In: IFSH (ed.), OSCE-Yearbook 1995/1996, Baden-Baden 1997, pp. 385-399.

Ingo Peters

The Relations of the OSCE to Other International Organizations

The Organization for Security and Cooperation in Europe is part of a "network of interlocking institutions"[1] which the countries participating in the OSCE, NATO and the WEU described as a necessary condition in order to guarantee security in Europe following the end of the East-West conflict. Additional elements of this network are the United Nations,[2] the Council of Europe and the European Union. The thought underlying this political goal is that a division of labor between the institutions would ideally lead to a more efficient international approach to dealing with problems of collective security. To achieve that the institutions would have to be used in ways appropriate to the problem and in accordance with their own comparative advantage and it would be important to avoid duplication of responsibilities and instruments, with the attendant waste of those scarce resources, time and money.

Despite the declared commonality of this goal the states perceive security problems in Europe from a variety of perspectives. Thus there are usually differing views on the appropriate response to collective challenges, e.g the question of which institution(s) and which means or instruments are most suitable in a given case. Moreover, preferences for the use or development of the various institutions will depend on the prospects a government sees for achieving its own objectives and serving its own values and interests through a given choice. As a result, the network of institutions does not develop according to the criterion of functionality in solving problems but by a process of international negotiations through which the different institutions (whose

1 NATO Press Service, Ministerial Meeting of the North Atlantic Council in Copenhagen, Denmark, 6-7 June 1991, Final Communiqué, Press Communiqué M-1(91)40. Paragraph 3 of the Statement on Partnership with the Countries of Central and Eastern Europe states: "Our common security can best be safeguarded through the further development of a network of interlocking institutions and relationships, constituting a comprehensive architecture in which the Alliance, the process of European integration and the CSCE are key elements." NATO Press Service, Partnership with the Countries of Central and Eastern Europe, Statement issued by the North Atlantic Council meeting in Ministerial Session in Copenhagen on 6th and 7th June 1991, Press Communiqué M-1(91)42, p.2. See also: CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 701-777, Para. 24, pp. 706-707.

2 Belonging to it are a number of subsidiary organizations which are active in Europe, particularly the Economic Commission on Europe (ECE), the UN High Commissioner for Refugees (UNHCR) and the UN Commissioner for Human Rights (UNCHR).

memberships are in part identical) are assigned various fields of responsibility and given specific competences and decision-making structures as well as organs, instruments and resources.[3]

The range of traditional CSCE/OSCE responsibilities until 1990 included the formulation and support of basic principles of relations between states, military confidence- and security-building measures, promotion of economic relations and regulation of humanitarian matters and human rights questions. As a result of international upheavals the number of participants has grown since 1990 from 35 to 55 countries and the catalogue of responsibilities has been expanded to include: support for the democratization process in Central and Eastern European states (CEE states), protection of national minorities and efforts at conflict prevention and political crisis management. Nor is the OSCE any longer exclusively a pan-European forum for dialogue aimed at working out politically binding norms in the relvant fields of policy; it has, in addition, taken on responsibility for collective supervision of the way in which these norms are observed and for numerous operational measures designed to achieve the Organization's goals. The other European security institutions have also acquired new members and their fields of responsibility and competences have also, to varying degrees, been expanded. This development implies that there will be points of contact, overlapping or duplication both *horizontally*, i.e. between the various areas of responsibility, and *vertically*, in the sense of parallel or complementary competences within a single area of responsibility.

Within the framework established by political requirements, the organizations face the task (under the supervision and with the cooperation of the political level) of looking at the division of labor and the forms of cooperation between institutions that have resulted from explicit agreements or from parallel developments in the various institutions and further refining these through formal agreements or informal practices. At least three categories of inter-institutional cooperation can be distinguished: *consultations* in the sense of reciprocal provision of information on collective tasks as well as on the way in which a given institution is dealing with the problem (discussion, decisions, measures); *coordination* of decisions and actions to ensure a rational division of labor and to avoid overlapping or competition; *operational cooperation*, involving political, diplomatic or material support for decisions on operational measures taken by other institutions, and possibly including complementary measures or operational cooperation in jointly executed measures and programs.

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[3] Cf. Ingo Peters, Europäische Sicherheitsinstitutionen: Arbeitsteilung oder Konkurrenz? [European Security Institutions: Division of Labor or Competition?], in: Erhard Forndran/Hans-Dieter Lemke (Eds.), Sicherheitspolitik für Europa zwischen Konsens und Konflikt [Security Policy for Europe Between Consensus and Conflict], Baden-Baden 1995, pp. 277-304.

