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## Introduction

*The OSCE - Foundation of the European Security Structure, Basis of the European Security Space*

### *The Situation*

Twenty-one years after the signing of the CSCE Final Act on 1 August 1975 in Helsinki<sup>1</sup> and six years after the signing of the Charter of Paris on 21 November 1990<sup>2</sup>, the basic changes in Europe's political structure have become clear. Blocs and the system of deterrence - essential components of Europe when the CSCE was founded - have disappeared. Europe's "new beginning"<sup>3</sup> - the central requirement of the Charter - has taken form in a variety of ways. Overcoming the division of Germany has been a part of this as is the reorientation of the peoples of Eastern and Central Europe toward democracy and market economies.

Nevertheless, Hans-Dietrich Genscher, the former Foreign Minister of the Federal Republic of Germany, deserves full agreement when he writes in this Yearbook: "(...) we are still far from achieving (...) a just and lasting peaceful order for all of Europe. It is true that the great changes of recent years have largely nullified the risk of a 'big' war in Europe; at the same time, however, the bloody conflict in former Yugoslavia has demonstrated in a horrifying way that armed struggles emerging from aggressive nationalism and intolerance are still possible in Europe."<sup>4</sup>

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<sup>1</sup> Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 141-217.

<sup>2</sup> Charter of Paris for a New Europe, Paris, 21 November 1990, in: Bloed (Ed.), cited above (Note 1), pp. 537-566.

<sup>3</sup> *Ibid.*, p. 537.

<sup>4</sup> Hans-Dietrich Genscher, *Strengthening the OSCE - An Indispensable Condition for a Just and Lasting Peaceful Order from Vancouver to Vladivostok*, in this volume, p. 50; cf. also: CSCE Helsinki Document 1992: *The Challenges of Change*, Helsinki, 10 July 1992, in: Bloed (Ed.), cited above (Note 1), p. 703; cf. in addition: Dieter S. Lutz, *Die OSZE im Übergang von der Sicherheitsarchitektur des Zwanzigsten Jahrhunderts zum Sicherheitsmodell des Einundzwanzigsten Jahrhunderts* [The OSCE in Transition from the Security Architecture of the Twentieth Century to the Security Model for the Twenty-first Century], in: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg/IFSH [Institute for Peace Research and Security Policy at the University of Hamburg/IFSH] (Ed.), *OSZE-Jahrbuch* [OSCE Yearbook] 1995, Baden-Baden 1995, pp. 63-96.

The dreadful forms and dimensions that these armed conflicts can still take on, even after the historical turning point of 1989/90, are described in this volume by István Gyarmati, the Personal Representative of the OSCE Chairman-in-Office in Chechnya (among other countries): "My generation, happily, had no experience of war. I myself have been in a number of countries scourged by conflict, but Grozny was not even comparable to Sarajevo. For me, the only comparable experiences were the pictures of Dresden and Coventry from the Second World War. Downtown there was not a building left intact for miles. Not a one. The streets were full of ruins. At every step there were dead animals and corpses. The horrible odors of burning buildings, gunpowder and decomposing bodies spread through the air. Old people - they were almost the only ones, on both sides, who had survived or been unable to escape - were using miserable fires in front of their houses to cook roots, dogs, cats or crumbs given them by soldiers. The number of dead is still not known. I am convinced that tens of thousands fell victim to the fighting in Grozny alone."<sup>5</sup>

### *New Risks, Threats, Dangers*

It is not only the revived danger of armed conflict, however, which calls Europe's "new beginning" into question. Stability is put at risk by a large number of problems which have so far remained unsolved or been neglected. Thus it is no coincidence that many of the authors represented in the Yearbook on hand return again and again to such threats and problems as economic distress, secession movements, endangerment of the natural bases of life, border-crossing crime, terrorism, and other sources of peril.<sup>6</sup> That the OSCE itself has recognized the new perils and risks emerges with special clarity from the discussions on the Security Model for the 21st Century.<sup>7</sup>

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<sup>5</sup> István Gyarmati, The Hungarian Chairmanship and the Chechnya Conflict, in this volume, pp. 181ff.

<sup>6</sup> See for example in this volume: Genscher, cited above (Note 4), pp. 49ff.; Hans-Joachim Gießmann, Democracy as a Creative Task - Challenging or Overburdening the OSCE?, pp. 187ff.; Ortwin Hennig, The Code of Conduct on Politico-Military Aspects of Security, pp. 273ff.; Hans-Hermann Höhmann, Problems of Economic and Social Transformation in Eastern Central Europe and the CIS States: Fields of Activity for the "Economic Dimension" of the OSCE?, pp. 315ff.; Wilhelm Höynck, The OSCE in Mid-1996: Stock-Taking and Prospects, pp. 69ff.; Kurt Schelter/Michael Niemeier, The Fight against Organized Crime as a Challenge for Europe - for the OSCE as well?, pp. 325ff.; Mario Sica, The New Mediterranean Dimension of the OSCE, pp. 379ff.; Omar A. Sultanov, Kyrgyzstan and the OSCE, pp. 129ff.; Frans Timmermans, The Activities of the OSCE High Commissioner on National Minorities in Conflict Prevention, pp. 365ff.; Benedikt von Tscharnier/Linus von Castelmur, The Work on a Security Model for Europe for the 21st Century, pp. 227ff.; Jörg Wallner, The Implementation of Conventional Arms Control Agreements, pp. 241ff.

<sup>7</sup> In this connection, see also: Dieter S. Lutz/Andrei Zagorski, A Security Model for the 21st Century, in: "Arbitration Court" and "Security Model", Hamburger Beiträge zur Friedensforschung und Sicherheitspolitik [Hamburg Contributions on Peace Research and Security

Benedikt von Tscharnier, the Swiss Ambassador to the OSCE, and Linus von Castelmur, Deputy Head of the OSCE Section in the Foreign Ministry of Switzerland, provide an overview of the broad range of risks identified in these discussions.<sup>8</sup> The magnitude of the threats, especially for the young democracies of Eastern Central and Eastern Europe, is illustrated by the German Secretary of State, Kurt Schelter, and by the expert in fighting crime, Michael Niemeier, using organized crime in Europe as an example. They believe that the OSCE might provide an organizational framework for "an overall European strategy".<sup>9</sup>

### *Prevention*

"One essential element of this overall strategy must be prevention, in both a technical and organizational sense, which has often been neglected in the past."<sup>10</sup> In issuing this warning, Schelter and Niemeier have in mind new technologies such as electronic anti-theft devices or tamper-proof credit cards. But their legitimate demand for better prevention goes far beyond new technologies and aims in essence at the real task of peace and security policy - the prevention of conflict.

This task presents itself particularly with regard to armed struggles: the job of security policy is to prevent war, not to wage it.<sup>11</sup>

For this reason, Frans Timmermans, the Dutch Adviser to the High Commissioner on National Minorities, believes that the lesson the international community must draw from the wars in former Yugoslavia is that "the OSCE (...) has to come into action at a very early stage".<sup>12</sup> It is the view of the OSCE Chairman-in-Office in 1996, the Foreign Minister of Switzerland, Flavio Cotti, that already today the most important practical activity (of the OSCE) lies in conflict prevention.<sup>13</sup> Frans Timmermans notes that the OSCE's High Commissioner on National Minorities, Max van der Stoep, emphasizes that conflict prevention means, among other things, fighting the *causes* of conflict: "If the OSCE wants to be successful in conflict prevention, in the broadest sense of the expression, it has to concentrate on the elimination of

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<sup>8</sup> Policy] 99/1996, pp. 5-30.

