join them.

7 This information is particularly valuable to those countries that do not have embassies in the countries in question and whose ability to gather information is hence more limited.

It was clearly the intention of the Western institutions to avoid creating sharp dividing lines between prospective members and non-members. This has led to a situation where it has become exceptional for a state not to be linked in some way to institutions whose membership is non-inclusive. This represents the erosion of yet another distinguishing feature of the OSCE. The difference between membership and various modes of co-operation that fall short of membership is undeniable. Nonetheless, it is a fact that practically every country in the Euro-Atlantic area has some relationship with the old institutions of Western Europe. For some countries, this means having a privileged channel of communication. Examples include the NATO-Russia Council, the similar body established by the NATO-Ukraine Charter, and the regular EU-Russia summits. This has two consequences for these countries – as can be observed particularly clearly in the case of Russia: 1. The importance of institutions with inclusive membership has declined. 2. The importance of non-privileged channels in relation with "Western" institutions has also declined for those non-integrated countries that have established such privileged relationships. The first point also applies to the other non-integrated countries – those that are linked to NATO by partnerships such as the Partnership for Peace (PfP) or to the EU via the various networks it has established. They feel more integrated as a result of their relations with Brussels-based organizations than through membership of the OSCE. Consequently, from this angle, too, the OSCE has been a relative loser in the European integration process. This does not mean that the OSCE has become redundant. But it does demonstrate that long-term structural factors have contributed to its relative decline.

On point 5. Institutional structures usually reflect the will of the actors that have established them. However, the interests that existed when the structures were established may change. Consequently, there may well be outworn structures that need adapting to new conditions. It is in the nature of such structural changes that they usually follow the reshaping of political relations with a certain time lag. In the evolution of the CSCE/OSCE during the last decade and a half, this fact has been reflected by the creation of new organs together with the retention of certain fundamentals dating from the early days of the OSCE's institutionalization. This combination of steadfastness and change has resulted in a number of inconsistencies. Before it embarks on a course of adaptation, however, the OSCE would benefit from reconsidering its institutional structure and decision-making processes. Considering these questions in an appropriate framework would allow it to better see the possibilities that exist for change.

The proliferation of OSCE institutions was unavoidable in light of the changing European security agenda. It is clear, however, that the bodies and institutions established in the early days of institutionalization made and still make more difference in the life of the OSCE than some of the "latecomers". The High Commissioner on National Minorities (HCNM) and the Office of

Democratic Institutions and Human Rights (ODIHR) have been more important than, for instance, the Representative on Freedom of the Media (FOM). It would be premature to draw any conclusions on the effectiveness of the Special Representative on Combating Trafficking in Human Beings, which was only established at the Maastricht Ministerial Council in December 2003. While the institutions address matters in terms of functional areas, the missions do so according to geographic criteria. This results in a certain overlap.

Problems also arise out of the OSCE's institutional weakness, which is a result of its long tradition of resistance to establishing a strong institutional structure with a relatively autonomous bureaucracy – and one with a low staff turnover rate. The Chairman-in-Office (CiO) is the highest political officer of the OSCE. As the CiO rotates annually, there may not be sufficient continuity at the top of the Organization. Furthermore, the CiO is the foreign minister of the country holding the Chairmanship, which complicates matters, as the functions are sometimes difficult to separate. The Secretary General, who represents continuity, is the Organization's chief administrative officer. This structure presents two problems: 1. A lack of continuity and 2. Poor visibility.[8] Each CiO puts forward a different agenda. For the new CiO to give priority to some of the same matters as the previous Chairmanship is rather the exception. For example, the Bulgarian Chairmanship of 2004 declared that education was to be "one of the priorities" of its year in charge.[9] However, education has always played a contributing role in every OSCE activity. Ironically, one could say that education was an excellent choice for two reasons: Changing human attitudes by means of education is a long-term task, while the Chairmanship has a limited term of one year. Furthermore, it is extremely difficult to measure the contribution of education to changing patterns and attitudes.[10]

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

In the previous part of this article, an attempt was made to give an overview of the severe problems the OSCE has been facing recently. While they

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

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

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

comprise a broad variety of elements, the most important fact to note may be that the international environment has changed more rapidly than the OSCE could adapt. The OSCE has apparently become a sleepy organization – one that did not react to various changes that have taken place in the European security environment. A gap has thus opened up between the development of international relations in Europe and that of the OSCE.

