

Adam Daniel Rotfeld

European Security: The New Role of NATO and the OSCE¹

Introductory Remarks

In his recently published book, James E. Goodby proposed for consideration three alternative developments to reconcile the traditional contradictory security concepts, as they are seen from Russian and US perspectives: that is, the organization of the security regime in Europe within spheres of interest as opposed to a collective security system.² In his view, one might imagine these alternative developments:

1. a security arrangement dominated by spheres of interest with little room or need for collective security questions;
2. a security arrangement dominated by spheres of interest in which collective security could play an important but lesser role; and
3. a security arrangement understood to be a transition to collective security in which spheres of interest are expressed mainly by non-military means.

The third alternative seems to be the most desirable and also reflects the NATO commitment to "further strengthening the OSCE as a regional organisation according to Chapter VIII of the Charter of the United Nations and as a primary instrument for preventing conflict, enhancing cooperative security and advancing democracy and human rights".³ This article provides an analysis of the NATO enlargement process (second section) in the context of the recent activities of the OSCE (third section), the most inclusive Euro-Atlantic security organization, and offers some recommendations for the future (fourth section).

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- 1 This article is based upon the author's two contributions: Europe: the transition to inclusive security, in: Stockholm International Peace Research Institute (Ed.), SIPRI Yearbook 1998: Armaments, Disarmament and International Security, Oxford 1998, pp. 141-184; and: Prescriptions for improving OSCE effectiveness in responding to the risks and challenges of the twenty-first century, in: Victor-Yves Ghebali/Daniel Warner (Eds.), The OSCE and Preventive Diplomacy (PSIO Occasional Paper 1/1999), Geneva 1999, pp. 51-70.
 - 2 James E. Goodby, *Europe Undivided: the New Logic in US-Russian Relations*, Washington, DC/Palo Alto, Cal. 1998, pp. 173-177.
 - 3 Madrid Declaration on Euro-Atlantic Security and Cooperation.. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Madrid on 8 July 1997, in: NATO review 4/97, Documentation, pp. 1-4, here: para. 21, p. 3, and: North Atlantic Treaty Organization (NATO) Press Release M-1 (97)81.

NATO: Enlargement and New Security Arrangements

After the dissolution of the Warsaw Treaty Organization (WTO) and the break-up of the Soviet Union in 1991, the issue of the mandate of the Atlantic Alliance came to the fore. Since the external threat to NATO had disappeared, NATO's main future tasks were reoriented from deterrence, or the defence of Western nations against aggression from the east, to stability in Europe and co-operation between the United States and European states in wider security matters. The new challenge for NATO is co-operation among its member states and with those states which wish to join it as well as between the Alliance and those states which wish or will have to remain outside it.

A central issue of 1997 in this regard was that of the forms and scope of co-operation between NATO and Russia. The general directions of NATO-Russia collaboration were discussed by Russian President Boris Yeltsin and US President Bill Clinton at the summit meeting in Helsinki on 20-21 March 1997.⁴ The outcome was that: (a) NATO enlargement will go forward; (b) no European nation will be excluded from consideration; (c) there will be no "second-class" membership - NATO's new members will enjoy the same benefits and obligations as its current members; (d) a new forum will be established for consultation and co-operation between and, where possible, joint action by Russia and NATO;⁵ and (e) NATO will continue to evolve but its core function of collective defence will be maintained and enhanced.

Russia also wanted the USA and other NATO members to undertake, without reservations, commitments regarding the non-deployment of nuclear and conventional forces on the territories of new NATO member states. NATO offered instead to confirm the 1996 statement of the North Atlantic Council (NAC) that currently and in the foreseeable future there is "no intention, no plan, and no reason" to station nuclear weapons in the new member states.⁶ NATO also declared that it did not contemplate a "permanent stationing of substantial combat forces" on the territories of new member states.⁷ The binding limits on conventional armed forces in Europe were to be agreed under the adapted Treaty on Conventional Armed Forces

4 At the Helsinki summit meeting the Russian and US Presidents issued a joint statement which contained the following information: "While they continue to disagree on the issue of NATO enlargement, in order to minimize the consequence of this disagreement, they agreed to work, together with others, on a document to establish a cooperative relationship between NATO and Russia as an important part of a new European security system." Joint Statement on European Security released at the US-Russian summit meeting in Helsinki, 21 March 1997, in: *Arms Control Today* 1/1997, pp. 20-21.

5 In a statement before the Senate Armed Services Committee on 23 April 1997, US Secretary of State Madeleine Albright explained that such a forum will not have the power "to dilute, delay or block NATO decisions", nor will it supplant NATO's North Atlantic Council. Office of the Spokesman, US Department of State, Washington, DC, 23 April 1997.

6 NATO Press Communiqué M-NAC-2(96)165, 10 December 1996.

7 NATO Press Release 97(27), 14 March 1997.

in Europe (the 1990 CFE Treaty). After the Helsinki summit meeting it became clear that the USA was interested in engaging Russia in an active, constructive and co-operative relationship, with the understanding that the new NATO-Russia security arrangement would offer Russia neither a veto right nor a *droit de regard* over NATO enlargement.