What sort of overlapping of responsibilities and competences exists between the OSCE and other European security organizations? What kind of formal or informal rules and practices have been developed between the OSCE and other international organizations (IOs) to govern consultations, coordination and operational cooperation between institutions? What weaknesses exist with regard to a functional and politically rational division of labor?

Overlapping of Responsibilities and Competences in European Security Institutions

The collective responsibilities that the participating States have given the OSCE are similar in their range (universal) to those of the UN so that there is a broad area of parallel competences in such fields as norm-setting, democratization, human rights and the rights of minorities, conflict prevention and crisis management, disarmament and arms control, economic cooperation and the peaceful settlement of disputes (the UN Court at The Hague and the OSCE Court in Geneva). As far as the OSCE is concerned, these competences are limited to the region of Europe ("from Vancouver to Vladivostok") and are in some respects different; for example, the CSCE deliberately chose not to undertake peaceenforcement measures at the behest of the UN and limited itself to peacekeeping. Moreover, the form and degree of institutionalization of the two organizations differ in the areas of overlap. 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. In the High Commissioner on National Minorities (HCNM), as well, the OSCE has at its disposal an instrument which the UN does not have. The congruence of competences, based on a broad security concept, led the participating States at the Helsinki Follow-up Meeting in 1992 to declare the OSCE a "regional arrangement" in the sense of Chapter VIII of the UN Charter.[4] As a result, the OSCE was subordinated to the World Organization but at the same time became its agent in Europe.[5]
There are additional overlaps of competence, in particular with the Council of Europe, when it comes to setting binding standards of political conduct for members or participating States in such areas as norm-setting, democratization and human and minority rights. The Council of Europe and the OSCE have at their disposal various mechanisms for supervising the observance of

4 CSCE Helsinki Document 1992, cited above (Note 1), Para. 25, p. 707.
5 The UN has since then issued principles to govern cooperation with regional organizations. Boutros Boutros-Ghali, Supplement to An Agenda for Peace 1995, Position paper of the Secretary-General on the occasion of the Fiftieth Anniversary of the United Nations, A/50/60-S/1995/1, 3 January 1995, Paragraph 88.

norms in these areas as well as a range of instruments for the peaceful settlement of disputes reaching all the way to courts. Many institutions - the Council of Europe, the EU (as part of its Common Foreign and Security Policy - CFSP), the European Parliament, the Parliamentary Assemblies of NATO and the WEU, the Parliamentary Assembly of the OSCE and the OSCE itself - have also assumed a responsibility for supporting and monitoring parliamentary elections in the new democracies and are active in this field. Through the North Atlantic Cooperation Council (NACC) NATO takes an interest in democratization in the Central and Eastern European partner states and discusses with them problems of democratic control of the armed forces. On the basis of the norms supplied by the UN, the OSCE and the Council of Europe there are also duplications with the Council of the Baltic Sea States which tries at a sub-regional level, and especially with an eye to the minority problems in the Baltic countries, to promote and monitor the development of democratic institutions and human and minority rights, using for this purpose among others the *Commissioner on Democratic Institutions and Human Rights, including the Rights of Persons belonging to Minorities.*

During the East-West conflict the CSCE was the central forum for a pan-European dialogue on security, and this dialogue is still the basis for working out politically binding principles and norms and monitoring their implementation as well as the foundation of the OSCE's ability to promote security in Europe. Today this function is also served by other organizations - which, to be sure, have different memberships - such as NATO and the WEU with their off-shoots toward Central and Eastern Europe, the NACC and the Partnership for Peace program of NATO and the WEU's Associate Partnership which provide a framework for a broadly based dialogue on security policy issues, e.g. conversion, disarmament and arms control and reform of armed forces.

In the areas of conflict prevention and crisis management there are also numerous points of contact and overlap between other organizations and the OSCE's responsibilities. Within the limits of its exclusively *political* competences the OSCE has a wide range of diplomatic instruments at its disposal, up to and including the mandating of peacekeeping measures. It does not, however, have military units of its own to carry them out. The member countries of NATO and the WEU have extended the prerogatives of the Alliances beyond their own collective defense to include crisis management *outside the territory of their members* and are now in the process of developing the capabilities and instruments needed for this purpose.[6] It was in Bosnia and

[6] Cf. John Barrett, NATO Reform: Alliance Policy and Cooperative Security, in: Ingo Peters (Ed.), New Security Challenges: the Adaptation of International Institutions. Reforming the UN, NATO, EU and CSCE since 1989, Münster/New York 1996, pp. 123-152.

