

Emily Haber

The OSCE in a New International Landscape – Eleven Theses¹

During the last fifteen years, the claim has repeatedly been made that the OSCE (formerly the CSCE) needs to adapt its role to suit the radically transformed international landscape. Throughout this decade and a half, this claim has always been linked to the question of the OSCE's relevance or irrelevance. And yet this is not a problem that has only affected the CSCE/OSCE: Against the background of the tectonic upheavals that have rocked the international landscape in the last 15 years, other European and transatlantic organizations are also regularly said to be in a state of crisis that threatens their very existence and *raison d'être*. The OSCE is therefore not alone. Nor is the pressure to transform that it currently faces unique in its history. One may recall the challenges that the CSCE faced as the Cold War it was designed to contain came to an end and the division of Germany and Europe it was intended to bridge ceased to exist. The principles of the Helsinki Final Act – non-violence, human rights, self-determination, peaceful change – had guided these revolutionary events, and the CSCE appeared to have fulfilled its historic purpose. But we know that this apparent ending was, in fact, a new beginning – one that laid the foundation for the emergence of a community of values and established standards for the rule of law and democracy in a shared space. Perhaps a consideration of this historic paradigm shift can help us keep current challenges in perspective and to finally refrain, when analysing the Organization's "perfectly normal" need to adapt, from asking whether the OSCE has served its purpose.

There has never been a master plan for the development of the OSCE and its structures and institutions. Capabilities and institutions were always created *ad hoc* (and not infrequently against the clock) in response to political demand. In order to reach any conclusions on how it is likely to change, it is necessary for us to pose the question of where the need for adaptation comes from and what demands it produces.

1. The first thing that has changed is the *risk environment*. Most of today's armed conflicts do not have their roots in relations between states. The categories of classical military security are unsuited for understanding the forces that drive such conflicts. The spectrum the latter covers is far broader, vaguer, and more difficult to identify. It ranges from acute threats (global terrorism, WMDs) via instability (failing states, organized crime), to risks that can be long-term causes of instability (abuse of power, oppression, abuse of human and minority rights, poverty, corruption, resource depletion).

¹ This article reflects the personal opinions of the author.

2. Obviously the OSCE with its comprehensive concept of security must have felt a special calling to react to these changes. The Organization's concerns were and remain long-term, comprehensive conflict prevention, crisis management, and post-conflict rehabilitation. Attempts to eliminate the causes of violence, terror and instability need to focus on establishing the rule of law, human rights and good governance. However, it is a long time since the OSCE possessed an monopoly on approaches of this kind. The EU, NATO, the UN, and the OSCE are all now pursuing similar goals: The idea that establishing and maintaining security and stability requires a broad range of instruments that go well beyond merely guaranteeing military security has become generally accepted.

3. However, that is not the only reason for the changing structure of the security system in the OSCE area. There are several mutually reinforcing causes, foremost among them the enlargement of the EU and NATO. Even those states that are not members of these organizations are drawing closer or have become associated with them through instruments such as Stabilization and Association Agreements or membership in the "Partnership for Peace" or the Euro-Atlantic Partnership Council. There have thus been changes in the overlapping memberships of the OSCE and other organizations. This affects not only the OSCE's behaviour in the world, but is also reflected within the Organization itself. For example, since 1 May 2004 – to mention just the most striking example – 25 of the OSCE's 55 participating States have been members of the EU. This certainly has an influence on opinion-forming processes in Vienna when the 25 EU member states co-ordinate their actions in the spirit of their Common Foreign Policy. Not everyone welcomes this, and one notion is doing the rounds in particular: The OSCE is changing from an "organization of individual countries" into a divided organization of "exclusive groupings". But this is misleading, as it appears to imply that the different groupings enjoy different rights. This misses the point: The OSCE is the institutional framework for a comprehensive *acquis* of norms, standards and commitments in the political, military and – above all – human dimensions. These commitments are binding on all OSCE participating States irrespective of membership of other alliances or organizations. No alteration in the "balance of power" between different organizations within the OSCE can weaken or devalue the politically irrevocable commitments entered into directly by the OSCE States. The existence and changing constitutions of blocs within the OSCE is, in this respect, irrelevant.

OSCE commitments apply to all states equally. However, just because the standards and commitments are egalitarian, it does not follow that their implementation is at the same level throughout the entire OSCE area – that is the political reality. Talking of exclusive groupings and the power imbalances they cause distracts from the fact that the imbalances are not and have never been caused by the changing memberships of European security organizations but are rather a result of states' *very different needs* for estab-

lishing, developing, and implementing standards and procedures for ensuring the rule of law.