The NATO-Russia Founding Act

Following several rounds of negotiations initiated in January 1997 between NATO Secretary General Javier Solana and Russian Foreign Minister Yevgeniy Primakov, the text of the NATO-Russia Founding Act on Mutual Relations, Cooperation and Security was completed in Moscow on 14 May and signed in Paris on 27 May 1997. The document established a permanent institutional framework for a security partnership between NATO and Russia.

The aim of the Founding Act is to "build together a lasting and inclusive peace in the Euro-Atlantic area on the principles of democracy and co-operative security" (Preamble).⁸ NATO and Russia agreed to develop their relations around a shared commitment to seven principles defined in the Founding Act and based on an allegiance to shared values, commitments and norms of behaviour.

The main operational instrument for consultation and co-operation is the NATO-Russia Permanent Joint Council (PJC), established in Section II of the Founding Act. The signatories agreed that their consultations will not extend to the internal affairs of NATO, its member states or Russia. The key provision is that neither NATO nor Russia has "a right of veto over the actions of the other". None of the provisions can be used "as a means to disadvantage the interests of other states".⁹ In the Founding Act the two parties are committed to identify and pursue as many opportunities for joint action as possible. They will inform each other of the security-related challenges they face and the measures that each intends to take to address them. The PJC is to meet twice annually at the level of Foreign Ministers and Defence Ministers and monthly at the level of Ambassadors/Permanent Representatives to the NAC.

In order to implement these decisions, a working programme was agreed by the parties.¹⁰ Headed by Ambassador Vitaliy Churkin, the Russian mission to

8 Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation. Issued in Paris, France, on 27 May 1997, in: NATO review 4/1997, Documentation, pp. 7-10, here: p. 7.

9 Ibid., p. 8.

10 NATO Secretary General Javier Solana informed the Conference on European Security with an Enlarged NATO, held in Rome on 3 October 1997, that "(a) very ambitious and detailed work programme has already been agreed between the two parties until the end of the year, covering issues for NATO-Russia consultations, issues for practical co-operation between NATO and Russia and the implementation of the structures mentioned in the

NATO included a senior military representative and staff for military co-operation. Russia has also established working contacts and consultations with NATO. Nonetheless, its view of NATO enlargement to the east is still negative. Russia is also critical of NATO's internal transformation because, in its view, NATO should become a political rather than a military organization.¹¹ Nineteen areas for consultation and co-operation at PJC meetings were defined in Section III of the Founding Act. In politico-military matters, NATO and Russia committed themselves to "work together in Vienna with the other States Parties to adapt the CFE Treaty to enhance its viability and effectiveness, taking into account Europe's changing security environment and the legitimate security interests of all OSCE participating States".¹² The Founding Act encouraged other States Parties to the CFE Treaty to lower their levels of armaments and armed forces in the area of application of the Treaty. NATO and Russia committed themselves to exercise restraint in relation to their current postures and capabilities during the period of negotiations.¹³ The Founding Act also contains other recommendations for giving the concept of inclusiveness a more concrete operational meaning and removing Russia's resistance and fears regarding NATO enlargement. Whether the accord will meet the expectations of both sides will be determined by how it is implemented. Although there were indications that they had different interpretations of some issues even before the Founding Act was signed - primarily regarding whether the NATO enlargement process is open-ended - there

Founding Act. (...) All in all, six months since the signing of the Founding Act, the PJC will have met three times at ministerial level and five times at ambassadorial level". Text of the keynote speech delivered by the NATO Secretary General to the Conference on European Security with an Enlarged NATO, Rome, 3 October 1997. After the second NATO-Russia PJC meeting at the level of Foreign Ministers, held in Brussels on 17 December 1997, the Ministers noted "the positive development of NATO-Russia relations and the substantial increase of consultation and cooperation achieved over the last few months, at the level of Foreign Ministers, Defence Ministers, Chiefs of General Staff, and Ambassadors". NATO Press Summary, 17 December 1997, in: <http://www.nato.int/docu/pr/pr97e.htm>, version current on 3 April 1998.

- 11 Igor Sergejev, We are not adversaries, we are partners, in: NATO review 1/1998, p. 17.
- 12 In this context Russia and NATO stated that they share the objective of concluding an adaptation agreement "as expeditiously as possible and, as a first step in this process, they will, together with other States Parties to the CFE Treaty, seek to conclude as soon as possible a framework agreement setting forth the basic elements of an adapted CFE Treaty, consistent with the objectives and principles of the Document on Scope and Parameters agreed at Lisbon in December 1996". NATO-Russia Founding Act, cited above (Note 8), Section IV, p. 9.
- 13 This commitment was earlier expressed in the 1996 OSCE Lisbon Summit Document, cf. Lisbon Document 1996, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 419-446, Appendix: Document adopted by the States Parties to the Treaty on Conventional Armed Forces in Europe on the Scope and Parameters of the Process Commissioned in Paragraph 19 of the Final Document of the first CFE Treaty Review Conference, pp. 422-446, here: p. 446.

are many indications that Russia has reconciled itself to the fact that some or all of the former non-Soviet WTO countries may join NATO.