The OSCE addresses both longstanding and emerging security issues. When these gain a high enough profile, other institutions and major powers also place them on their agendas. As priority is usually given to institutions other than the OSCE to tackle them, the latter loses out. Consequently, the OSCE is losing some of its important "niches". So, while the OSCE may identify new security problems, as soon as they become important enough, it loses them again. In a certain sense, the OSCE can nonetheless be seen as performing an important role warning of the existence and gradual emergence of security problems in Europe at an early stage, but it is also a daunting one. If this analysis is correct, the OSCE is doomed to remain of limited importance: For issues whose significance is recognized will soon be taken out of the Organization's hands, while those whose importance is underestimated will remain with the OSCE and yet will still have no impact on its significance. The complexity of the problems involved indicates that there will be no easy way to find a lasting solution to the OSCE's problems.

Is There a Way Out?

This article has attempted to demonstrate that the overwhelming bulk of the OSCE's problems are both objective in character and highly complex. Subjective errors might have aggravated the situation, but it would be unfounded to conclude that the problems as a whole are largely subjective and could be solved rapidly by a few better decisions or quick institutional fixes. Under the current conditions, it is unrealistic to wish to turn the OSCE into an international institution of prime importance. Nor is it necessary. It should, however, regain some of its *differentia specifica*, which it has lost due to the evolution of its environment. The few experts that have been dealing with OSCE matters systematically for a long time, as well as many who have worked for the Organization, are well aware of most of the steps that should be taken.

There are three aspects to the OSCE's problems: 1. Key fundamental issues of European security and their interrelationship. One could call this the problem of European security architecture. 2. The internal development of the OSCE with an emphasis on institutional matters. 3. The subjective factor, including the perceptions and will of the participating States. The three are closely interrelated, but it would be wrong to derive one from the other.

To start by considering the current evolution of the European security architecture, it is clear that those institutions have gained influence which:

1. Best attracted the attention of the most powerful states in the Euro-Atlantic area. Preferences for using one institution or another within Europe's security architecture have shifted in line with the interest of these states. Rather than addressing the matter of which institution was most suitable to carry out a certain function, it has shifted according to somewhat arbitrary decisions.
2. Gained additional legitimacy through the willingness of countries in the region to join them. This was clearly true in the case of the EU and NATO. It is not entirely clear whether this process has been exhausted by the two institutions' recent major enlargements or will continue in the future.
3. Have clearly defined functions. There is a difference between a defence community (such as NATO) and a community of integration (such as the EU). "The direction of history and the nature of current security threats suggested that the two would need increasingly to overlap. Those in a defence community should integrate more deeply while those in a community of integration should join the community of defence."[11] This has further enhanced the status of NATO and the EU. The EU has gradually identified itself as both a community of integration and a community of defence. NATO has clearly had greater problems re-creating itself as an institution with competence in both areas. But the most severe problem has been faced by those institutions that are neither a community of integration nor one of defence. This certainly includes the OSCE, which may face an identity problem as a result.

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

Adaptation of the OSCE's own institutions should be based on a thoroughgoing review. This is already being undertaken in a number of different forums. In the summer of 2004, the Chairman-in-Office also promised "to try and push through various reforms".[12] His plan carries the danger, however, of intending to satisfy each and every participating State. This is

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

12 OSCE Chairman believes time ripe for transforming Organisation to meet changed political realities; see http://www.osce.org/news/show_news.php?id=4277, 9 August 2004.

understandable from the point of view of the Chairman-in-Office. It means, however, that the reforms need to attempt to satisfy both those countries that are in favour of the status quo and those that, due to their gross dissatisfaction with the current functioning of the Organization, would love to embark upon radical reform.