4. However, as already stated, the changes are not only an internal matter for the OSCE. There are points of resemblance or overlap between the OSCE's approach to security policy and the substantive offerings of the EU, NATO, and the Council of Europe. The same is true of their geographical focus. The overlap between the OSCE, EU, NATO, and the Council of Europe is most pointed in the Balkans and at the external borders of the EU and NATO. That particularly applies to the OSCE's capabilities in the areas of civilian crisis management, institution building and supporting the development of civil society and the rule of law.

- *The Council of Europe and the OSCE* reinforce each other thanks to their contrasting approaches: legally binding rules and highly sophisticated bodies and procedures on the one hand and politically binding (but therefore all the more detailed) norms and instruments for co-operation and consultation on the other.
- *NATO's Partnership Programmes* aim at achieving results that support the OSCE's principles and commitments.
- The most dynamic area is the *European Security and Defence Policy*, within whose scope various civilian instruments have been created for police development, the rule of law, civil administration, and emergency aid. The growing momentum of the EU's Common Foreign and Security Policy – especially the European Security Strategy – is significant for the OSCE. The EU is assuming tasks that – within the OSCE area – were generally seen as the latter's responsibility. There can be no doubt that the EU has offered and deployed instruments and capabilities for institution building that the OSCE could have or already had offered in this region. Examples include the EUPM (European Union Police Mission in Bosnia and Herzegovina), Proxima, the European police mission in Macedonia, and the mission of the European Union to Support the Rule of Law in Georgia (EUJUST THEMIS). Nor is there any question but that EU enlargement, the European Security Strategy, and the EU's broad range of crisis management capabilities have made the EU into a strategic actor with specific interests in security and politics, especially regarding its "new neighbourhood". The pattern that has been emerging since then can be given the label "EU first": When the EU feels concerned by security matters at its periphery, when there is a need for capabilities that the EU can provide, when the EU is expected to act, then it will act. Does this mean that the EU is crowding out the OSCE? And does that mean that the OSCE is losing both its overall importance and its geographical focus? And what does this mean for OSCE's role (which has grown over the years) in managing and containing conflicts,

such as the frozen conflicts in Georgia, Moldova and Nagorno-Karabakh?

5. It would be false to consider the relationship between the EU and the OSCE in terms of political rivalry. Firstly, the OSCE was never an exclusive actor with an exclusive role, not even with regard to civilian crisis-management within the OSCE area. Throughout the last decade, the Organization followed the basic principle of pursuing a rational and results-oriented *division of labour* with other actors such as the UN, NATO, or the Council of Europe – not to mention national governments and NGOs. This basic principle of the division of labour remains as important as ever, despite the addition of new actors and new capabilities. What has changed, of course, are the criteria used to determine how tasks are divided up. It is legitimate and politically reasonable for the EU to offer and deploy its capabilities for crisis management and institution building – to the extent that other actors desire this of the EU and the EU acts in the spirit of meeting these demands for the provision of security and stability. At the same time, it is plausible to conceive of the OSCE retaining or even expanding the role it plays in promoting stability and/or resolving regional conflicts where it can offer *comparative advantages*. Where could that be?

6. The OSCE is the only organization in the Euro-Atlantic area with *comprehensive membership*. It is true, however, that at first glance, this advantage appears only to benefit a steadily shrinking group of states, in particular the states of Central Asia and – to a lesser extent – in the Caucasus and the Western states of the former Soviet Union. As far as these states are concerned, the OSCE is the only organization that allows them to discuss their concerns with European and transatlantic partners as equals on a regular basis. Precisely that speaks in favour of the OSCE continuing to perform its role in *regional conflict resolution* and conflict containment.

7. Equally, it is the OSCE's *established regional presence* that makes it especially well suited to perform a role in early warning and conflict resolution in those states. The Organization has a significantly denser network there than the EU or NATO. With 18 missions, numerous field offices, and over 3,600 members of staff, the OSCE is frequently present on the ground. The activity of the OSCE thus represents a contribution to transition processes that emphasizes detailed, concrete measures. The work of the OSCE is thus more detailed, more comprehensive and more concrete than any other international organization would probably be in a position to undertake. The OSCE's early-warning capability (which it perhaps fails to fully exploit at times) – with respect to regional conflict and crisis management – also benefits from this network, which provides the Organization and its mechanisms with faster and more flexible reactions than other organizations and – in contrast to the EU – can also involve the USA and Canada. All in all, these activities of the OSCE, which are hands-on, wide-ranging, and oriented towards

the implementation of a system of norms and values in the areas of security policy and human rights as a point of reference to which people can appeal, are irreplaceable and could not be performed by the EU, NATO, or any other international organization. The OSCE is unique in providing on-the-ground support and expertise in the countries where it is needed the most.