<sup>9</sup> Cf. von Tscharnier/von Castelmur, cited above (Note 6), especially p. 231.

<sup>10</sup> Schelter/Niemeier, cited above (Note 6), esp. p. 330.

<sup>11</sup> Ibid., p. 331.

<sup>12</sup> Cf. Dieter S. Lutz, Frieden ist das Meisterwerk der Vernunft [Peace is the Masterpiece of Reason], Hamburger Informationen zur Friedensforschung und Sicherheitspolitik [Hamburg Papers on Peace Research and Security Policy] 17/1996, esp. p. 4.

<sup>13</sup> Timmermans, cited above (Note 6), p. 365.

Cf. Flavio Cotti, Preface, in this volume, p. 13.

the potential causes of conflict (...) The High Commissioner strongly believes that it should be the task of the OSCE to identify the root causes of conflict and to help combat these (...)"<sup>14</sup>

### *OSCE as a Community of Values and its Comprehensive Security Concept*

To combat and, indeed, prevent the new risks and perils in all of their variety a comprehensive peace and security concept is needed, one which is understood not just in politico-military terms. Also needed are common values which can be used as a point of departure in avoiding conflict. The OSCE regards both elements as given<sup>15</sup> and they are commented on in positive terms by the contributors to the volume on hand:<sup>16</sup> "In the Charter of Paris (1990) the CSCE States committed themselves to democracy, human rights and the rule of law, market economies, social justice, and a responsible attitude toward the environment. Since that time they have been emphasizing that they belong to a new community of values."<sup>17</sup> "These values apply to all those who want to be part of the OSCE community; they are indivisible, non-negotiable and universal (...) It would be wrong to perceive these values as belonging solely to part of the OSCE area, or as religious dogmata some OSCE States want to impose on others. Rather, they are the core of the Helsinki process, which starts from a comprehensive concept of security which relates peace, security and prosperity directly to the sharing of the values."<sup>18</sup>

### *The Development of Civil (Citizen-Based) Societies*

There is no doubt that the OSCE concept of comprehensive security based on common values aims at the development and establishment of civil societies.<sup>19</sup> Indeed, the Chairman-in-Office of the OSCE, Flavio Cotti, and the

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<sup>14</sup> Timmermans, cited above (Note 6), pp. 365-366.

<sup>15</sup> For example, in the 1994 Budapest Document the terms "values" and "comprehensive concept of security" are used more than a dozen times - cf. CSCE Budapest Document 1994, Towards a Genuine Partnership in a New Era, in: Helsinki Monitor 1/1995, pp. 79-106.

<sup>16</sup> For example, see the articles in this volume by Genscher, Gießmann, Höynck, Timmermans, von Tscharner/von Castelmur, all cited above (Note 6); also Michael Fuchs/Angelika Pendzich-von Winter, The OSCE Parliamentary Assembly, pp. 355ff., and Aaron Rhodes, The Continuing Challenge of the International Helsinki Federation for Human Rights (IHF), pp. 401ff.

<sup>17</sup> Von Tscharner/von Castelmur, cited above (Note 6), p. 227.

<sup>18</sup> Timmermans, cited above (Note 6), p. 366.

<sup>19</sup> The concepts of "civic society", "citizen-based society" and "civil society" can be found in this volume, e.g. in the articles by Cotti, cited above (Note 13), Fuchs/Pendzich-von Winter, cited above (Note 16), Genscher, Gießmann, Höynck, all cited above (Note 6), and Rhodes, cited above (Note 16).

former Secretary General of the OSCE, Wilhelm Höynck, regard the "establishment of civil societies" and/or the "strengthening of civil societies" as the "most urgent" or "central" task of the OSCE.<sup>20</sup> This applies to the current work of the OSCE in Bosnia and Herzegovina and, in a fundamental way, to the social restructuring of the reform states in Eastern and East-central Europe. However, it also applies, as Hans-Joachim Gießmann warns us, to the Western states which "should be measured by the extent to which (they) have themselves met the requirements they have set for the establishment of civil societies".<sup>21</sup>

But does this also apply to the Central Asian States participating in the OSCE? If one agrees with the former Secretary General of the OSCE, it was not only "right to invite these countries into the CSCE in 1992 following the collapse of the Soviet Union"<sup>22</sup>; beyond that, the OSCE has, through its support program, contributed to "the stabilization of the Central Asian region" by "strengthening the habit of dialogue, supporting integrative forces in the region itself and building up the position of States from that region within the OSCE".<sup>23</sup>

This judgement is supported by the two articles in this volume which stem from and concern themselves with Uzbekistan and Kyrgyzstan. For example, Alois Reznik, Head of the OSCE Liaison Office for Central Asia in Tashkent, cites the final report of the UNDP Mission which confirms "that the basic democratic institutions (...) had been created in Uzbekistan within a short time" and that "the structures of a civil society were beginning to develop".<sup>24</sup> Still, some criticism seems in order. Omar A. Sultanov, Kyrgyzstan's Permanent Representative to the OSCE, writes in his article: "A comprehensive democratization of the country is being presented as almost the *only* solution for the situation that has arisen (...) But the question is whether this view is sufficient and, if it is, whether democratization can even succeed fully under present conditions, when the risk of destabilization in the entire Central Asian region is greater than ever before."<sup>25</sup>

### *The Comparative Advantages and Strengths of the OSCE*

We shall return to this criticism of Sultanov's, which is directed not so much against the concept of a civil society as against the inadequacy of its financ-

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<sup>20</sup> Cotti, cited above (Note 13), Höynck, cited above (Note 6), p. 69.

<sup>21</sup> Gießmann, cited above (Note 6), p. 189.

<sup>22</sup> Höynck, cited above (Note 6), p. 71.

<sup>23</sup> Ibid.

<sup>24</sup> Alois Reznik, Uzbekistan and the OSCE, in this volume, p. 143.

<sup>25</sup> Sultanov, cited above (Note 6), p. 134 (emphasis in the original text).

ing. Despite the criticism, the OSCE's efforts are fundamentally correct. What other European institution, if not the OSCE, should pursue this cause? What emerge from this question are the comparative advantages and strengths of the OSCE. According to Höynck, the former Secretary General of the OSCE, they lie in the "institution of the Chairman-in-Office as a source of energy and inspiration, renewed each year", further in "the direct engagement of the participating States" and, finally, "in the lean administration of all OSCE institutions by a highly competent core group".<sup>26</sup> Whoever reads attentively the enthusiastic article in this Yearbook by the former OSCE Chairman-in-Office, Hungarian Foreign Minister László Kovács, will find Höynck's statements fully confirmed.<sup>27</sup> The same holds true for the Hungarian Ambassador and Head of his OSCE delegation, Márton Krasznai, and for his analysis of the work of the OSCE's Permanent Council.<sup>28</sup> Even so, a further element must be added to those listed by Höynck. In fact, the OSCE's main strengths or advantages - in comparison with institutions such as the EU, the WEU, the Council of Europe or NATO - also lie precisely in its broad range of participants and its comprehensive concept of security. In the view of the Swiss contributors, von Tscharner and von Castelmur, for example, the OSCE constitutes "the broadest dialogue network in Europe. It is only in the OSCE that all 55 States in the region between Vancouver and Vladivostok participate".<sup>29</sup> Even from the British perspective, as described by Andrew Cottey, the OSCE, which Great Britain generally tends to view with reservation, has "a number of advantages which make it suited for particular roles. The OSCE's central advantage is that it remains 'the European security structure with the broadest membership', providing it with a 'unique perspective for promoting peace and stability in Europe' (...) The OSCE's pan-European membership and agreed norms also give it a legitimacy and authority which other institutions, such as NATO and the European Union (EU), lack".<sup>30</sup> In the words of Régis de Belenet of the French Foreign Ministry, the "following principle guides the French approach: the OSCE is the only European security institution offering a multi-lateral framework in which Russia can carry on a direct dialogue with all other European countries (...) It is the largest pan-European and trans-Atlantic forum for cooperation and dialogue on common security interests."<sup>31</sup>

<sup>26</sup> For more see Höynck, cited above (Note 6), p. 75.