There are institutions that are indispensable for the functioning of the OSCE; there are others that may require adaptation (there are, for example, many proposals on how to provide for more permanence in the activity of the Chairman-in-Office, such as by establishing the position of Permanent Deputy to the Chairman-in-Office, or by extending the CiO's term for a period longer than one year). Last of all, there are elements that should be eliminated without any hesitation (perhaps the only example is the OSCE Court of Conciliation and Arbitration).

Existing European structures are dominated by the major powers of the Euro-Atlantic area. Most of them are fully integrated in structures other than the OSCE. For them, the OSCE is just one of the "playing fields" of international politics, and by no means the most important. There is only one great power in Europe that is not formally integrated: the Russian Federation. Its "informal integration", however, means that even it no longer needs to rely on the OSCE. There is an additional element that makes the position of Russia unique among the major powers of the Euro-Atlantic area. It is the only major power upon whose territory it is possible to conceive OSCE activity, including field missions, taking place. In addition, Russia is increasingly central to the processes in the area of the former Soviet Union – in some cases positively, in others as the main "negative determinant" in the international relations of some Newly Independent States (NIS). Many of these states are in a similar situation to Russia, which means that the OSCE closely monitors developments in them, including elections, and maintains missions on their territory. Clearly, it is this similarity that makes the formation of a coalition around OSCE policy within the NIS possible. Russia is also interested in finding areas where consensus can be built among NIS countries.

It is for the above reasons that Russia and several other NIS countries have become the most stubborn critiques of the structures and functioning of the OSCE. In some cases they have put forward recommendations that aim at improving the OSCE's contribution to European security, in others they have merely voiced their reservations. This has been a constant feature of Russian foreign policy since Vladimir Putin came to power. It was expressed as early as the Vienna OSCE Ministerial Council of November 2000, where then Foreign Minister Igor Ivanov emphasized his disagreement with the OSCE's exclusive focus East of Vienna: in the Balkans and in the NIS. It is not clear whether Russia genuinely has a problem with the geographical focus or if it is their intrusiveness and the OSCE's modus operandi that present a problem. I assume that if the activities were conducted in accordance with the spirit of an organization of co-operative security, less resistance would be noticeable.

It is also possible, however that the reservations on the part of Russia and a number of other countries have become more frequent and resolute as these countries have decided they do not want to be exposed as much to the attention of the OSCE as they were in the past.

In September 2003 Russia and a few other NIS countries (Belarus, Kazakhstan, and Kyrgyzstan) voiced three concerns in relation specifically to the OSCE's field missions. They concerned: 1. The geographical asymmetry of such missions, all of which are concentrated in the Balkans and the former Soviet Union. 2. The excessive concentration on the human dimension of the OSCE (asymmetry in terms of issues). 3. The intrusiveness of the missions, i.e. the accusation that they intrude on the internal affairs of participating States.[13] Although these allegations have a lot to do with the current stalemate in the OSCE's institutional development, it is also important to note with regard to the question of geographical asymmetry that there is simply no need for OSCE missions in many countries. In other cases, the need may be perceived, but the establishment of a mission may not be deemed appropriate. The claims that the missions over-emphasize the human dimension, and the allegation that the OSCE has become a human rights watchdog have no basis in fact. The development of projects in areas such as water management, police training, or cross-border co-operation can by no means be considered to come exclusively within the scope of the human dimension. And, last but not least, there is the need to find a delicate balance between ensuring the effectiveness of missions and avoiding counterproductive over-intrusiveness. Remedies for these problems can only be provided on a case-by-case basis. It has to be recognized, however, that OSCE missions have in some cases exceeded their mandates by concentrating on observing and interfering with the internal political situation of the host country. Even though the resulting reports have become valuable sources of information, such actions have met with the dissatisfaction of the authorities.