The NATO-Ukraine Charter

On 9 July 1997, soon after the signing of the NATO-Russia Founding Act, the Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine was signed in Madrid.¹⁴ However, the institutionalization of relations between NATO and Ukraine is different from that of relations between NATO and Russia. While the NATO-Russia document is considered by Russia as a kind of "containment" of the Alliance, the NATO-Ukraine Charter is oriented towards "convergence" of Ukraine in a closer relationship to the Alliance.¹⁵ One of the indirect effects of the Charter is that Ukraine has become more self-confident in pursuing a constructive partnership with Russia.

NATO and the Baltic States

For NATO, enlargement to the east - particularly the prospect of admitting Estonia, Latvia and Lithuania - was much more controversial than establishing relations with Ukraine. This was mainly because of the reaction of Russia. On the other hand, from NATO's overall perspective, admission of the Baltic states would be less controversial if the Nordic non-aligned countries (Finland and Sweden) were to join.

Before the NATO-Russia Founding Act was signed, Russian Foreign Minister Primakov warned that if NATO were to consider admitting any of the former Soviet republics (in fact referring to the Baltic states) Russia would reconsider its entire relationship with NATO.¹⁶ In 1997, however, Russia's position vis-à-vis the Baltic states underwent an important evolution. In response to the reorientation of the Baltic states' policies towards closer integration with the West, Russia resorted to political, diplomatic and economic pressure and aggressive rhetoric, taking advantage of the fact that NATO will not admit countries with outstanding national minorities problems or those

14 Cf. Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine. Issued in Madrid, Spain, on 9 July 1997, in: NATO review 4/1997, Documentation, pp. 5-6. The idea that the Western countries, in their dialogue on security, treat Russia, Ukraine and the Baltic states equally was reflected in the conclusions of: A Future Security Agenda for Europe, Report of the Independent Working Group established by the Stockholm International Peace Research Institute (SIPRI), published in October 1996, in: OSCE Yearbook 1997, cited above (Note 13), pp. 497-512, here: p. 511.

15 Cf. Olga Alexandrova, Die Charta NATO-Ukraine: Euro-atlantische Einbindung Kyïvs [The NATO-Ukraine Charter: Kyïv's Europe-Atlantic Integration], in: Außenpolitik 4/1997, pp. 325-334.

16 Cf. Nezavisimaya Gazeta, 25 May 1997.

without definitively demarcated borders. Both these issues, alongside economic issues, became Russia's main leverage against the Baltic states and at the multilateral level - in the Council of Europe and the OSCE as well as in the security dialogue between Russia and other countries in the Baltic Sea region.¹⁷

In 1997 Russia undertook a series of initiatives to obstruct the diplomatic efforts of the Baltic states to be included among the candidates for NATO membership. The most important of these were the proposals presented by Prime Minister Viktor Chernomyrdin in early September and a set of proposals presented by Russia to Lithuanian President Algirdas Brazauskas during his visit to Moscow on 23-24 October. President Yeltsin offered unilateral Russian security guarantees to the Baltic states¹⁸ which would be strengthened under international law.¹⁹ As a rule, guarantees are offered to states threatened by third countries, but in this case Russia proposed guarantees aimed at deterring threats which the Baltic states perceive to emanate from Russia itself. Moreover, Russia expressed its willingness to include France, Germany, the USA and other Western states in the regime of security guarantees. Finally, it contemplated the idea of establishing a Baltic regional stability and security space which would include the Nordic states. Russia proposed nearly 30 specific regional measures in the security, economic, humanitarian and ecological spheres, all intended to constitute a kind of future regional stability and security pact.²⁰ As a manifestation of Russia's good intentions, during Brazauskas' visit to Moscow Lithuania and Russia signed a treaty confirming the demarcation of the border between the two states and the delimitation of the exclusive economic zone and continental shelf in the Baltic Sea.²¹ These Russian initiatives were not well received in the three Baltic capitals; they were seen as an attempt to "single out" the Baltic states and impose on them uni- or multilateral guarantees which would make it impossible for them to be integrated in the Western security structures even in the long term.²²

17 Cf. Russia and the Baltic States, Executive Summary of the Report by the Council on Foreign and Defence Policy of Russia, Moscow 1997, pp. 6-15.

18 For the text of Yeltsin's offer see: Yeltsin offers unwanted security to the Baltics, in: Baltic Times, 30 October - 5 November 1997, p. 8.

19 Cf. V. Shustov, The Russian attitude towards the security problem - measures to strengthen confidence and stability in the Baltic region, in: J. P. Kruzich/A. Fahraeus (Eds.), 2nd Annual Stockholm Conference on Baltic Sea Security and Cooperation: Towards an Inclusive Security Structure in the Baltic Sea Region, Stockholm 1997, p. 19.