<sup>27</sup> László Kovács, *The Future Role of the OSCE in the European Security Architecture*, in this volume, pp. 57-67.

<sup>28</sup> Márton Krasznai, *Consultation and Political Dialogue in the Permanent Council*, in this volume, pp. 345-353.

<sup>29</sup> Von Tscharner/von Castelmur, Cited above (Note 6), p. 229.

<sup>30</sup> Andrew Cottey, *Britain and the OSCE*, in this volume, pp. 94-95.

<sup>31</sup> Régis de Belenet, *France and the OSCE: the OSCE in Today's Europe*, in this volume, p. 89.

As a consequence, the opportunities for making arrangements that transcend borders are seen to lie in the OSCE and not in other European institutions and structures. This applies, as already mentioned, to the international fight against crime.<sup>32</sup> And it is particularly true of the OSCE's "economic dimension". According to Hans-Hermann Höhmann of the Federal Institute for Russian, East European and International Studies in Cologne, the value of the economic and social activities of OSCE lies in the fact that "the OSCE is the largest institutionalized forum, focused on but at the same time transcending Europe, for the discussion of relations between economic, ecological and social developments, on the one hand, and the entire complex of security issues on the other. At the same time, it is a forum in which developed industrial countries and less developed transitional countries have almost equal shares of the overall membership. This not only opens up the possibility of an East-West dialogue but offers an opportunity for intensive communication amongst Eastern participating States - badly needed to discuss regional cooperation, which is still too weakly developed as a result of the attractive force of the EU, and to forestall further disintegration of the economic space in Eastern Europe. In addition - an aspect which is of particular importance for CIS members - the OSCE is the most important pan-European organization which includes countries that never have an opportunity to become real economic partners, let alone become full members of the EU."<sup>33</sup>

*Foundation of the European Security Structure - Basis of the European Security Space*

Is the OSCE, then, more than just one institution among others in the concert of European and trans-Atlantic arrangements? Does the OSCE have - as former Ambassador Jonathan Dean stated in last year's Yearbook - "the potential, as it enters its third decade, to become the prime security organization in Europe"?<sup>34</sup>

In the opinion of the former Chairman-in-Office of the OSCE, László Kovács, the OSCE, based on its "comprehensive and integrative character" is in any event "suitable as the basis for creating a security space that will guarantee greater security and stability for all participating States".<sup>35</sup> And the Director for Strategic Affairs, Security and Disarmament in the French Foreign

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<sup>32</sup> See Note 9.

<sup>33</sup> Höhmann, cited above (Note 6), p. 323.

<sup>34</sup> Jonathan Dean, Die Vereinigten Staaten und die OSZE - Im Wechsel von Förderung und "wohlwollender Vernachlässigung" [The United States and the OSCE - Alternating between Support and "Benign Neglect"], in: OSZE-Jahrbuch 1995, cited above (Note 4), p. 107; see also: Lutz, cited above (Note 4), p. 96.

<sup>35</sup> Kovács, cited above (Note 27), p. 66.

Ministry, Régis de Belenet, writes in his contribution to this volume: "In the debate on the various concepts of European security (...) we are in favor of making the OSCE the foundation of European security architecture."<sup>36</sup>

### *Mutually Reinforcing Institutions*

The concepts of "foundation" and "basis" as a characterization of the OSCE do not (or not yet), however, signify a desire "to put it above the other security organizations in Europe".<sup>37</sup> The assumption underlying the positions of a majority of OSCE States and the majority of articles in the Yearbook on hand is that of an "institutional network", a "network of complementary and mutually reinforcing institutions".<sup>38</sup> Ortwin Hennig, for example, in his analysis of the "Code of Conduct on Politico-Military Aspects of Security", describes the OSCE's relationship with other security institutions as follows: "A 'key role' is assigned to the OSCE for a system of cooperative security in the OSCE area. But the fact that the OSCE States have agreed to go on developing 'complementary and mutually reinforcing institutions' makes clear that there is to be no hierarchical order amongst the various security institutions."<sup>39</sup> If one accepts the interpretation of von Tscharner and von Castelmur, this statement is not only confirmed by the current OSCE discussions on the "Security Model for Europe for the 21st Century"<sup>40</sup> but will doubtless continue to hold true for the coming years.

It is questionable, to be sure, whether the theoretical construct of an institutional network in fact does justice to the contrariness of the real situation. Won't the magic formula of "interlocking institutions" turn out to be an empty phrase - as Ralf Roloff<sup>41</sup> has already suggested in the 1995 Yearbook - with "interlocking" turning into "interblocking"? Pál Dunay and Wolfgang Zellner state that "the Stability Pact proved that the often-cited 'interlocking

<sup>36</sup> De Belenet, cited above (Note 31), p. 90.

<sup>37</sup> Ibid.

<sup>38</sup> See for example the articles in this volume by Cottey, cited above (Note 30), p. 100; Pál Dunay/Wolfgang Zellner, The Pact on Stability in Europe - A Diplomatic Episode or a Lasting Success?, in this volume, p. 310; Gyarmati, cited above (Note 5), p. 180; Hennig, cited above (Note 6) p. 283; Höynck, cited above (Note 6), p. 69; Kovács, cited above (Note 27) pp. 59-60; Krasznai, cited above (Note 28), p. 353; Jerzy M. Nowak, Poland and the OSCE: In Search of more Effective European Security, in this volume, pp. 122, 125; Ingo Peters, The Relations of the OSCE to Other International Organizations, in this volume, pp. 385ff.; von Tscharner/von Castelmur, cited above (Note 6) pp. 234, 237.

<sup>39</sup> Hennig, cited above (Note 6), p. 283.

<sup>40</sup> See von Tscharner/von Castelmur, cited above (Note 6), pp. 234, 237, 239.

<sup>41</sup> Ralf Roloff, Die OSZE und das Verhältnis zu den Vereinten Nationen - Im Wechsel von Kooperation, Konkurrenz und Subsidiarität [The OSCE and its Relations to the United Nations - Alternating between Cooperation, Competition and Subsidiarity], in: OSZE-Jahrbuch 1995, cited above (Note 4), p. 375; see also Lutz, cited above (Note 4), p. 82ff.

institutions' really can interlock in a useful way and do not have to stymie each other through institutional egoism".<sup>42</sup> The Head of the OSCE Mission to Bosnia and Herzegovina, US Ambassador Robert H. Frowick, also offers praise in his article in the volume on hand: "IFOR support for the OSCE Mission has been exceptionally outstanding."<sup>43</sup> But these examples still seem to be more the exception than the rule. Ingo Peters of the Free University, Berlin, at any rate, draws a clearly negative balance at the end of his systematic analysis of the "Relations of the OSCE to Other International Organizations": "Still, the overall impression one gets of the network of European security institutions is doubtless one of institutional competition, inadequate coordination and cooperation between them and, as a result, of insufficiency in achieving the common goals of the international community as well as inefficiency in the tools and instruments used. The evidence has been provided by our practical experience, e.g. with regard to the role of international institutions in conflict prevention and crisis management in former Yugoslavia or in the successor states to the Soviet Union. Moreover, the documents produced by the various institutions contain repeated confessions of the urgent need to improve coordination and cooperation also between them; these too point to existing weaknesses."<sup>44</sup>

#### *A Regional System of Collective Security in and for Europe*

Is it then the case that the search for an alternative peace and security policy for Europe has not yet been completed? Is the modification of the European security structure toward a regional system of collective security such as was proposed, for example, by the Hamburg Peace Research Institute (IFSH) in its ESC study<sup>45</sup>, an absolute necessity? The Charter of the United Nations not only provides for such regional systems but actually assigns priority to them. The same holds true for the constitutions of some countries, e.g. for the Basic Law of the Federal Republic of Germany.<sup>46</sup> A number of OSCE/CSCE States attributed great importance to collective security in the period immediately after 1989, as Hans-Joachim Gießmann wrote in last year's Yearbook: "The

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<sup>42</sup> Dunay/Zellner, cited above (Note 38), p. 310.