8. It would be dishonest to gloss over the fact that the OSCE's network and its work to support implementation of the Organization's *acquis* have come under fire, in other words, that just those qualities that I have named as the OSCE's comparative advantages may be seen by the group of states they affect as a *comparative disadvantage* – and are in fact seen in these terms by some of them. The accusation is of “interference in domestic affairs” – a recurring theme in Vienna. This complaint, however, ignores the fact that, by signing the Charter of Paris, the participating States laid the foundation for an area of equal rights and democracy, including a standardized interpretation of human rights, and that, since the adoption of the Moscow Document of 1991, *human dimension* matters – including the rule of law, human rights and the implementation of common values – are the immediate concern of all participating States and have been irrevocably declared as no longer exclusively domestic concerns. No participating State can call this into question. Taking note of these facts allows us to focus the debate on the essential point: It does not concern the interpretation, modification or possible dismantling of an *acquis*, but rather the matter of how we can effectively shape the implementation of the large body of commitments entered into by states within the OSCE framework in an environment, in which growing emphasis on national sovereignty may (or, in the eyes of some participating States, even should) lead to rejection of the *acquis*.

9. Precisely here, however, the OSCE can make a good case. The OSCE's efforts are, first and foremost, *inwardly directed*. The supposed “objects” of the Organization's conflict management activities are active and equal participants in the Organization's decision-making process. Therefore, with its 55 participating States, the OSCE will be particularly suited to playing its (politico-diplomatic) regulatory role and performing its advisory functions if it can play its *trump card of inclusiveness*. Of course, this argument carries particular weight for those states that are not also members of the EU, NATO or the Council of Europe and for whom the OSCE is thus the only European-transatlantic organization in which they can participate as equals. Those are also precisely the states to which the OSCE offers external support and advice in implementing the Organization's standards. Ideally, however, the principle of equal participation and inclusiveness ensures that no state sees itself as merely a passive recipient. As is well known, decisions of the Permanent Council require consensus, the achievement of which can of course be a laborious and difficult process and one, moreover, that often results in a compromise containing less of substance than individual parties would wish. Nevertheless, *decision making on the basis of consensus* is the best (though

no foolproof) guarantee of implementation. The truth is that the OSCE and its missions are only successful when the parties are willing to co-operate constructively and are able to avoid seeing the Organization's advice as an "outside intervention".

The OSCE can refer to its *acquis* of norms, commitments, and fundamental freedoms; it can remind participating States that the human dimension commitments they have entered into make certain matters the immediate and legitimate concern of all participating States, removing them from the sphere of exclusively domestic concerns; it can also remind states that every state is subject to measurement by these criteria. But this is merely a basis for formulating political demands. The various standards and commitments can only be put into practice by means of laborious fine-focused work and support based on *co-operation*. This *co-operative approach* is decisive both for the OSCE's capacity to act and for its opportunities to do so. It may appear to be a weakness, but it also makes certain things possible that would otherwise not be; it is important to develop this approach further; it is also important to orient the offering of the OSCE's field offices towards the demand and the interests of the host countries.

10. So far we have considered only part of the overall picture. If we were to leave it there it might appear that the OSCE is limited to acting in an ever-shrinking number of states in the west of the post-Soviet area, in the Balkans, in the Caucasus, and in Central Asia. There are several reasons why this is not the case:

- Firstly, the OSCE *acquis* applies throughout the *entire OSCE area*. The level of implementation may vary, as already mentioned, but this does not affect the fact that the standards are applicable to all. This can best be illustrated by reference to one function of the OSCE that we have so far omitted to mention: The *acquis* includes a number of agreements relating to arms control, including CFE, the Vienna Document, Open Skies, Dayton and the Document on Small Arms and Light Weapons (SALW). They underpin *disarmament, confidence building, and transparency in security matters*. The OSCE is the overarching institutional framework for this *acquis*. It goes without saying that we have a vital interest in its upkeep. Anyone who calls the value and relevance of the OSCE into question also needs to be able to answer the question of the consequences this would have for the legitimacy of this security function.
- Second, as already stated, the risk environment has changed, bringing with it new pressure on the OSCE to adapt. The Organization has been forced to focus more on the OSCE area as a whole, as many of these risks *cannot be clearly ascribed to a particular region* but are relevant *throughout the OSCE area*. Racism, anti-Semitism, trafficking in human beings, and terrorism are not separate, localizable phenomena. It

may be pertinent to ask whether the OSCE is especially well-suited to tackle these issues. Perhaps not in the first instance: Individual states, other international organizations, and instruments other than the OSCE may have a greater role to play. Nevertheless, there are niches where the OSCE can play its role – and we should not underestimate their importance. Take the fight against *terrorism*, for example: The OSCE tackles the underlying causes when it contributes to establishing the rule of law, good governance, and effective civil society. It can also act to encourage compliance with voluntary commitments and standards that apply to the entire OSCE area – the Maastricht Ministerial Council Decisions on the OSCE Counter-Terrorism Network, on travel document security, and on the OSCE Document on Stockpiles of Conventional Ammunition are examples. Moreover, the OSCE can create political awareness of the need to act and can help to disseminate standards and best practices throughout the entire OSCE area. This will be a key focus of the work of the newly established OSCE Special Representative on Combating *Trafficking in Human Beings*. One need only bear in mind the large number of OSCE countries that are either destination or transit countries for human trafficking and to recall that many of them see human trafficking as a matter of illegal immigration or prostitution rather than in its true light: as modern slavery and a grievous abuse of human rights. The Berlin Conference on *Anti-Semitism*, the Paris Conference on *Internet Hate Crime*, and the Brussels Conference on *Tolerance and the Fight against Racism, Xenophobia and Discrimination* likewise aim at an OSCE-wide, politically binding rejection of these phenomena and voluntary commitments on the part of participating States to take action to oppose them. Additionally – although this only applies to part of the OSCE area – the OSCE can, through its field missions, make a concrete contribution to fighting the new risks that threaten the OSCE as a whole at the level of fine-detail, namely through its police-related activities, contribution to border management, and support for the fight against trafficking in drugs, weapons, and human beings.

- Third, it has for a long time no longer been possible to clearly keep apart the OSCE's "*dimensions*". The Organization's classical approach saw the task of maintaining peace and security in terms of respect for human rights and fundamental freedoms, economic and environmental co-operation, and civil and military security. In recent years, the three sides of this approach have become closely intertwined. Thus, the campaign against small arms has a political and an economic dimension; and establishing police forces that respect human rights and the principle of proportionality of means concerns the political and human dimensions in equal measure. That is why the argument that there is a lack of balance between the dimensions misses the point ("balancing the three baskets"). A balance of the kind that was striven for by the old

CSCE is no longer feasible, as the interdependence of the OSCE's overall approach makes it impossible to distinguish cleanly between the dimensions. Whoever talks of "balance" is likely to be using this argument to aim at "resizing" the role of human-rights standards and commitments. But any such move would impact the OSCE as a whole, challenging the very reason for its existence. The human dimension was the driving force for the transformation of the CSCE into the OSCE in the early 1990s. That is why the human dimension now infuses the Organization's entire repertoire of norms, rules, procedures, and institutions.

11. These days, the OSCE States are all tied to each other by a substantial and growing body of agreements, commitments and resolutions that affect virtually every area of the political, economic, and human dimensions. The interdependence of the commitments entered into by OSCE States is as great as the interdependencies between the OSCE and the EU, NATO, and the Council of Europe. In other words: There is no class of OSCE commitments that can be subject to qualification, downplayed or declared invalid – *the OSCE acquis is indivisible*. Of course, it is possible for participating States to refuse to implement the *acquis* and to reject co-operation with the OSCE, yet the degree of interdependence between the OSCE and other international organizations means that behaviour of this kind would have repercussions beyond the Organization. A characteristic example was the reaction of 14 European countries to the closure of the OSCE Advisory and Monitoring Group in Belarus. Their message in that instance was clear: The standards and commitments within the OSCE framework are commitments shared by all EU states, which makes them genuine concerns of the EU. The Union will thus observe closely how its partners deal with commitments that both it and they share. For the EU, such matters are inevitably more than isolated instances; they are not "other people's business". It is for this reason that the OSCE represents an important "channel of communication" to the EU for participating States that are not EU members.