Herzegovina where, at the behest of the United Nations and in cooperation with Russia and other non-Alliance countries, they undertook the first such mission involving the use of force in August/September 1995 and, thereafter, in the implementation of the Dayton Agreement to make peace in Bosnia and Herzegovina.[7] In fact, the NATO and WEU countries, along with the Commonwealth of Independent States (CIS) had, as early as 1992, declared their willingness in principle and on a case-by-case basis to carry out peacekeeping measures under an OSCE mandate (or one of the UN). Joint peacekeeping measures by the Western Alliance states, including joint maneuvers, are among the concrete items of cooperation in the framework of the NACC, the Partnership for Peace, and the WEU Associated Membership program with the Central and Eastern European (CEE) countries.

As a part of its *Common Foreign and Security Policy* the European Union (EU) also involves itself in matters of conflict prevention and crisis management and is (or was) active in observer missions or providing mediation services in former Yugoslavia and in the Hungarian-Slovak conflict on the *Gabcikovo* power plant. At French inititative the EU was especially prominent in the negotiations on a *Pact on Stability*, which led to numerous related bilateral and multilateral agreements under international law on good-neighborly relations and minority and border issues between the Central European and the Baltic countries, all of which are seeking EU membership. The treaty package has been handed over to the OSCE for safe-keeping and monitoring.[8]

In the OSCE the work of "disarmament and arms control" is handled on a daily basis by the *Forum for Security Cooperation (FSC)* and has led to numerous agreements and declarations on military security- and confidence-building measures, principles governing the non-proliferation of nuclear weapons of mass destruction as well as principles governing conventional arms transfers. Here there are overlaps with the global activities of the UN but also on the sub-regional level to the extent that NATO and the NACC put these subjects on their agenda.

Economic issues, which traditionally belong to the "second basket" of the Helsinki Final Act of 1975 and tended to be rather neglected in the CSCE, are in today's OSCE discussed mainly in the annual *Economic Forum* at the

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7 Cf. General Framework Agreement for Peace in Bosnia and Herzegovina, initialled on 21 November 1995 in Dayton, Ohio (Dayton Agreement, for short), Annexes 3 (elections) and 6 (human rights), in: The Dayton Peace Accords, http://www.state.gov/www/current/bosnia/bosagree.html.

8 Cf. Peters, Europäische Sicherheitsinstitutionen: Arbeitsteilung oder Konkurrenz?, cited above (Note 3), pp. 293-295. Florence Benoit-Rohmer/Hilde Hardeman, The Pact on Stability in Europe: A Joint Action of the Twelve in the Framework of the Common Foreign and Security Policy, in: Helsinki Monitor 4/1994, pp. 38-51. Pact on Stability for Europe, adopted on 20 March 1995 by the 52 States of the OSCE at the Concluding Conference on the Stability Pact for Europe in Paris.

level of the *Senior Council*. In this area of pan-European cooperation the European Union dominates owing to its indisputable advantage in competence. Given the desire of many CEE countries to join the Union and the substantial economic problems facing its eastern neighbors, with possible attendant security risks, these economic issues have been dealt with bilaterally between the EU and the CEE states within the framework of the Europe Agreements.[9] At a sub-regional level, the Council of the Baltic Sea States and, regionally, the UN ECE are also active in this field, along with the Organization for Economic Cooperation and Development (OECD) and the World Bank's European Bank for Reconstruction and Development (EBRD).

Formal and Informal Consultations

In view of the many areas in which responsibilities overlap, both horizontally and vertically, a dense network of informal and formal consultations between the OSCE and the other security institutions in Europe has grown up since 1990. In January 1992 the OSCE States urged that contacts, which had been sporadic until that time, and the exchange of information and documents with other organizations be intensified. The objective was to ensure that all sides were fully informed on the status of discussions, on decisions and measures both in general terms and in specific cases - missions to crisis areas, for example - on current projects and on available resources and instruments which might be important for the OSCE's work. In addition, arrangements were made for other organizations and institutions, including non-governmental organizations (NGOs), to be invited to specific CSCE/OSCE events and seminars relevant to their fields of expertise.[10]
Since that time, regular consultations have brought about an enduring intensification of cooperation. Initial meetings, usually between the Chairman-in-Office and/or the Secretary General of the OSCE and their counterparts in all important organizations have led to formal and informal agreements on regular consultations and, as necessary, ad hoc contacts as well. They take place