<sup>43</sup> Robert H. Frowick, The OSCE Mission to Bosnia and Herzegovina, in this volume, p. 174.

<sup>44</sup> Peters, cited above (Note 38), p. 398.

<sup>45</sup> Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg (IFSH) [Institute for Peace Research and Security Policy at the University of Hamburg (IFSH)], The European Security Community (ESC), The Security Model for the Twenty-First Century, Baden-Baden 1996.

<sup>46</sup> See for example: Dieter S. Lutz, Krieg und Frieden als Rechtsfrage im Parlamentarischen Rat 1948/1949 [War and Peace as a Legal Question in the Parliamentary Council 1948/1949], Baden-Baden 1982.

plan for expanding the CSCE into a collective security system which was put forward by the then Foreign Ministers of the Soviet Union and Czechoslovakia, Eduard Shevardnadse and Jiri Dienstbier, represented at the time the conviction of the majority in the states of Eastern Central Europe."<sup>47</sup>

A short time later, however, this conviction gave way to a more sober view, as Jan Pecháček of the Czech Foreign Ministry writes<sup>48</sup> and as the Polish Ambassador to the OSCE, Jerzy M. Nowak, also reports in the Yearbook on hand: "However, some of the early initiatives, hastily formulated under new conditions and in a mood of euphoria, were more like 'ambitious experiments' than realistic objectives, and were sometimes 'at odds with the main stream security thinking of the West'. For example, in early 1990 Poland proposed the creation of a Council of European Cooperation within the CSCE. This was followed by a more developed Czechoslovak proposal calling for the dissolution of both NATO and the Warsaw Pact and suggesting a treaty on European security under the aegis of the CSCE."<sup>49</sup>

What the Pole, Nowak, means by the "main stream" thinking of the West with regard to collective security is formulated by the Briton, Cottey, on behalf of his country in the following terms: "Britain has (...) opposed proposals to turn the OSCE into a collective security organization involving formal security guarantees, a Security Council or OSCE armed forces. British officials argue that such ideas are unrealistic, would threaten the OSCE's character as an inclusive, cooperative security organization, and could undermine NATO."<sup>50</sup> In the judgement of Benedikt von Tscharner and Linus von Castelmur, this attitude, which is shared by a majority of OSCE States, is not likely to change in the future. With a view to the work being done on the Security Model for the 21st Century, the two Swiss writers state: "We know what the Security Model cannot be: a ponderous new collective security structure with rigid and binding allocation of tasks which claims exclusive responsibility for security in Europe and, from a position at the top of the hierarchy, dictates to other institutions what they must do."<sup>51</sup>

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<sup>47</sup> Hans-Joachim Gießmann, Die "Westdrift" Ostmitteleuropas [The "Western Drift" of Eastern Central Europe] in: OSZE-Jahrbuch 1995, cited above (Note 4), p. 356 ff.

<sup>48</sup> Jan Pecháček, The Czech Republic and the OSCE, in this volume, pp. 106-107.

<sup>49</sup> Nowak, cited above (Note 38), p. 115; see also p. 116: "(...) there were no illusions that the CSCE had the potential to offer so-called 'hard security guarantees' or to serve as a collective security structure."

<sup>50</sup> Cottey, cited above (Note 30), p. 102; see also pp. 95 and 101.

<sup>51</sup> Von Tscharner/von Castelmur, cited above (Note 6), p. 239ff.

*The Code of Conduct on Politico-Military Aspects of Security*

These judgements of Cottey, von Tscharnher and von Castelmur are more than realistic. Even so, they do not fully take into consideration the possible effects of the "Code of Conduct on Politico-Military Aspects of Security"<sup>52</sup> adopted by the Budapest Review Conference in 1994.

At the heart of this Code of Conduct "are guidelines for tying armed forces into the democratic structures of a civil society characterized by separation of powers and the rule of law. At the same time it sets forth rules for the permissible use of armed forces, not only externally but also in domestic conflicts (...) At the same time, the Code affirms and refines those OSCE norms designed to ensure security and stability in international relations. At the center is the prohibition of the use of force, which is embodied in a number of fundamental security commitments."<sup>53</sup>

According to Jonathan Dean, the OSCE participating States most active in working out this text were "Poland, the European Union, acting as a unit, and Austria and Hungary in tandem. Poland's approach was the most ambitious in the political sense; its underlying aim was to use the formulation of the Code as the *kernel of a European security system*".<sup>54</sup> In point of fact, Dean says, the principles in the text of this Code "contain new material going beyond earlier CSCE decisions"<sup>55</sup> and Ortwin Hennig points out that "the call for solidarity in the Code of Conduct offers a usable normative basis for the possible expansion of the OSCE into *a system of collective security* which, when there is a threat of military force, guarantees a certain level of solidarity from the other participating States".<sup>56</sup>

Is the OSCE after all embarked on the path to a regional system of collective security in and for Europe? The Deputy Head of the German Permanent Mission to the OSCE, Ortwin Hennig, casts doubt on this prospect when he writes that the commitments included in the Code "in no way alter the fact that for the foreseeable future the OSCE will not be able to offer its participants the protection of a functioning system of collective security".<sup>57</sup> Jonathan Dean, too, is skeptical: the Code of Conduct "joins other OSCE concepts and projects in waiting for the day when OSCE gains sufficient weight to put more energy and authority behind implementing its own decisions and principles".<sup>58</sup>

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<sup>52</sup> Cf. Budapest Document 1994, cited above (Note 15), pp. 87-91.

<sup>53</sup> Hennig, cited above (Note 6), pp. 273-274.

<sup>54</sup> Jonathan Dean, *The OSCE "Code of Conduct on Politico-Military Aspects of Security": A Good Idea, Imperfectly Executed, Weakly Followed-up*, in this volume, p. 292 (emphasis added by DSL).

<sup>55</sup> *Ibid.*, p. 294.

<sup>56</sup> Hennig, cited above (Note 6), pp. 282-283 (emphasis added by DSL).

<sup>57</sup> *Ibid.*, p. 282.

<sup>58</sup> Jonathan Dean, cited above (Note 54), p. 298.