The four above-named countries have put forward a number of concrete proposals that aim to compensate for the asymmetries. Their focus demonstrated their intention to use the consensus rule to introduce a degree of control over the missions. Three measures would enable this: 1. Limiting the duration of mission mandates. 2. Revising the process of nomination and appointment of the heads of missions. 3. Revising the financing of projects carried out in the participating States.

All missions should have a standard duration of no longer than one year, to be extendable by a decision of the Permanent Council. This means that, lacking consensus, the mission could not continue beyond the first year, and, consequently, that the mission would need to avoid any discord with the host state to ensure it is prolonged. This would entail a kind of "UNization" of

13 Cf. Wolfgang Zellner, Asymmetric Security in Europe and the Tasks of the OSCE, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 61-73, here: pp. 69-70.

OSCE missions. A further proposal is that it be made a requirement to obtain the agreement of the host country on the nomination of the head of mission. This could be seen as amounting to a host-state veto on the nomination. Because the Permanent Council decides by consensus, the appointment would in fact not only be subject to the will of every participating State but would also face additional scrutiny by the host country. Finally, subjecting the extra-budgetary contributions of donor states to "review" by the governmental bodies of the host country would mean that only projects actively supported – or at least tolerated – by the host could be carried out. It is understandable that those countries in the east of the OSCE area where most missions are located and which are not particularly well-endowed financially would like to review the allocation of resources that do not form part of the regular budget. The OSCE would thus be less able to contribute to projects that are not supported by host countries. It is questionable whether a compromise can be reached between the host state and the donor countries. Whereas the former would not accept projects that do not fit with its political agenda, the latter would not finance projects that do not serve a political purpose they can support.

If the proposals of the four NIS countries were accepted, it would change the role of OSCE missions fundamentally. That does not mean that some of the tacit complaints integral to the proposal should not be considered. It is clearly the case that an inclusive security structure should also consider the interests of those countries that do not live up to every OSCE commitment. It should also be taken into account that some OSCE missions, particularly the larger ones, have gained significant autonomy. It is necessary to find ways to integrate missions better by means of a more co-ordinated policy that is also of lasting relevance. Institutional adaptation, including adaptation of the OSCE missions, is necessary, even if it does not precisely take the form put forward above.

In 2004, Russia and several other NIS states (to be precise, an unexpectedly large number), rather than putting forward progressive proposals to adapt the OSCE's organizational structure, took a position with regard to the Organization that was severely critical.[14] The group consisting of Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine, and Uzbekistan[15] started out from the imbalance between the three security dimensions and concluded that priorities have shifted in favour of the human dimension with an emphasis on monitoring the human rights situation and the building of democratic institutions in the Commonwealth of Independent States and the former Yugoslavia. It challenged the recent emphasis of the Organization in three respects: first, the bias towards one – the human – di-

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

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

mension of security at the expense of others; second, the intensive focus on some countries, while ignoring the problems in others; and third, the frequent failure to observe certain fundamental principles of the Helsinki Final Act, notably non-interference in internal affairs and respect for the sovereignty of states.

Here it is sufficient to comment upon the last of these three issues: the Helsinki Decalogue. It is clear that the OSCE used to maintain a balance between the different principles. Nonetheless, it has to be noted that since the end of the Cold War only sparse references have been made to the principle of non-intervention. It was generally recognized that in carrying out its activities, the OSCE could very well trespass onto the territory of domestic jurisdiction. A return to regularly referring to the respect for state sovereignty would eliminate just this comparative advantage of the OSCE in the arena of international politics.

In September 2004, in what has become known as the Astana Appeal, eight NIS countries continued down the critical path taken earlier. This document reflects a more active stance and contains concrete demands for the reform of the OSCE's agenda. It calls for greater attention to be paid to the politico-military aspects of security, and for the emphasis of the human dimension to shift to "ensuring the freedom of movement and people-to-people contacts, improving the conditions for tourism, expanding ties in the area of education and science and exchanging and disseminating cultural values between all the participating States".[16] It also proposes that the role of field activities be modified by moving away from "the monitoring of the political situation," to emphasize "specific project activities".