9 Cf. Heinz Kramer, The European Community's Response to the 'New Eastern Europe', in: Journal of Common Market Studies 2/1993, pp. 213-244 (226-229). Hans-Dieter Kuschel. Die Europa-Abkommen der EG mit Polen, Ungarn und der CSFR [The Europe Agreements of the EC with Poland, Hungary, and the Czechoslovak Federal Republic], in: Wirtschaftsdienst 2/1991, pp. 93-100.

10 Second meeting of the Council of Foreign Ministers of the CSCE, 30-31 January 1992, Prague Document on Further Development of CSCE Institutions and Structures, in: Bloed (Ed.) The Conference on Security and Co-operation in Europe, cited above (Note 1), pp. 821-839, (837), para. 43. CSCE Helsinki Document 1992, Helsinki Decisions, cited above (Note 1), p. 731, Chapter IV, paras. 4 and 5. On the political disputes over this issue, see: Peters, Europäische Sicherheitsinstitutionen: Arbeitsteilung oder Konkurrenz?, cited above (Note 3), p. 282.

on the political level, in the OSCE bodies in Vienna, Warsaw or The Hague which are concerned with "field" activities in a given case, and at the operational level between missions in the field and their local colleagues from other organizations. Agreements have been concluded with all organizations to permit their representatives to attend OSCE meetings at various levels; this applies to Summit or Ministerial Meetings, meetings of the Permanent Council in Vienna or meetings within individual OSCE bodies, e.g. the Office for Democratic Institutions and Human Rights (ODIHR), the Conflict Prevention Centre (CPC) or the FSC. All organizations which are of importance for the work of the OSCE have in the meantime made use of these opportunities, for example the UN through the High Commissioner for Refugees (UNHCR), Mrs. *Sadako Ogata*; the Council of Europe, represented by its Secretary General, *Daniel Tarschys*;[11] NATO, through its Deputy Secretary General and other representatives; the EU, to provide information on discussions concerning further development of the CFSP; and the WEU. In return the Chairman-in-Office and the Secretary General as well as their representatives and representatives of other OSCE organs take part in meetings of other organizations and there provide reports on the work of the OSCE generally or on special issues of mutual interest. For example, Secretary General *Wilhelm Höynck* attended NATO seminars on "crisis management" and the OSCE is represented at meetings of the NACC's *Ad Hoc Group on Cooperation in Peacekeeping*; a representative of the OSCE High Commissioner on National Minorities takes part in meetings of the Council of Europe's *Ad Hoc Committee for the Protection of National Minorities*; and the OSCE, on the invitation of the NACC, was represented at the Ministerial Meeting in Berlin in June 1996 by the Swiss Chair who also takes part in regular sessions of the NACC in Brussels at the ambassadorial level.

The CSCE and the UN were able to conclude a framework agreement on coordination and cooperation back in May 1993.[12] In addition, the Permanent Representation of the country holding the OSCE Chairmanship serves as a point of contact at the UN and as the Chairman-in-Office's representative to the UN Secretariat in New York and Geneva. The CSCE/OSCE has had observer status at the UN General Assembly since October 1993. The OSCE also participates in meetings between the UN and regional organizations which were first held in August 1994 and again in February 1996 to evaluate cooperation, particularly in the area of peacekeeping, and consider possibili-

11 Cf. OSZE-Tätigkeitsbericht [OSCE Activity Report], in: Österreichische Militärische Zeitschrift [Austrian Military Magazine] (ÖMZ) 3/1996, p. 344. Sadako Ogata Stresses Importance of Co-operation Between UNHCR and OSCE, in: OSCE Newsletter 1/1996, p. 4.