*The Code of Conduct on Politico-Democratic Aspects of Co-operation and the Proposal for a Code of Conduct on Economic, Social and Environmental Aspects of Security*

Dean's criticism may be justified for the present. Even so, the Code has promoted additional projects and related ideas in neighboring fields of security. In 1995 and 1996, especially the Parliamentary Assembly of the OSCE, at the initiative of the President of the German *Bundestag* and Head of the German Delegation, Rita Süßmuth, established an ad hoc committee to work out a "Code of Conduct on Politico-Democratic Aspects of Co-operation". This Code of Conduct which, according to Michael Fuchs and Angelika Pendzich-von Winter, was to be worked out "to parallel and supplement the 'Code of Conduct on Politico-Military Aspects of Security' which had been adopted by the OSCE executive",<sup>59</sup> was recently adopted unanimously by the Fifth Annual Session of the Parliamentary Assembly in July 1996 in Stockholm. In addition, as reported by Benedikt von Tscharner and Linus von Castelmur, there was a proposal in connection with the work on a Security Model for the 21st Century to produce a "Code of Conduct on Economic, Social and Environmental Aspects of Security".<sup>60</sup> We must wait and see what consequences, if any, this proposal, presented by the Russians, will have.

*The "Obligation to Intervene" or: The Principle of "Human Rights above National Sovereignty"*

One thing that underlies the Code of Conduct and, in a general way, distinguishes the OSCE from other international organizations<sup>61</sup> is doubtless the resolution of the tension between two fundamental principles of international law: the right of self-determination, on the one hand, and territorial integrity along with state sovereignty on the other.<sup>62</sup> Hitherto, customary law stipulates "that states may not intervene in matters which are essentially within the domestic jurisdiction of another state. But the area thus reserved to the states has not been defined conclusively or in a generally valid way. Internationalized, and thus removed from the exclusive domestic jurisdiction of states are, first, all matters regulated by international law. Thus the scope of the *domaine réservé* of states varies, depending on treaty ties of a bilateral and

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<sup>59</sup> Fuchs/Penzich-von Winter, cited above (Note 16), p. 359.

<sup>60</sup> Von Tscharner/von Castelmur, cited above (Note 6), p. 236.

<sup>61</sup> "The OSCE's norms on protection of minorities, for example, *go beyond* those of the UN, especially with regard to the explicit authority to involve itself in the internal conflicts of countries." Peters, cited above (Note 38), p. 387 (emphasis added by DSL).

<sup>62</sup> Cf. also: Hennig, cited above (Note 6), p. 285.

multilateral kind, and it has been especially eroded by the international protection of human rights.

But it is not just through rules of international law that matters are internationalized. Non-legal agreements and other international soft law can accomplish this as well. It was in this sense that the Foreign Minister of the Federal Republic of Germany pointed out that 'applying pressure to ensure that the commitments taken over from the Final Act of Helsinki are observed does not constitute intervention in the internal affairs of another state'. Thus it is no longer an intervention when the participating States of the OSCE deal with the constitutional order of other participating States, which traditionally belongs to the core elements of states' sovereignty. Starting with the Conference on the Human Dimension and the Charter of Paris, democracy, the separation of powers and the rule of law have become international matters, subject to international control through the Moscow Mechanism and the implementation meetings on human dimension issues."<sup>63</sup>

This opinion of the legal scholar, Ulrich Fastenrath, is emphatically supported by the past OSCE Secretary General, Wilhelm Höynck: "The new threats to security, including nationalism and intolerance, are mainly the result of domestic problems. For that reason, the principle of 'human rights above national sovereignty' is of particular importance for the OSCE's efforts in the area of conflict prevention. Questions of human rights, democracy and the rule of law are of concern to all in the OSCE and their discussion cannot be abridged by objections based on national sovereignty. This principle makes it possible to have a direct and open conversation between all 'concerned' and works against security risks resulting from insufficient democracy. Democratic and pluralistic social structures help to maintain a balance between the interests of minorities in a given country and the overall interest of that state. This principle of a 'legitimate concern on the part of all' or of an obligation to intervene is one aspect of the OSCE's concept of comprehensive security; it strengthens and binds together the civil societies. By agreeing to the dispatch of an OSCE Assistance Group to Grozny, Russia strengthened the OSCE's right of intervention."<sup>64</sup>

What Fastenrath and Höynck put on record in their articles in the Yearbook on hand<sup>65</sup> is the 'obligation of the community of nations to intervene'. In the logic of language and law, however, they can no longer speak of intervention since the circumstances that justify intervention in the internal affairs of another State have been internationalized and thus removed from the sole competence of an individual State. If the diplomat Höynck nevertheless

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<sup>63</sup> Ulrich Fastenrath, *The Legal Significance of CSCE/OSCE Documents*, in this volume, p. 426.

<sup>64</sup> Höynck, cited above (Note 6), pp. 71-72.

<sup>65</sup> See also: Gyarmati, cited above (Note 5), p. 178.

speaks of an "obligation to intervene" (unlike the legal scholar, Fastenrath) it is out of a debt to the moral and ethical feelings of the general public. In common parlance, the principles of "human rights above national sovereignty" and of "legitimate concern" will no doubt continue to be summarized and articulated as an "obligation to intervene".<sup>66</sup>

*Solidarity and Mutual Assistance - Security Guarantees and the OSCE's Own Peacekeeping Forces*

"Intervention" and "being concerned" are two sides of the same coin. "Solidarity", for its part, is the twin sister of "concern". With the principle of "human rights above national sovereignty" the OSCE is thus venturing into new territory in a two-fold sense. It is setting out on a path whose structural consequences - including those of an economic and social kind - could, if it is consistently followed to the end, go far beyond what has hitherto been contemplated. In the narrower sense of security policy, the result could be mutual assistance guarantees and peacekeeping forces belonging to the OSCE itself.<sup>67</sup> A first step in this direction already exists in the Code of Conduct on Politico-Military Aspects of Security: "(The CSCE States) are determined to act in solidarity if CSCE norms and commitments are violated and to facilitate concerted responses to security challenges that they may face as a result. They will consult promptly, in conformity with their CSCE responsibilities, with a participating State seeking assistance in realizing its individual or collective self-defence. They will consider jointly the nature of the threat and actions that may be required in defence of their common values."<sup>68</sup>

According to Ortwin Hennig in this volume, "at first blush these commitments do not seem to go very far. But they represent a first step toward a concrete mutual commitment of countries to support each other in warding off attacks against their security. They in no way alter the fact that for the foreseeable future the OSCE will not be able to offer its participants the protection of a functioning system of collective security since it, unlike the UN, does not have the means to put the violator in his place with coercive force when a breach of law has occurred. Indivisible security, which really does apply to all OSCE States, is an objective but, as Bosnia and Herzegovina as well as the Caucasus have demonstrated, still not the reality. Even so, the call

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<sup>66</sup> Perhaps they will even *have to be* articulated that way. There will probably always be a few States that oppose these principles and try to maintain the fiction of "internal affairs"; see also: Kovács, cited above (Note 27), pp. 62ff.; also the examples offered in: Gießmann, cited above (Note 6), pp. 190ff.; Dunay/Zellner, cited above (Note 38), p. 311.

<sup>67</sup> Cf. in this connection: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg (IFSH), The European Security Community (ESC), cited above (Note 45).