What could be the purpose of initiating such a major rearrangement of the OSCE agenda? Basically, the aim is to de-emphasize the human dimension and the NIS countries. It is understandable that NIS countries, many of which have doubtful democratic credentials, would like to see less attention paid to certain of their activities, their human rights records, and their elections. Indeed, the proposals have been made at a time when many NIS countries are due to hold elections.

Within the human dimension, the document aims to modify the agenda so that it will focus more on the detrimental consequences of EU enlargement for the Union's "new neighbours". One issue in particular needs to be addressed here, namely that an enlarging EU with its current visa policy certainly limits the free movement of persons. This is certainly a question that the OSCE, as a pan-European institution, should address. However, this should not be done instead of addressing other human-dimension matters, but in addition.

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

It seems that several NIS countries have embarked upon a course that aims to reduce transparency in their political affairs. Russia, a country whose weight as a major independent player in European politics makes it less reliant on the OSCE, is leading the charge. Russia's aim is partly out of self-interest and partly in order to create consensus among the NIS states on the issue of OSCE reform. The aim of this group of participating States is to cover up a highly regrettable set back in their pursuit of transformation and democratization. Russia is playing a calculated diplomatic game in the OSCE (and also in the Council of Europe). It pretends to go along with the Western agenda and, in return, expects the West largely to stay "off its patch" as far as internal politics and regional development are concerned. If the West is ready to play along, it may well be to the advantage of the current regimes in the NIS. Unfortunately, it would be to the long-term detriment of the people in these countries. Returning to the principles of co-operative security should not mean turning a blind eye to the curtailment of democracy and the suspension of transformation processes in various NIS countries.

Integral to the political demands of the eight NIS states are a number of institutional proposals that aim to increase the role of consensus in decision-making, including decisions on OSCE missions. This would certainly reduce the OSCE's intervention into the internal affairs of NIS countries as well as making it necessary to gain the approval of the host state for most mission activities. If such a process gains momentum, it could only lead to a further weakening of the OSCE.

At the December Ministerial Council in Sofia, Russia referred to the Moscow and Astana proposals put forward by some NIS countries as if they were already part of the OSCE *acquis*.[17] Russia insisted on a comprehensive reform of OSCE structures that would focus on "specialized institutions, field activities and [a] system of financing".[18] To guard against being swamped by the majority in the OSCE still opposed to its ideas, it reiterated that "Russia regards consensus as the underlying principle of OSCE activities and a mechanism without alternative for decision making in the Organization".[19] Applying OSCE-style consensus to an issue effectively gives any unwilling participating State a power of veto.

Russia picked on the institution most closely identified with activities that are unpopular with many NIS countries – ODIHR – whose responsibilities include election monitoring, and which remains one of the few OSCE instruments able to operate outside Russian control. The NIS countries also argued that decisions related to OSCE field missions – from appointing heads

17 Cf. Statement by the Delegation of the Russian Federation, Organization for Security and Co-operation in Europe, Twelfth Meeting of the Ministerial Council, Sofia, 6 and 7 December 2004, MC.DOC/1/04, 7 December 2004, pp. 75-76, at: http://www.osce.org/documents/mcs/2005/02/4324_en.pdf.

18 Ibid., p. 75.

19 Zayavlenie delegatsii Rossii na zasedanii Postoyannovo soveta OBSE po voprosu o konsensuse, 15 March 2004, p. 1, at: http://www.ln.mid.ru/brp_4.nsf (author's translation).

of mission to extending their duration or remit – should be based on the consensus rule, which could only weaken the room for manoeuvre the OSCE currently enjoys.