12 Framework for Cooperation and Coordination between the UN and CSCE, 26 May 1993, (GA/48/185). See also: Felice D. Gaer, The United Nations and the CSCE: Cooperation, Competition, or Confusion?, in: Michael R. Lucas (Ed.), The CSCE in the 1990s: Constructing European Security and Cooperation. Baden-Baden 1993, pp. 161-206.

ties for improvement.[13] The UN, in turn, takes part in the preparations for the OSCE peace mission in Nagorno-Karabakh and supports this mission consistently with its expertise.[14] Evaluation and coordination were also the purpose of an ad hoc meeting which the UN called to discuss minimum humanitarian standards with the OSCE States, OSCE partner countries, the International Committee of the Red Cross (ICRC), NGOs and representatives of academia.[15]

In 1993 the Council of Europe named a Special Adviser on CSCE Affairs and established a working group to improve relations with the OSCE; a bilateral agreement on regular contacts was drawn up. To coordinate activities with respect to human rights, minority rights and humanitarian issues in the various crisis areas of Europe there are both regular and ad hoc trilateral consultations between the OSCE - represented by members of the Troika, the HCNM, the Director of the ODIHR and the Director of the CPC - the Council of Europe and the UN Offices in Geneva (UNHCR, UNCHR), to which the ICRC is generally also invited.[16]

Initial arrangements for an exchange of information with NATO were made through an exchange of letters in April 1992. The Alliance, like other organizations,[17] was represented at the Follow-up Meeting in Helsinki in 1992 and at the Budapest Review Conference 1994 by a Deputy Secretary General. NATO also participates and makes contributions of its own to OSCE seminars, e.g. on such subjects as "early warning", "peacekeeping" or the "Security Model for the 21st Century". OSCE representatives, in turn, take part as observers in the peacekeeping exercises which are part of the Partnership for Peace program. With the WEU, on the other hand, a "case-by-case" exchange of information has been agreed upon (as has also been done with the CIS) while regular contacts are maintained chiefly with the WEU Institute for Security Studies in Paris.

There have traditionally been close contacts with the EC/EU. These were symbolized at the signature of the Helsinki Final Act of 1975 which Aldo

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13 Cf. OSZE-Tätigkeitsbericht, in: ÖMZ, cited above (Note 11), p. 349. Not only those IO's which are officially recognized as "regional arrangements" or "regional organizations" of the UN under Chapter VIII of the UN Charter participated in these meetings but all which have shown interest in cooperation with the UN. The meeting in August 1994, for example, was attended by representatives of the CIS, the Commonwealth Secretariat, the EU, the Arab League, NATO, the OAU, the OAS, the Organization of the Islamic Conference and the WEU - in addition to the representatives from the OSCE.

14 Cf. Ingo Peters, CSCE and Peacekeeping: An Institution and its Instrument as "Victims" of Conflicting State Interests, in: David Haglund/Hans-Georg Ehrhart (Eds.), The New Peacekeeping and European Security: German and Canadian Interests and Issues, Baden-Baden 1995, pp. 107-126.

15 Cf. OSZE-Tätigkeitsbericht, in: ÖMZ, cited abnove (Note 11), p. 349.

16 Cf. OSCE, The Secretary General, Annual Report 1995 on OSCE Activities, reprinted in this volume, pp. 483-516, Chapter IV, pp. 512-513.

17 Cf. Ministerial Council Reviews. Work in Progress, in: OSCE Review 4/1995, p. 3.

Moro signed in his capacity as Italian Foreign Minister and at the same time as incumbent President of the Council of the European Communities. Since then the EC/EU, through numerous Community initiatives and proposals, has played a decisive role in the CSCE process and its development into an Organization. At the same time the CSCE served as a vehicle for demonstrating and promoting commonality in foreign policy, first in connection with European Political Cooperation (EPC) and now in the area of "joint action" of the CFSP.[18] Exchange of information and consultation requirements are taken care of at OSCE meetings and also, at the inter-governmental level of the Council, by the OSCE delegation of the country holding the EU Presidency; since the experts' meeting on environmental issues in Sofia in November 1989 this has been indicated by a special name plate for that delegation (combined with the incumbent Presidency). The representative of the EU Commission to the OSCE is responsible for that Commission's contacts to the Organization and at the same time directs the OSCE Department in Directorate General I.A in Brussels.

Coordination and Operational Cooperation

Since 1990 the OSCE has acquired a number of executive and operational competences and instruments for monitoring the observance and improving implementation of OSCE principles, norms and rules. Operational activities of the OSCE now include such varied things as seminars, active support for democratization processes, travelling and visiting diplomacy carried on by the High Commissioner on National Minorities and the OSCE missions to European crisis areas which, because of the many different security problems, have different mandates. The sheer variety of these OSCE operations is reflected in a wide range of coordination and cooperation relationships with other international organizations and NGOs.