<sup>68</sup> Budapest Document 1994, cited above (Note 15), p. 88.

for solidarity in the Code of Conduct" - as already noted - "offers a usable normative basis for the possible expansion of the OSCE into a system of collective security which, when there is a threat of military force, guarantees a certain level of solidarity from the other participating States."<sup>69</sup>

The former Foreign Minister, Genscher, calls as well for an option to send out peacekeeping forces. His article in the volume on hand states, *inter alia*, that "the proposal, based on an initiative of Foreign Minister Kinkel and his then Dutch colleague, Koojmans, that the OSCE must be enabled to recommend coercive measures to the UN Security Council, even without the agreement of the parties to the conflict, should be put into effect quickly. But the effectiveness of such decisions depends heavily on whether the OSCE has the instruments to carry them out. These includes the dispatch of peacekeeping troops if other measures do not lead to the desired result."<sup>70</sup>

We have a long way to go, however, before these proposals by Genscher and others can be realized. For the time being, Andrew Cottey is probably correct in his estimate that "the reluctance of the major powers to intervene militarily in the Yugoslav conflict certainly suggests that hopes for the provision of mutual security guarantees to all OSCE States or widespread use of OSCE peacekeeping or enforcement forces are unrealistic".<sup>71</sup>

#### *Activities and Responsibilities of the OSCE*

It remains to be seen whether and how the Code of Conduct and the principles it enunciates will influence the OSCE and what the role and the significance of the OSCE will be in security structures now under development. The former Secretary General of the OSCE, Wilhelm Höynck, believes that our "main concern, therefore, need not be about the OSCE as an institution but about the fulfillment of its responsibilities".<sup>72</sup> Among these tasks<sup>73</sup> in recent months were the following:

- the continuation of numerous missions, e.g. in the Baltic states, Croatia, Nagorno-Karabakh and Macedonia,
- election monitoring,<sup>74</sup>
- the work on the Security Model for the 21st Century,<sup>75</sup>

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<sup>69</sup> Hennig, cited above (Note 6), pp. 282-283.

<sup>70</sup> Genscher, cited above (Note 4), p. 53.

<sup>71</sup> Cottey, cited above (Note 30), p. 102.

<sup>72</sup> Höynck, cited above (Note 6), p. 74.

<sup>73</sup> For an abstract definition, cf. Kovács, cited above (Note 27), pp. 60-62.

<sup>74</sup> Cf. Gerald Mitchell, Election Observation is More than just a One Day Event, in this volume pp. 199-210; Peter Emery, OSCE Parliamentary Assembly Election Monitoring: The 1995 Russian Elections, in this volume, pp. 211-224; Frowick, cited above (Note 43).

<sup>75</sup> Cf. von Tscharnher/von Castelmur, cited above (Note 6).

- arms control and disarmament efforts,<sup>76</sup>
- the promotion of democracy and of civil societies,<sup>77</sup>
- overcoming problems of economic and social transformation,<sup>78</sup>
- the activities of the High Commissioner on National Minorities,<sup>79</sup>
- and, above all, the fulfillment of the requirements in Bosnia and Herzegovina.<sup>80</sup>

The missions to the states and regions listed will be treated in the Yearbook in two-year cycles. Since they were covered extensively in 1995,<sup>81</sup> the Yearbook on hand will be limited to two first-hand reports on developments in Chechnya and on the major tasks in Bosnia and Herzegovina.

Among the lessons which István Gyarmati, the Chairman's Personal Representative in Chechnya, learned from the OSCE's engagement there is the recognition that "few diplomats and military experts can accomplish miracles", assuming that the international organization which they represent remains "neutral".<sup>82</sup> Additional lessons from the OSCE's undertaking in Chechnya include that "one must interfere in a conflict at the earliest possible stage. But we should also not shy away from playing an active role at a later stage."<sup>83</sup>

This last point certainly applies with particular force to the "afterthoughts" in connection with the armed conflict in Bosnia and Herzegovina following the Dayton Agreement. If we can believe Robert H. Frowick, the Head of the OSCE Mission to Sarajevo, the elections which had to be set up there were the "most complex ever".<sup>84</sup> In Frowick's view, the OSCE meets "the extraordinary challenges" and "is doing its best".<sup>85</sup>

With a view to the election scheduled for 14 September, we must wait and see what the result of this aspect of the OSCE effort will be; however, the OSCE's engagement - and that of Germany in particular - in the field of arms control can already be expressed in terms of concrete data and facts. According to Rüdiger Hartmann, the German Government Commissioner for Disarmament and Arms Control, "the stocks of heavy weapons in the region (...)

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<sup>76</sup> Cf. Wallner, cited above (Note 6); Rüdiger Hartmann, *The Significance of Regional Arms Control Efforts for the Future of Conventional Arms Control in Europe, Exemplified by the Arms Control Negotiations in Accordance with the Dayton Agreement*, in this volume pp. 253-263.

<sup>77</sup> See Note 19.

<sup>78</sup> Cf. Höhmann, cited above (Note 6).

<sup>79</sup> Cf. Timmermans, cited above (Note 6).

<sup>80</sup> Cf. Frowick, cited above (Note 43); Hartmann, cited above (Note 76).

<sup>81</sup> Cf. OSZE-Jahrbuch 1995, cited above (Note 4), particularly pp. 147-220.

<sup>82</sup> Gyarmati, cited above (Note 5), p. 184.

<sup>83</sup> Ibid.

<sup>84</sup> Frowick, cited above (Note 43), p. 170.

<sup>85</sup> Ibid., p. 174.

will be reduced by about a third. When reductions are complete, *all* Parties will have fewer weapons than before."<sup>86</sup>

If the OSCE's efforts and achievements in Bosnia and Herzegovina can be described as spectacular, this is not true of most of the rest of its activities. Among those of public interest is perhaps the not yet concluded work on the Security Model for the 21st Century and the implementation of the arms control agreements in the CFE Treaty. Election monitoring, diplomatic missions and the activities of the High Commissioner on National Minorities, for their part, belong to the area of preventive diplomacy - the quiet and discrete activities whose successes are not so readily apparent to the public eye. It remains true that a conflict that has not taken place is not worth a news report.<sup>87</sup> But this phenomenon does not detract from the capabilities and successes of the OSCE, which are generally judged positively in the articles in the Yearbook on hand; on the contrary, if it is rightly understood it confirms them.

### *Criticism of the OSCE*

As appropriate as this praise of the OSCE - of its accomplishments and successes - is, it should not make us close our eyes to those areas where justifiable criticism exists. Among those touched on by the authors are:

- neglect of the OSCE's own potential for pursuing a pan-European stability policy favoring the so-called enlargement of NATO,<sup>88</sup>
- weaknesses in the cooperation between OSCE and the concrete efforts and programs of the "Partnership for Peace",<sup>89</sup>
- the modest results of the Pact on Stability,<sup>90</sup>
- the substantial weaknesses in the network of interlocking and mutually reinforcing institutions,<sup>91</sup>
- the nominal transformation of the CSCE into the OSCE, i.e. into an organization, but without giving it the status of an organization,<sup>92</sup>

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<sup>86</sup> Hartmann, cited above (Note 76), p. 261 (emphasis in original).

<sup>87</sup> See: Dieter S. Lutz, Vorwort [Foreword], in: OSZE-Jahrbuch 1995, cited above (Note 4), p. 9.

<sup>88</sup> "This is a mistake" says Genscher, cited above (Note 4), p. 52.

<sup>89</sup> Cf. Höynck, cited above (Note 6), p. 74.

<sup>90</sup> Cf. Dunay/Zellner, cited above (Note 38), p. 309.

<sup>91</sup> Cf. Peters, cited above (Note 38), particularly pp. 397-399.

<sup>92</sup> The Budapest Document of 1994 states *inter alia*: "The change in name from CSCE to OSCE alters neither the character of our CSCE commitments nor the status of the CSCE and its institutions", Budapest Document 1994, cited above (Note 15), p. 84. This leads, among other things, to the "noteworthy fact" that the member states of the OSCE still have to be referred to as participating States - a phenomenon which caused even the contributions of OSCE office holders and functionaries in the 1996 OSCE Yearbook occasionally to require the corrective hand of the editor.