Russia put forward two further ideas for discussion by OSCE participating States: a) a "high-level seminar on military doctrines and defence policy in the OSCE area", especially in the context of NATO enlargement, and b) a conference to "discuss problems such as the development of international co-operation in the energy sector, the strengthening of overall security in relation to energy supplies and deliveries, and the promotion of efficient energy-saving measures".[20] The former proposal makes sense to the extent that the military doctrines and strategies of the participating States have changed significantly since the last such seminar was held – notably in response to the new emphasis on terrorism. Energy security is also an area where Russia can demonstrate its important contribution. Russia has expressed its disappointment that its proposals have not been approved because of what it describes as "artificial linkages and misguided political bargaining".[21]

A heated exchange of views took place between Russia and a number of participating States at the Ministerial Council. Russia reiterated its position concerning "imbalances and double standards" that were eroding the comparative advantages of the OSCE, and criticized the OSCE's election-related activities in particular.[22] Russia, particularly in light of the developments in Ukraine that were occurring at the same time as the Council Meeting, was clearly keen to avoid cases in which monitors' reports affected the perceived legitimacy of elections and the control of the authorities who held them. Russia and its partners called for the OSCE's electoral work to concentrate on broad normative issues rather than concrete cases.[23]

The West was united in responding that the aim of achieving a better balance between the three dimensions "can only mean that more effort should be put into each of them".[24] US Secretary of State Colin Powell expressed the view that the USA is "open to increasing the OSCE's activities to promote security and economic development, but not at the expense of the OSCE's core democracy and human rights work".[25] The OSCE's prime focus on the humanitarian dimension notwithstanding, the facts do not support the view that the Organization has neglected the other two dimensions – as

20 Ibid., pp. 1 and 3 (author's translation).
21 Statement by the Delegation of the Russian Federation, cited above (Note 17), p. 75.
22 Cf. Ministry of Foreign Affairs of the Russian Federation, Statement by Russian Minister of Foreign Affairs Sergei Lavrov at the 12th Meeting of the OSCE Ministerial Council, Sofia, 7 December 2004, at: http://www.ln.mid.ru/brp_4.nsf (author's translation).
23 Cf. Statement by the Delegation of the Russian Federation, cited above (Note 17), p. 75.
24 European Union, Statement by Minister Bot at the OSCE Ministerial Council, at: http://www.europa-web.de/europa/03euinf/10counc/oscebot.htm.
25 OSCE and US Department of State, Remarks by Secretary of State Colin L. Powell to the Ministerial Meeting of the Organization for Security and Cooperation in Europe, Office of the Spokesman, OSCE Document MC.DEL/52/04, 7 December 2004.

witnessed by its continuing efforts to resolve "frozen" conflicts such as those in Georgia and Moldova, and between Armenia and Azerbaijan, and its initiatives on anti-terrorism and counter-proliferation. The OSCE's police reform and training programme in Kyrgyzstan, alongside parallel EU efforts, represent another initiative in the field of politico-military security. In any case, the OSCE, with its comprehensive concept of security and limited resources, must at any given time look for the most pressing European security problems. When human rights and the effectiveness of joint efforts to combat crime, terrorism, smuggling, and corruption are suffering in some states and regions from shortcomings related to a democratic deficit, the OSCE can hardly overlook this: OSCE participating States have consistently subscribed to increasing democracy since the adoption of the Charter of Paris.

Institutional aspects are only part of the problem, however. It is at least as important to note that the participating States have divergent perceptions of the current situation and the OSCE's prospects. There is no need to go into too much detail here. It is enough to emphasize that a wide range of views exists, ranging from the utterly dissatisfied group of NIS countries to those in favour of the status quo, including the United States. The country holding the Chairmanship has little room to manoeuvre in such a situation. This is particularly true when its reform plans indicate that it desires to satisfy all parties: those participating States that favour reforms and those that do not; those countries that aspire to hold the Chairmanship and those that are interested in improving the efficiency of OSCE administration by increasing the role of the Secretariat and adapting the function of the Secretary General.[26] Unless the perception of the OSCE changes, it is destined to remain a niche organization. The views of those who advocate selective engagement were echoed in the words of a US diplomat:

> We must recognize that the OSCE cannot solve every problem, nor should it try. There are certain things this organization does well, such as early warning and conflict prevention, the strengthening of democracy and the rule of law, and promotion of human rights and fundamental freedoms. The OSCE must continue to make this work its first priority.[27]

26 A decision to that effect was adopted at the Sofia Ministerial Council. Cf. Decision No. 15/04, Role of the OSCE Secretary General, MC.DEC/15/04, of 7 December 2004, in: Organization for Security and Co-operation in Europe, Twelfth Meeting of the Ministerial Council, Sofia, 6 and 7 December 2004, cited above (Note 17), pp. 54-55,

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

Given the different perceptions of the OSCE's role, it would be extremely difficult to achieve more than streamlining the Organization's current activities.