20 Cf. Baltic Times, cited above (Note 18); and Shustov, cited above (Note 19).

21 The border agreement between Lithuania and Russia was signed by the two residents in Moscow on 24 October 1997; it determines the south-western border of Lithuania with the Russian Kaliningrad *oblast*. Cf. Is Russia's Baltic policy changing?, in: Baltic Review 1997, p. 6. Russia did not sign a border agreement with the other two Baltic states.

22 In the highly critical rhetoric on the guarantees proposed by Russia, the experience of the Molotov-Ribbentrop Pact of 1939 was recalled; the "security guarantees" given at that time eventually led to the incorporation of these states into the Soviet Union in 1940.

In his diplomatic offensive to the Northern European states, during a visit to Sweden on 3-4 December 1997 President Yeltsin outlined a number of proposals for co-operation and made a unilateral declaration regarding a 40 per cent reduction of land and naval forces in north-western Russia, to be completed within a year. This declaration should be seen, however, in the light of the reductions in armed forces already envisaged in both the NATO-Russia Founding Act and the framework agreement outlining the basic elements for adaptation of the CFE Treaty²³ as well as the reform of the Russian Army and reduction of manpower and armaments.²⁴ At the same time Russia linked the improvement of its relations with Estonia and Latvia - including the conclusion of border treaties and the development of economic co-operation - to acceptance of its demands concerning the status of the Russian-language population in these countries. Such a linkage has been rejected by the states directly concerned and by those with which Russia is engaged in a dialogue on security in the Baltic Sea region.

In the view of the Nordic states, while constructive Russian involvement in the Baltic region is a positive development, there is no room or need for separate regional security pacts in the new Europe nor any reason to treat Baltic security in isolation from that of the rest of Europe.²⁵

The US-Baltic Charter of Partnership

A new element of Russia's position on the Baltic states was its willingness to enter into talks with NATO and the USA on Baltic security. In turn, the Baltic states, wishing to be admitted to the Western security structures, have begun an intensive dialogue with the United States. This dialogue resulted in the signing by the US and three Baltic Presidents of a Charter of Partnership on 16 January 1998.²⁶ The credibility of the US position on the Baltic states

23 The framework agreement is laid down in the 1997 Decision of the Joint Consultative Group Concerning Certain Basic Elements for Treaty Adaptation.

24 See also: *Kontseptsiya Voyennoi Reformy Rossiiskoi Federatsii* [The Concept of Military Reform of the Russian Federation], elaborated by the Institute of World Economy and International Relations (IMEMO) of the Russian Academy of Sciences: (Moscow 1997) and published as an annex in: *Yezhegodnik SIPRI 1997: Vooruzheniya, Razoruzheniye i Mezhdunarodnaya Bezopasnost* [SIPRI Yearbook 1997: Armaments, Disarmament and International Security], Moscow 1997, pp. 445-476 (Russian edition).

25 See, e.g.: Finland: Nordic ministers on Russian Baltic security initiative, 13 November 1997, in: Foreign Broadcast Information Service, Daily Report-West Europe (FBIS-WEU), FBIS-WEU-97-317, 13 November 1997, for statements by the Swedish, Finnish and Danish Foreign Ministers. For the Swedish position, see also Presentation by Swedish Minister for Foreign Affairs Lena Hjelm-Wallén at the Central Defence and Society Federation National Conference, Sälen, Sweden, 19 January 1998; and: *Utrikesdeklarationen 1998* [Swedish foreign policy statement 1998], 11 February 1998, in: <http://www.ud.se/utrpolit/utrdekla/utrdek98.htm>, version current on 27 March 1998.

26 Cf. A Charter of Partnership Among the United States of America and the Republics of Estonia, Latvia, and Lithuania, in: United States Information Service, U.S. Information and Texts, 22 January 1998, pp. 12-15. The Charter was signed in Washington, DC, on 16 January 1998.

stems from the fact that the USA never recognized the forcible incorporation of the three republics into the Soviet Union and "regards their statehood as uninterrupted since the establishment of their independence" (Preamble). The aim of the Baltic states in signing the Charter was to obtain a formal commitment by the USA that an invitation to join NATO would eventually be extended to them, but it contains a general statement of the principle that security institutions "should be open to all European democracies" (Article III). For its part, the USA reiterated, in carefully worded phrases, its view that "NATO's partners can become members as each aspirant proves itself able and willing to assume the responsibilities and obligations of membership, and as NATO determines that the inclusion of these nations would serve European stability and the strategic interests of the Alliance" (Article III). The US-Baltic Charter of Partnership thus confirmed the "open door policy" of NATO but did not offer any binding commitments from the USA regarding admission of the Baltic states to the Atlantic Alliance.

In this context, the USA and the Baltic states underscored their interest in Russia's democratic and stable development and stated their support for a strengthened NATO-Russia relationship "as a core element of their shared vision of a new and peaceful Europe" (Article III). The USA left its Baltic partners in no doubt that, in the US perspective, Russia occupies a critical place in Europe. In 1997 it was demonstrated that both the USA and NATO consider relations with Russia to be of key importance and that the security of Russia's neighbours on its western frontier is treated in large measure as dependent on NATO-Russian relations.