Seminars on specific aspects of European security help to promote the goals and principles worked out by OSCE participating States under everyday political conditions by publicizing them and by an open exchange of views on their implementation or related problems at various levels. In addition to the seminars put on by the OSCE alone there have been joint events put on in cooperation with the parliaments of certain countries or with NGOs, e.g. journalists' associations. And there have been joint seminars with other international organizations; for example the ODIHR and the Council of Europe put on a seminar in September 1994 in Warsaw on problems of the Sinti and

[18] Cf. Heinrich Schneider, Zwischen Helsinki und Budapest - Der KSZE-Prozeß als Interaktionsfeld der Europäischen Union [Between Helsinki and Budapest - The CSCE Process as a Field of Interaction for the European Union], in: Integration 3/1995, pp. 144-156.

Roma and another one, on tolerance, with the Council of Europe and UNESCO in May 1995 in Bucharest. In September 1995, together with UNESCO, it organized a seminar on print media management in Bishkek (Kyrgyzstan).[19] For its public relations work and dissemination of information the OSCE has worked out arrangements, for a limited time, to use the NATO Integrated Data Service (NIDS) free of charge.

The OSCE promotes democratization mainly through support for the preparation and carrying out of elections in the new democracies of Central and Eastern Europe, along with monitoring them to make sure that democratic standards are upheld. Other organizations besides the OSCE[20] which monitor parliamentary elections are the Council of Europe, the UN and, in particular, the European Parliament; the Parliamentary Assemblies of NATO, the WEU and the OSCE[21] have also been involved so that there is a large and varied area of overlap. For that reason the OSCE States, at the Budapest Summit Meeting of December 1994, tasked the ODIHR to draft a framework agreement for cooperation with other IOs in the field of election monitoring. This was successfully tested for the first time by joint operations of the OSCE and UN at the parliamentary elections in Armenia in July 1995 and at elections in Azerbaijan in 1996 with the result that the activities of the various IOs can be better coordinated and that additional joint operations can most likely be carried out.

The travelling diplomacy of the High Commissioner on National Minorities as an instrument for early warning and preventing the violent escalation of conflicts over minority issues[22] also calls for coordination and cooperation with other international organizations. The HCNM himself is not authorized to enter into formal agreements with other IOs on the division of labor or coordination of activities but in concrete crisis situations he takes up informal contact with other institutions and within the limits of his mandate works with them, especially the Secretariat of the Council of Europe, the UNHCR and (at the sub-regional level) the Commissioner on Democratic Institutions and Human Rights including the Rights of Persons belonging to Minorities of the Council of the Baltic Sea States (with particular regard to the problems of minorities in the Baltic States).[23]

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19 Cf. Annual Report 1995, cited above (Note 16), pp. 504-505.

20 OSCE election monitoring was done in 1995 in Kyrgyzstan, Estonia, Belarus, Armenia, Latvia, Croatia, and Russia; in 1996 again in Russia and in local referenda/elections in Moldova. Cf. ibid., pp. 501-504.

21 Between April 1995 and April 1996 the OSCE Parliamentary Assembly was present at parliamentary elections in nine countries; about 250 observers from 28 participating States were involved. Cf. OSCE PA to Monitor Elections in Albania and Russia, in: OSCE Newsletter 4/1996, p. 6.

22 Cf. Annual Report 1995, cited above (Note 16), pp. 498-501.

23 Cf. The Role of the High Commissioner on National Minorities in OSCE Conflict Prevention. A Report prepared by the office of the OSCE-HCNM, compiled and edited by Rob Zaagman (Adviser to the High Commissioner), The Hague, 30 June 1995 (manuscript), p. 37.