As demonstrated above, the prospects of OSCE reform are limited by the underlying disagreement of the parties involved. The few concrete actions that are available could however be supplemented by a reconsideration of the Organization's spirit. It was conceived as an organization of co-operative security. The most important aspect of this is to provide countries that do not have the capacity to carry out the tasks of a properly functioning democratic state with the support they need. This may entail a variety of activities, including fostering certain processes as well as gentle pressure when necessary. It is important, however, that the OSCE does not become another institution where a small number of *demandeurs* set the agenda for the rest, who are then held to be responsible if the formers' demands are not fulfilled. There should be no finger-pointing, which can only alienate countries in need of support during their transition. The OSCE ought not to copy certain other organizations in this respect. If it does not return to its co-operative spirit, the OSCE has no chance of finding more acceptance among its participating States.

There is one respect in which many participating States and the OSCE institutions and administration could easily agree on the need to expand OSCE activities. This is the classic escape route of every regional organization whose prospects for the future, extrapolating on the basis of its current functions, appear uncertain: Broaden the scope of the Organization's activities by taking on tasks that do not contradict the basic interests of any entity that participates in decision making.[28] As Europe has a unique web of institutions that have changed the way countries on the continent conduct their affairs and since it has accumulated significant experience in the area of political interaction, it would be quite logical to spread this knowledge outside the OSCE area and make it available to countries that have not benefited from similar experience. It is a logical continuation, particularly if OSCE participating States are convinced of the indivisibility of security. At the same time, it requires wisdom to decide which are the situations in which the OSCE could contribute effectively and where the necessary tasks would be found too demanding.[29]

Conclusion

28 It happened in 1993 when Richard Lugar, member of the US Senate, raised the same point in connection with NATO: Either it goes out of area or out of business.

29 It should suffice to mention the consideration given to the possibility of monitoring the elections of October 2004 in Afghanistan, an OSCE partner country. It is possible that such an activity would be beyond the means of the Organization.

Since the mid-1990s, when the illusion that the OSCE could assume the central role in the structure of European institutions became insupportable, the OSCE has been struggling to find its role. It has, in effect, accepted that its role will be to fill niches in European security. Its current position is a result of the ongoing rearrangement of European security and the loss of illusions associated with certain features of the OSCE. There is little awareness that some of the OSCE's perceived strengths may also be considered disadvantages. Although institutional adaptation may help revitalize the Organization, the complexity of the underlying reasons behind its loss of importance make it more important that it returns to its original spirit. This could most readily be achieved by reconsidering the role of co-operative security that has recently appeared to partially fall off the radar.

The fact that the OSCE and its participating States have started to think about reforming the Organization may have two outcomes. It may result in a situation where the OSCE becomes a more meaningful organization and regains some of its lost importance. It may also come to pass, however, that the identification of the severe problems it has been facing lately and the inability to revitalize the Organization results in a further loss of interest. The result of attempts to reform may make the OSCE's crisis-like situation more pronounced and more visible, thus speeding up its decline. If that were to happen, the OSCE could be stripped of content and left with nothing more than the noble principles and commitments it was based upon. It is precisely the principles, the comprehensive concept of security, and the set of commitments adopted by the participating States that represent the OSCE's unique "value added". And yet it is hard to say how the Organization could respond if its implementation mechanisms were confronted with the hesitation or even the outright reluctance of a large part of its participating States. One way or another, the current reconsideration of the OSCE's role will certainly bring us closer to a final outcome.