The Euro-Atlantic Partnership Council

NATO took additional steps during 1997 to include the countries of the former Eastern bloc in an enhanced security partnership. In order to unite the positive experience of the North Atlantic Cooperation Council (NACC) and the Partnership for Peace (PfP), the ministerial meeting of the North Atlantic Council - held in Sintra, Portugal, on 29 May 1997 - proposed that the NACC and PfP partners launch the Euro-Atlantic Partnership Council (EAPC) at their meeting the next day. The EAPC is meant to provide "the overarching framework for political and security-related consultations and for enhanced cooperation under PFP, whose basic elements will remain valid".²⁷ The Basic Document of the Euro-Atlantic Partnership Council was

27 Ministerial Meeting of the North Atlantic Council in Sintra, Portugal, 29 May 1997, Final Communiqué, in: NATO Press and Media Service, Press Communiqué M-NAC-1(97)69, 29 May 1997, p. 1. For the text of the Basic Document of the Euro-Atlantic Partnership Council see: Basic Document of the Euro-Atlantic Partnership Council, in: NATO Press and Media Service, Press Communiqué M-NACC-EAPC-1(97)66, 30 May 1997.

agreed on 30 May 1997 and the inaugural meeting of the EAPC was held the same day. As a result of this decision, NACC ceased to exist and the EAPC took over its mandate. The basic principles of NACC and the PfP will be applicable to the EAPC: *inclusiveness*, with an understanding that opportunities for political consultations and political co-operation will be open to all NATO allies and partners equally; and *self-differentiation*, in the sense that partners will be able to decide for themselves the level and areas of their co-operation with NATO.

The Madrid Declaration

The Madrid Declaration on Euro-Atlantic Security and Cooperation was approved at the NATO Summit Meeting held on 8-9 July 1997.²⁸ It contains two major decisions. First, the NATO Heads of State and Government invited the Czech Republic, Hungary and Poland to start accession talks with the aim of joining the Atlantic Alliance in 1999 (paragraph 6); NATO also agreed to review the process of enlargement at its next Summit Meeting, to be held in 1999, and in this context Romania and Slovenia were mentioned as possible new candidates for membership (paragraph 8).²⁹ Second, the essence and scope of the partnership with non-NATO countries in Europe were expanded, in particular the PfP.

A New NATO in the New Europe

NATO's inclusion of three Central and East European states, its new relationships with Russia and Ukraine, its co-operation and partnership with the states in the north and south that remain outside the alliance, and its dialogue with its Mediterranean partners will all be determinants of the future role of NATO in Europe. At the same time, a process of internal adaptation is under way, with its own political and military dimensions.

Twelve European countries have so far submitted requests to join NATO.³⁰ In other states - mainly the traditionally neutral and non-aligned states - public debates are under way about whether to apply for NATO membership.³¹

28 Cf. Madrid Declaration, cited above (Note 3).

29 This was a compromise formula to address the French endeavours to get Romania included in the first round of new NATO members and the proposal to invite Slovenia to ensure territorial continuity between Hungary and the other NATO allies.

30 These twelve countries are: the three invited candidates (the Czech Republic, Hungary and Poland), Slovakia, the three Baltic states (Estonia, Latvia and Lithuania) and five Balkan states (Albania, Bulgaria, Croatia, Romania and Slovenia).

31 Although the Minister for Foreign Affairs of Sweden stated on 19 January 1998 that the official Swedish position remains unaltered (Sweden's policy of non-participation in military alliances remains unchanged; see note 25), a different position is taken by the leader of the Conservative Party (Moderates), Carl Bildt, Cf. Dagens Nyheter (Stockholm), 28 January 1998. Accession to NATO is also the subject of an open debate in Austria and, to a lesser degree, in Finland. In all these countries the restraint with regard to

At the Brussels NAC ministerial meeting, identical protocols of accession were signed with the Czech Republic, Hungary and Poland on 16 December 1997.³² At the Madrid meeting it was decided that, pending accession, the applicant countries will become involved in NATO activities "to ensure that they are best prepared to undertake the responsibilities and obligations of membership in an enlarged Alliance".³³ The participants also gave assurances that the process of enlargement will be continued.³⁴ The open character of NATO was confirmed in the statement that no European democratic country whose admission would fulfil the objectives of the 1949 North Atlantic Treaty will be excluded from consideration.

The Madrid Declaration indicates that the main candidates for the second phase of NATO enlargement are Romania, Slovenia and other South-eastern European countries.³⁵ The Madrid meeting also decided to direct the NATO Council in Permanent Session to examine the 1991 Alliance Strategic Concept.³⁶ The work on a new strategic concept will be carried out in 1998 with the aim of presenting it to the next NATO Summit Meeting, to be held in April 1999.

The Two Enlargement Processes: NATO and the European Union

The nature and aims of EU and NATO enlargement are quite different. However, in the post-Cold War period, as a result of their internal transformations and expansion of participation, the two organizations have each acquired a new function in the shaping of European security. NATO - along with the PfP, the EAPC and its bilateral security arrangements with Russia, Ukraine

joining NATO, manifested chiefly by the Social Democrats, stems more from psychological and historical motives than from an assessment of the new situation in Europe.