The dispatch of missions is a differentiated instrument of the OSCE for conflict prevention and political crisis management which - adjusted to the circumstances of each conflict and its development phase - can assist in observation, fact-finding and mediation between the parties to the dispute, or in international monitoring of compliance with agreements between the parties.[24]
In planning and carrying out peacekeeping missions the OSCE can call on the technical assistance and expertise of the UN, in accordance with the framework agreement of May 1993. So far this has only been done in a significant way in connection with the planned peacekeeping activities of the OSCE in Nagorno-Karabakh and in practical cooperation with the UN on preparations for the work of the Minsk Group.[25] The OSCE and the UN have agreed on a division of labor with regard to the various areas of crisis in Europe for which both organizations are, in principle, responsible. The agreement stipulates that the UN will take the lead in political crisis management in Tajikistan and Abkhazia/Georgia while the OSCE does so in Nagorno-Karabakh, Moldova and South Ossetia/Georgia, each Organization sending an observer to the other's missions.[26]
In addition to the minimal consultations between missions of different organizations in the same region of conflict, local cooperation between the missions is varied in form and contents. In Abkhazia, for example, the OSCE and the UN monitor the human rights situation together and are planning to open a joint office in Sukhumi. In Tajikistan, for which the UN is actually responsible, the OSCE has, at the behest of UNHCR, taken over certain tasks related to the return of refugees. The OSCE Mission in Sarajevo to install and support ombudsmen and -women for the Republic of Bosnia and Herzegovina has also been working closely since 1994 with UNHCR and with UNPROFOR (the United Nations Protection Force) as well as IFOR (Implementation Force), which protect the Mission and supply it with logistical support.
Cooperation with the European Union was particularly evident in connection with the Sanction Assistance Missions (SAMs), seven Missions to the neighboring states of Serbia/Montenegro (Albania, Bulgaria, Croatia, Hungary, the former Yugoslav Republic of Macedonia, Romania and the Ukraine) to support these states in the implementation of UN sanctions against rump Yugoslavia. The operational headquarter of the SAMs was the SAM Communication Centre (SAMCOMM) which, partially financed and staffed by the EU,

24 On the OSCE missions in 1995 see: Annual Report 1995, cited above (Note 16), pp. 487-496.
25 Cf. Peters, The CSCE and Peacekeeping, cited above (Note 14), p. 119ff.
26 Cf. Cooperation between the UN and the CSCE, Report of the UN SG, 2 November 1993, GA/48/549, para. 9, p. 3.

was located in Brussels and had the job of assuring communication and coordination between the Missions and their host countries as well as monitoring the effectiveness of the sanctions. The OSCE and EU provided a joint Sanctions Coordinator to oversee the entire operation and try to coordinate the actions of all who were participating in the sanctions.[27]

The role assigned to the OSCE in connection with the Dayton Peace Agreement for Bosnia and Herzegovina of November 1995 presents a special challenge to the Organization with regard to its own operational capabilities and also the requirement for cooperation with other IOs and NGOs. For one thing, it charges the OSCE with missions and activities in several different problem areas at the same time; and, secondly, other IOs are also active in some of these. The OSCE's charge[28] includes: a) supporting the Parties in their negotiations on arms control and confidence- and security-building measures; b) monitoring human rights in all of Bosnia and Herzegovina and appointing an international Human Rights Ombudsperson; c) supervising the preparation, conduct, and monitoring of elections in Bosnia and Herzegovina and certifying whether conditions are present under which elections can be held.

It was under the auspices of the OSCE's Forum for Security Cooperation that negotiations on confidence- and security-building measures and arms control agreements[29] were held, negotiations which have in the meantime been successfully concluded. Intensive cooperation with IFOR, NATO and the UN was indispensable in this process. For monitoring human rights, UN subsidiary organizations, the OSCE, the International Tribunal and other organizations were all given unrestricted access so that the job could be done properly.[30] The OSCE, however, was given the special task of appointing a Human Rights Ombudsperson. For the interlocking of institutions it is of particular interest that Swiss Ambassador Gret Haller, who has now been named for this job, used to represent Switzerland in the Council of Europe.[31]

The OSCE has been given a central role in the preparation of the elections.[32] Thus the Chairman-in-Office, immediately after the mandate was received in November 1995, undertook preliminary coordination efforts with the UN, the

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27 With the exception of personnel costs for border and customs officials and other experts, which are borne by the sending States, SAMs operations were covered by the OSCE budget. Cf. Annual Report 1995, cited above (Note 16) pp. 497-498.

28 Cf. Dayton Agreement, cited above (Note 7). Fifth meeting of the Council of Foreign Ministers of the OSCE participating States on 7 and 8 December 1995 in Budapest.

29 Cf. Dayton Agreement, cited above (Note 7), Annex 1-B: Agreement on Regional Stabilization, particularly Art. II, IV, V.