- the fundamental lack of legally binding rules for the protection of minorities,<sup>93</sup>
- the necessity of implementing norms which have been jointly accepted as binding by OSCE States and of supervising and supporting this implementation,<sup>94</sup>
- the indefiniteness and lack of precision of many rules in the Code of Conduct on Politico-Military Aspects of Security, along with the lack of any implementation mechanisms going beyond a vague commitment to provide information,<sup>95</sup>
- the lack of an agreed and precise interpretation of the Principles Governing Conventional Arms Transfers,<sup>96</sup>
- the existence of a two-class system in the verification and evaluation of military data, in which only a few large states (US, Russia, Germany, France, Great Britain) have the means of ensuring that their rights are observed, along with the weak security standards for non-CFE states,<sup>97</sup>
- the one-sided way in which minority problems are dealt with only in Central and Eastern European countries but not in Western Europe,<sup>98</sup>
- the limits on decision-making competences and on the potential of the OSCE Chairman-in-Office,<sup>99</sup>
- the inadequate effectiveness of the (too) numerous mechanisms and structures in the area of the human dimension,<sup>100</sup>
- the artificial separation between consultations on military aspects of security in the Forum for Security Cooperation (FSC) and all other consultations in the Permanent Council of the OSCE,<sup>101</sup>
- the lack of interest on the part of some states in participating in the "conflict early warning system" promptly at the earliest possible time,<sup>102</sup>
- the West's resistance toward further measures to facilitate travel and improve human contacts,<sup>103</sup>
- the lack of ideas for solving the problems of Central Asia,<sup>104</sup>

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<sup>93</sup> Cf. Dunay/Zellner, cited above (Note 38), p. 311; see also Gießmann, cited above (Note 6), pp. 190-192.

<sup>94</sup> Cf. *ibid.*, p. 194.

<sup>95</sup> Cf. Hennig, cited above (Note 6), p. 275; see also pp. 276-277 and 279ff.

<sup>96</sup> Cf. Joanna van Vliet, *Principles Governing the Conventional Arms Transfers*, in this volume, p. 267.

<sup>97</sup> Cf. Wallner, cited above (Note 6), p. 244.

<sup>98</sup> Cf. Dunay/Zellner, cited above (Note 38), p. 302.

<sup>99</sup> Cf. Gyarmati, cited above (Note 5), p. 176.

<sup>100</sup> Cf. Höynck, cited above (Note 6), p. 70.

<sup>101</sup> Cf. *ibid.*, p. 74.

<sup>102</sup> Cf. Gyarmati, cited above (Note 5), p. 182.

<sup>103</sup> Cf. Nowak, cited above (Note 38), p. 119.

<sup>104</sup> Cf. Sultanov, cited above (Note 6), pp. 134ff.

- the insufficient attention given to the Afghan conflict as a threat to the international community,<sup>105</sup>
- the inadequate adaptation of arms control and of arms control ideas to new circumstances such as future forms of high technology or the planned enlargement of NATO,<sup>106</sup>
- the rhetorical character of the economic dimension of the OSCE,<sup>107</sup>
- the inadequacy of means to provide economic-environmental-social backing for security and stability through a network of institutions or through financial resources of the OSCE.<sup>108</sup>

### *Economy and Finances*

These last two areas where problems exist and criticism has been heard - economy and finances - are unquestionably of special importance. Traditionally, the work of the CSCE/OSCE has been oriented toward the "three baskets" of the Helsinki Final Act. Economic questions belong in the "second basket". In the CSCE framework they tended to be neglected - also a kind of tradition.<sup>109</sup> In the OSCE they are discussed mainly in the annual Economic Forum at the level of the Senior Council. In addition to that, Höynck points out in this volume, "economic cooperation between the participating States of the OSCE is supported by numerous specialized organizations".<sup>110</sup> Nevertheless, there still seems to be a substantial gap between the claims and the reality: on the one hand, there is no statement on a comprehensive security concept for the OSCE and no discussion of the Security Model for the 21st Century which does not emphasize the connection between economic and military security;<sup>111</sup> on the other hand, "the range of instruments available to the OSCE for meeting its responsibilities in the economic dimension (...) is also extremely limited", as Hans-Hermann Höhmann writes in the volume on hand<sup>112</sup> and as Ivan Majercin had already emphasized in the 1995 Yearbook.<sup>113</sup> Until very recently, as Omar A. Sultanov writes in the Yearbook on

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<sup>105</sup> Cf. Reznik, cited above (Note 24), p. 141.

<sup>106</sup> Cf. Wallner, cited above (Note 6), p. 251.

<sup>107</sup> Cf. Sultanov, cited above (Note 6), p. 136.

<sup>108</sup> Cf. Höhmann, cited above (Note 6), p. 323.

<sup>109</sup> Cf. Peters, cited above (Note 38), p. 389; also Fuchs/Pendzich-von Winter, cited above (Note 16), p. 361.

<sup>110</sup> Höynck, cited above (Note 6), p. 71.

<sup>111</sup> See, for example, von Tscharnher/von Castelmur, cited above (Note 6), pp. 232, 236, 237; Pecháček, cited above (Note 48), p. 108; Reznik, cited above (Note 24), pp. 142ff.; Timmermans, cited above (Note 6), pp. 365-366; de Belenet, on the other hand, calls on "the OSCE to reduce the economic dimension somewhat", cited above (Note 31), p. 90.

<sup>112</sup> Höhmann, cited above (Note 6), p. 322.

<sup>113</sup> Ivan Majercin, Die wirtschaftliche Dimension der OSZE: Neue Herausforderungen [The Economic Dimension of the OSCE: New Challenges], in: OSZE-Jahrbuch 1995, cited above (Note 4), pp. 368ff.

hand, the economic basket has been a "Cinderella along side of two beautiful sisters".<sup>114</sup>

A similar point can be made about the finances of the OSCE itself. While the acting Secretary General at the time the first Yearbook was presented was unwilling to admit to a financial problem,<sup>115</sup> Höynck writes in this year's volume, not without a critical undertone, that the Office for Democratic Institutions and Human Rights (ODIHR) accomplishes a remarkable amount "with a small staff and a very limited budget".<sup>116</sup> Or, that "a *solid financial basis*" is one of the decisive elements in the success of a mission.<sup>117</sup> A number of authors of the Yearbook on hand make this point even more clearly than Höynck.<sup>118</sup> For example, István Gyarmati, Personal Representative of the Chairman-in-Office of the OSCE, writes with respect to the Conflict Prevention Centre: "The OSCE works very cost-effectively. But a certain standard has to be assured. The Secretariat must be able to provide full support for the missions. Today, it cannot. The Secretariat - read: Conflict Prevention Centre - does not have the size of staff it needs, the missions are not financed in such a way that they can work effectively and financial matters are handled much too bureaucratically."<sup>119</sup> If we look at the very limited - indeed, almost laughably small - budget<sup>120</sup> of the OSCE (the figure for the regular budget in 1995 was US Dollars 30.6 million<sup>121</sup>) then this and similar complaints become readily understandable. Among the consequences are the cessation of some activities<sup>122</sup> and the appeal (more accurately, begging) for additional voluntary contributions.<sup>123</sup> In the meantime, there are even jokes making the round about the financial operations and behavior of the OSCE.<sup>124</sup> It is quite clear that the OSCE and its participating States have not yet taken sufficiently to heart the philosophy of conflict prevention which they like to propagate:

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<sup>114</sup> Sultanov, cited above, (Note 6), p. 136.

<sup>115</sup> Press Conference at the City Hall in Hamburg on 8 September 1995.

<sup>116</sup> Höynck, cited above (Note 6), p. 70 (emphasis by DSL).