- 32 The three protocols will enter into force "when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof". The text of the accession protocols is reproduced in: SIPRI Yearbook 1998, cited above (Note 1), Appendix 5A, pp. 181-82.
- 33 Madrid Declaration, cited above (Note 3), para. 6, p. 1.
- 34 Ibid., para. 8, p. 1-2. The understanding that the current round of accessions is only the beginning of the process was confirmed by the NATO Foreign Ministers at the NAC meeting in Brussels on 16 December 1997.
- 35 With regard to aspiring members, the Madrid Summit Meeting recognized "with great interest" and took account of positive developments "in a number of South-eastern European countries, especially Romania and Slovenia". It is symptomatic that the formula regarding the Baltic states is different: "we recognise the progress achieved towards greater stability and cooperation by the states in the Baltic region which are also aspiring members". Madrid Declaration, cited above (Note 3), para. 8, p. 2.
- 36 The Alliance's Strategic Concept, agreed by the Heads of State and Government participating in the meeting of the NAC in Rome, 7-8 Nov. 1991, in: NATO Secretariat (Publ.), *The Transformation of an Alliance: The Decisions of NATO's Heads of State and Government*, Rome, 1991, pp. 29-54.

and the Baltic states - has become more than just a defence alliance: it is now the centre of gravity in the search for a new security order in Europe. The EU is facing the challenge of creating new capabilities within the framework of the CFSP and, in close co-operation with the WEU, moving beyond rhetoric and declaratory policies to give a genuine meaning to the vision of a European Security and Defence Identity.

In the case of NATO, the decision about the accession of new members, motivated by the new security environment, is "more demanding in some ways and less complex in others".³⁷ Although the decision-making process of both organizations is based on consensus, NATO is much more dependent on the decisions of the big powers in the alliance.

The NATO enlargement decisions are expressions of arbitrary political will, while the EU requires its new members to undergo much more complex adjustment processes. In NATO, the external and internal adaptations of the alliance's structure are seen as complementary, mutually reinforcing processes, but in the EU tension and contradictions continue to permeate the "widening *versus* deepening" dilemma.

Enlargement of NATO, by its very nature, affects the security interests of both members and applicants as well as the interests of countries remaining outside the alliance. This was the rationale behind the documents that define the new relations and co-operation between NATO and Russia, Ukraine and the Baltic states. The implications of EU enlargement are of a different nature and call for different solutions. In the historical perspective, both processes will overcome the divisions in Europe and enhance stability throughout the continent.³⁸ It may also be noted, for example, that Russia, which sees new threats in NATO's eastward enlargement, has not voiced fears concerning EU enlargement and has officially declared its interest in promoting it.

Three aspects of institutional co-operation were highlighted in the 1997 NATO Madrid Declaration: close co-operation with the WEU, integrated within the EU; the building of a European Security and Defence Identity within NATO; and the strengthening of the OSCE as a regional organization and as "a primary instrument for preventing conflict, enhancing cooperative security and advancing democracy and human rights".³⁹ The role and place of the OSCE have undergone a necessary evolution in recent years. It is worth considering the function this organization plays today and should play in the context of NATO and EU enlargement.

37 S. Serfaty, The logic of dual enlargement, Paper presented at the Conference in Rome on the Fifth Castelgandolfo Colloquium on Transatlantic Affairs, 3-4 October 1997.

38 The Swedish Minister for Foreign Affairs has stressed the significance of EU membership "as part of a deliberate endeavour to make warfare between European countries inconceivable throughout our continent". Presentation by Swedish Minister for Foreign Affairs Lena Hjelm-Wallén, cited above (Note 25).

39 Madrid Declaration, cited above (Note 3), para. 21, p. 3.

The OSCE: An Inclusive Security Organization

Both NATO and the EU have described the OSCE as "the most inclusive European-wide security organization"⁴⁰ and have ascribed it an essential role in securing peace, stability and security in Europe. They have acknowledged that OSCE principles and commitments provide a foundation for the development of a comprehensive and co-operative European security architecture. At the same time, however, the OSCE is seen by many - decision-makers and experts alike - as a fair-weather, loosely organized body. They have noted various weaknesses of the Organization: its lack of strong instruments similar to those provided by Chapter VII of the UN Charter; its consensus-based decision-making process; its lack of authority (it has no organ comparable to the UN Security Council); and the gap between many accomplishments in conflict prevention, crisis management and post-conflict rehabilitation, on the one hand, and their coverage in the media and information provided to the broader public about the Organization, on the other hand. It is also the "youngest" European security institution, undertakes activities mainly on an *ad hoc* basis and lacks a firm bureaucratic structure.