30 Cf. ibid., Annex 6, especially Art. IV.2, XIII.2,4.

31 Cf. OSCE Chairman Appoints Human Rights Ombudsman for Bosnia and Herzegovina, in: OSCE Newsletter 1/1996, p. 3 ff.

32 Cf. Dayton Agreement, cited above (Note 7) Annex 3, especially Art. II, III.3.

UNPROFOR and the UNHCR on organizational arrangements.[33] Cooperation with UNHCR was particularly important for the registration of refugees and displaced persons who were eligible to vote. The OSCE's goal is to set up a framework structure for all IOs involved in the electoral process so as to coordinate their various activities. In accordance with the Dayton Agreement the OSCE also had to establish a Provisional Election Commission (PEC) to supervise all aspects of the electoral process and to lay down rules and regulations for the conduct of the electoral campaign and the elections themselves. An OSCE Mission under the direction of the American Ambassador Robert Frowick was sent to Bosnia and Herzegovina to create the social and political conditions for free and fair elections. This Mission will consist of about 250 people and include personnel from the European Community Monitor Mission (ECMM). Ambassador Frowick has already set up an OSCE Coordination Group to coordinate between representatives of the OSCE, NGOs, other IOs and IFOR. The OSCE has likewise established liaison with the IFOR Command whose support will be essential in the complex business of preparing and conducting elections. And the OSCE, as a regular observer at meetings of the Joint Military Commission, is in close contact with military authorities.[34] All in all, the variety of work and the large number of international organizations (and NGOs) involved in the peace process in Bosnia and Herzegovina provide a good impression of the complexities of post-conflict rehabilitation and peace-building which make substantial demands on the practical abilities of all IOs when it comes to coordinating their work and, to the extent possible, engaging in operational cooperation.

An Interim Appraisal: A Network with "Knots" and "Holes"

In view of the substantial overlaps, both horizontal and vertical, in responsibilities and competences of European security institutions, consultation between institutions is a minimum requirement; coordination or operational cooperation are the desirable and appropriate ways for institutions to work together and meet their collective challenges effectively and efficiently. Indeed, this review of the OSCE's relations to other IOs has shown that an impressive network of consultations, coordination efforts and operational cooperation has already come into being. Even so, what we have scarcely meets the ideal of a network of interlocking, mutually reinforcing institutions;

33 Cf. Dayton Peace Agreement Foresees Important OSCE Role, in: OSCE Newsletter 11/1995, pp. 1 and 3.

34 Cf. OSCE Mission to Bosnia and Herzegovina Begins Work Toward Election Goals, in: OSCE Newsletter 1/1996, pp. 3 and 8.

rather, it has resulted in numerous duplications and overlaps in areas of responsibility, competences and instruments. There are, to be sure, significant variations in the quality of the network, depending on what responsibilities or competences are involved and on the individual case of inter-institutional cooperation one is looking at. Although division of labor occasionally succeeds, successful efforts of institutions to work together are often overlooked. The successes are most often accepted as a matter of course and attract little attention while problems and failures occupy the centre of political and public interest and, in one way or another, are used against the institution in question. Still, the overall impression one gets of the network of European security institutions is doubtless one of institutional competition and 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 between them; these too point to existing weaknesses.

This bad impression of the European institutional network is essentially a result of the competing preferences of the member States or participating States that support them. In some cases competing interests or positions on the part of the organizations themselves are involved. But these mainly are not supranational and autonomous organizations functioning as sovereign players within the state system or in their relations with the states; they are inter-state institutions and calls for an improvement of the situation must be addressed first of all to national governments. At the international level, the future quality of the network will depend, on the one hand, on negotiations and decisions on the future development of the individual institutions. On the other hand, a discussion on a "Security Model for the 21st Century"[35] has been under way in the OSCE since the beginning of 1995 - a discussion in which governments air their different ideas as to how the institutions can be better integrated and made mutually reinforcing and how the network as a whole can be improved. But it will be up to the organizations themselves to fill out the political framework negotiated by the states with concrete agreements and informal practices aimed at making their work more effective and efficient.

This is a big order when one considers the large number and variety of organizations and the (horizontal and vertical) overlap of responsibilities and competences. It will put significant demands on their personnel and financial

35 Cf. Defining the 21st Century Security Model, in: OSCE Review 4/1995, p. 4.

resources to carry out effectively the consultations, coordination work and operational cooperation which are a necessary, if not sufficient, condition for coming to terms with their collective responsibilities. The network of inter-institutional cooperation that the OSCE has developed does have a number of "knots" - read "identifiable focal points" of the mesh (with the UN, for example) - and a number of "holes" - read "underdeveloped strands" of the mesh - so that further improvements are possible and necessary. But considering the OSCE's modest budget and small staff[36] in comparison with other organizations, its cooperative practices have so far been impressive.

36 Cf. Annual Report 1995, cited above (Note 16), pp. 515-516.