<sup>117</sup> Ibid., p. 73 (emphasis by DSL).

<sup>118</sup> See, among others: Peters, cited above (Note 38), pp. 398-399; Cottey, cited above (Note 30), p. 100; de Belenet, cited above (Note 31), p. 90; Höhmann, cited above (Note 6), p. 322; Gießmann, cited above (Note 6), p. 194; Dunay/ Zellner, cited above (Note 38), p. 306.

<sup>119</sup> Gyarmati, cited above (Note 5), p. 184.

<sup>120</sup> See in this volume: 1995 Annual Report of the OSCE Secretary General, pp. 515-516.

<sup>121</sup> For purposes of comparison, the administrative costs of NATO are said to run to about US Dollars 200 million.

<sup>122</sup> The OSCE is unable financially even to support disarmament liabilities - cf. Jörg Wallner, cited above (Note 6), pp. 242-243.

<sup>123</sup> The former Danish Foreign Minister and Special Representative, Uffe Elleman-Jensen, even had to beg for the resources for Bosnia and Herzegovina when payments into the voluntary fund failed to materialize or did so only very slowly - see Frowick, cited above (Note 43), p. 166.

<sup>124</sup> Cf. Sultanow, cited above (Note 6), p. 135.

"In the end, it is obvious that preventing conflict is cheaper than enforcing or keeping peace and rebuilding societies after a violent conflict."<sup>125</sup>

### *Proposals for Further Development of the OSCE*

Although the criticism enunciated in the last two sections may at first appear overwhelming, it is in no way intended to diminish the importance of the OSCE in the European security structure or the value of the work it has done in recent months and years. On the contrary: rightly understood, it is a plea not against but for the OSCE and for its continuation and further development. After all, only consistent and thoughtful criticism opens the mind for alternatives, other options and proposals. Among the alternatives put forward by the authors of this volume are:

- strengthening the OSCE as a regional arrangement in the sense of Chapter VIII of the UN Charter (principle of "OSCE first", dispatch of OSCE peacekeeping forces),<sup>126</sup>
- discussion of a new overall concept which, along the lines of a Harmel II Report, would point the way to a durable system of security and stability from Vancouver to Vladivostok,<sup>127</sup>
- gradual enactment of the OSCE's system of rules into law,<sup>128</sup>
- continued systematic development of the Code of Conduct on Politico-Military Aspects of Security,<sup>129</sup>
- strengthening cooperation between the OSCE and the programs of "Partnership for Peace",<sup>130</sup>
- strengthening the Mediterranean dimension of the OSCE,<sup>131</sup>
- including internal security matters in the OSCE and promoting cooperation between participating States in all questions relating to fighting criminal activity, especially border-crossing organized crime,<sup>132</sup>
- strengthening the OSCE's decision-making capacity by using and expanding the formula of "consensus minus one",<sup>133</sup>

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<sup>125</sup> Timmermans, cited above (Note 6), p. 367; equally critical: cf. Schelter/Niemeier, cited above (Note 6), p. 330, especially the damage estimates just for organized crime.

<sup>126</sup> Genscher, cited above (Note 4), pp. 52-53.

<sup>127</sup> Ibid., p. 55.

<sup>128</sup> Ibid., p. 52; see also Dean, cited above (Note 54), p. 292; Gießmann, cited above (Note 6), p. 196.

<sup>129</sup> Dean, *ibid.*, esp. p. 297.

<sup>130</sup> Höynck, cited above (Note 6), p. 74.

<sup>131</sup> Sica, cited above (Note 6).

<sup>132</sup> Schelter/Niemeier, cited above (Note 6), p. 332.

<sup>133</sup> Genscher, cited above (Note 4), p. 53; de Belenet, cited above (Note 31), p. 91.

- enlarging the potential for action of the OSCE Chairman-in-Office and Secretary General,<sup>134</sup>
- establishing a Security Council, comparable to the UN Security Council, within the OSCE framework,<sup>135</sup>
- improving the operational relationship between the Forum for Security Cooperation and the Permanent Council,<sup>136</sup>
- deepening mutual relations between the OSCE's Parliamentary Assembly and its executive,<sup>137</sup>
- using carefully selected Special Representatives of the Chairman-in-Office in critical situations affecting the stability and credibility of the OSCE,<sup>138</sup>
- strengthening the OSCE's capacity for acting in the field through its missions,<sup>139</sup>
- focusing OSCE efforts on the removal of potential causes of conflict,<sup>140</sup>
- strengthening support for the process of economic reform along with the development of market economies and environmentally friendly policies,<sup>141</sup>
- expanding the economic functions of the OSCE and strengthening them institutionally,<sup>142</sup>
- improving the financial situation of the OSCE,<sup>143</sup>
- moving ahead with conventional arms control,<sup>144</sup>
- developing the future OSCE arms control agenda,<sup>145</sup>
- establishing an OSCE Conventional Arms Register whose scope would go beyond the categories of arms of the UN Register,<sup>146</sup>
- making information, documents, recommendations, etc. available not only in the official OSCE languages but in the languages of the parties concerned.<sup>147</sup>

This list of ideas put forward by the authors in the volume on hand is by no means complete. It must, in any event, be enlarged to include the numerous

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<sup>134</sup> Genscher, *ibid.*; de Belenet, *ibid.*

<sup>135</sup> Genscher, *ibid.*, pp. 53-54.

<sup>136</sup> Höynck, cited above (Note 6), p. 74.

<sup>137</sup> Fuchs/Pendzich-von Winter, cited above (Note 16), pp. 363-364.

<sup>138</sup> Höynck, cited above (Note 6), pp. 70-71.

<sup>139</sup> De Belenet, cited above (Note 31), p. 91.

<sup>140</sup> Timmermans, cited above (Note 6), p. 366.

<sup>141</sup> Höhmann, cited above (Note 6), pp. 321-322.

<sup>142</sup> *Ibid.*, pp. 323-324.

<sup>143</sup> In this connection, see Notes 107-125.

<sup>144</sup> Genscher, cited above (Note 4), p. 54; but see also the opposing view expressed by

Cottey, cited above (Note 30), p. 98.

<sup>145</sup> Nowak, cited above (Note 38), pp. 122-123.

<sup>146</sup> Van Vliet, cited above (Note 96), p. 272.

<sup>147</sup> Gießmann, cited above (Note 6), p. 198.

proposals made in the course of discussions on a European Security Model for the 21st Century. These proposals are discussed thoroughly in the volume by Benedikt von Tscharnier and Linus von Castelmur.<sup>148</sup>

Which of these ideas and proposals will determine the future contours of the OSCE will depend ultimately on the participating States and on their interests and attitudes toward the OSCE.<sup>149</sup> The former Chairman-in-Office of the OSCE, László Kovács, rightly reminds us in his article of the "generally valid rule that any organization can only be as effective as its members allow".<sup>150</sup> But the necessity of a "common political will" does not rule out the engagement of individual states - on the contrary, it requires such engagement. As Hans-Dietrich Genscher points out, if strengthening the OSCE is an indispensable condition for a just and lasting peaceful order from Vancouver to Vladivostok<sup>151</sup>, it can only be attained through the engagement of all individual states.

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<sup>148</sup> Cited above (Note 6), esp. pp. 233-240.

<sup>149</sup> For a thorough discussion, cf. Kurt P. Tudyka, *The Attitudes of the Participating States Toward the OSCE*, in this volume, pp. 79-86.

<sup>150</sup> Kovács, cited above (Note 27), p. 59.

<sup>151</sup> Genscher, cited above (Note 4), p. 49.