The OSCE is associated mainly with the human dimension of security (human rights and "Basket 3" issues - contacts among people, information, culture and education), which attracted much public and media attention during the last stages of the Cold War. The public is less apprised of the OSCE's role in the achievement of accords on confidence- and security-building measures - the Vienna Documents 1990, 1992 and 1994 - and on conventional armaments in Europe - the 1990 CFE Treaty - or in monitoring their implementation. The public is even less aware of OSCE activities under its new mandate as "a primary instrument for early warning, conflict prevention and crisis management".⁴¹

40 E.g., on the part of NATO, see: *ibid.*

41 Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (Ed.) *The Conference on Security and Co-operation in Europe, Basic Documents, 1993-1995, The Hague/Boston/London 1997*, pp. 145-189, here: Budapest Summit Declaration: Towards a Genuine Partnership in a New Era, pp. 145-149, para. 8, p. 146. See also: Adam Daniel Rotfeld, *Europe: the multilateral process*, in: Stockholm International Peace Research Institute (Ed.), *SIPRI Yearbook 1995: Armaments, Disarmament and International Security*, Oxford 1995, pp. 265-301; and Adam Daniel Rotfeld, *Europe: towards new security arrangements*, in: Stockholm International Peace Research Institute (Ed.), *SIPRI Yearbook 1996: Armaments, Disarmament and International Security*, Oxford 1996, pp. 279-324; and Document adopted by the States Parties to the Treaty on Conventional Armed Forces in Europe on the Scope and Parameters of the Process Commissioned in Paragraph 19 of the Final Document of the first CFE Treaty Review Conference, cited above (Note 13). A systematic review and assessment of OSCE activities are presented in two regular publications: Netherlands Helsinki Committee/International Helsinki Federation for Human Rights, *Helsinki Monitor: Quarterly on Security and Co-operation in Europe*; and Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook* (published since 1995, in German, English and Russian), Baden-Baden 1995ff.

OSCE Activities

In 1997 the activities of the OSCE were oriented towards early warning, conflict prevention, crisis management and post-conflict rehabilitation. During the year, the number of its field operations increased through the establishment of the OSCE Presence in Albania, created in response to the serious political crisis that erupted in February 1997,⁴² and the Advisory and Monitoring Group in Belarus. The OSCE monitored elections in Bosnia and Herzegovina, Yugoslavia (Serbia and Montenegro) and Chechnya (Russia). The establishment of the Mission to Croatia in 1996 has become more important in view of the expiry of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) on 15 January 1998.⁴³

The effectiveness of the OSCE missions results from the working co-operation between the organization and the UN and the Council of Europe. In the OSCE Secretary General's assessment, the reinforcement of co-operation with intergovernmental bodies was remarkable in 1997.⁴⁴

OSCE Missions

In 1997 the OSCE operated long-term missions in Skopje (the Spillover Monitor Mission), Bosnia and Herzegovina (including a separate mission to Sarajevo), Croatia, Estonia, Georgia, Latvia, Moldova, Tajikistan and Ukraine. The other OSCE field activities were the OSCE Assistance Group to Chechnya, activities of the Personal Representative of the OSCE Chairman-in-Office (CiO) on the Nagorno-Karabakh conflict, dealt with by

42 The chaos and crisis in Albania broke out in January 1997 in the wake of mass protests of people who had lost their lifetime savings as a result of fraudulent pyramid investment schemes and the complete loss of government control over these developments. In effect the state collapsed as an institution. The greatest exodus of Albanians to Italy since the end of World War II forced international security institutions to undertake actions in accordance with Chapter VII of the UN Charter. In its Resolution 1101, the UN Security Council voted in favour of the OSCE proposal for a three-month deployment of a Multinational Protection Force to create a secure environment for the work of EU and OSCE assistance missions and UN and NGO humanitarian activities in Albania. Forces from France, Greece, Romania, Spain and Turkey participated in the military operation, under Italian leadership. See also E. Foster, *Intervention in Albania*, in: Royal United Services Institute for Defence Studies/RUSI (Ed.), *The New International Security Review 1998*, London 1997, pp. 208-216.

43 According to the OSCE Secretary General, the Mission to Croatia (as the successor to UNTAES) has been, along with the Albanian mission, the biggest and the most efficient mission ever to have operated under OSCE auspices. Cf. Organization for Security and Co-operation in Europe, The Secretary General, *Annual Report 1997 on OSCE Activities*, in this volume, pp. 459-515, here: p. 464. It should be noted that the UN decided to establish a support group of 180 civilian police monitors for a single period of up to nine months, with effect from 16 January 1998, to monitor the performance of the Croatian police in the Danube region. Cf. UN Security Council Resolution 1145, 19 December 1997.

44 Cf. The Secretary General, *Annual Report 1997*, cited above (Note 43), p. 464.

the Minsk Group, and the newly established operations in Albania and Belarus.

One of the OSCE's achievements in 1997 was a peace plan for solution of the dispute over Nagorno-Karabakh between Armenia and Azerbaijan, prepared by the Minsk Group with the strong support of France, Russia and the USA. However, the plan generated a serious political crisis in Armenia and was not implemented. As a result, the President of Armenia was dismissed in early February 1998. The plan offered broad autonomy to the Armenian population of Nagorno-Karabakh (including an independent military police formation) with the understanding that this territory is under the sovereignty of Azerbaijan.⁴⁵

OSCE Presence in Albania

On 4 March 1997 the OSCE Chairman-in-Office, Danish Foreign Minister Niels Helveg Petersen, responding to the crisis in Albania, appointed former Austrian Chancellor Franz Vranitzky as his Personal Representative. On 27 March the Permanent Council, the central OSCE decision-making body, established the OSCE Presence in Albania to provide Albania with advice and assistance in democratization, establishment of independent media, protection of human rights, and preparation and monitoring of elections. The OSCE also functioned as the co-ordinating framework for the work of other international organizations regarding Albania. The offices of the OSCE Presence in Albania worked in close co-ordination with such intergovernmental institutions as the Council of Europe, the WEU (its Multinational Advisory Policy Element) and the EU (its Customs Advisory Mission and the European Community Monitoring Mission, ECMM).

The activity in Albania was effective for several reasons: primarily because of the heavy political, military and financial involvement of Italy and four other European states (France, Greece, Romania and Spain) but also because three international organizations (the OSCE, the Council of Europe and the European Parliament) were represented by prominent persons with authority.⁴⁶ In addition to the main office of the OSCE Presence in Tirana, two field offices were opened in October 1997. They work in the areas of human rights and the rule of law, democratization and civil rights, electoral assistance, media monitoring and institution building. The Administrative

45 Cf. *Izvestiya*, 6 February 1998.

46 In addition to the key role played by Vranitzky, the group of international observers to the elections in Albania was led by Catherine Lalumière, former Secretary General of the Council of Europe and Member of the European Parliament, as the OSCE Special Co-ordinator. Lord Russell-Johnston, Head of the Council of Europe Parliamentary Assembly, and Javier Ruperez, President of the OSCE Parliamentary Assembly, also participated. See also Vranitzky bids farewell to Albania, in: OSCE Newsletter 10/1997, pp. 1-2.

Centre for the Co-ordination of Assistance and Public Participation, sponsored by the OSCE, co-ordinates foreign and domestic assistance and public participation in the constitutional drafting process.

Mission to Croatia

The mandate of the Mission to Croatia was to monitor the return of refugees and displaced persons on a case-by-case basis by studying the existing property law.⁴⁷ In co-operation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Mission participated in monitoring the April 1997 elections to the Croatian House of Counties and the June 1997 presidential election. The Special Co-ordinator for the OSCE Observer Mission, US Senator Paul Simon, declared the elections to have been "free, but not fair" - with candidates being able to speak freely but with the process leading up to the elections being fundamentally flawed.⁴⁸ In view of the imminent termination of UNTAES, the Permanent Council authorized the OSCE Mission to gradually increase its personnel up to a 250-member international staff.⁴⁹ The Mission was also tasked in 1997 with assisting in the drafting of Croatian legislation and monitoring implementation of agreements on the two-way return of all refugees and displaced persons and the protection of persons belonging to national minorities. In its activities, the Mission co-operated with the ECMM and many other governmental and non-governmental organizations.

Mission to Belgrade

As a result of the protests and tensions generated by the decision of the Yugoslav authorities to annul the results of the November 1996 municipal elections, the OSCE was committed to obtaining the facts. On 17 December 1996 the Chairman-in-Office appointed former Spanish Prime Minister Felipe González as his Personal Representative, with the mandate to investigate the situation and present conclusions to both Yugoslavia (Serbia and Montenegro) and the OSCE. After extensive talks with government officials, opposition leaders and media representatives, González reported his findings. In his view, the elections reflected the will of the majority of citizens and the authorities should accept and respect their outcome; on 4 February 1997 the Yugoslav authorities agreed to acknowledge the results. The CiO Personal

47 The activity resulted in a detailed background report on "The protection of property rights in the Republic of Croatia". Cf. The Secretary General, Annual Report 1997, cited above (Note 43), p. 477.

48 Cf. *ibid.*

49 Cf. OSCE, Permanent Council, PC Journal No. 121, 26 June 1997, Decision No. 176. The Zagreb headquarters is supported by co-ordination centres in Vukovar, Knin, Sisak and Daruvar and by field offices in 16 other locations.

Representative also concluded that the current electoral system should be improved as soon as possible and steps should be taken towards democratic reform.⁵⁰

Other OSCE Activities

In 1997 OSCE activities also involved assistance in the implementation of Russian-Estonian and Russian-Latvian agreements on military pensioners and in promoting democratic institutions in Belarus. On 18 September 1997 the Permanent Council decided to establish an OSCE Advisory and Monitoring Group in Minsk.

As in previous years, activities developed by the OSCE High Commissioner on National Minorities (HCNM) in Croatia, Estonia, Georgia, Greece, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Macedonia, Romania, Slovakia and Ukraine were praised by the OSCE participating States.⁵¹ The CiO Personal Representative for Kosovo (Federal Republic of Yugoslavia), former Netherlands Foreign Minister Max van der Stoel, was authorized to explore possibilities for reducing tensions in Kosovo; the Yugoslav government continued to link the renewal of the activities of the Missions to Kosovo, Sandjak and Vojvodina with Yugoslavia's participation in the OSCE.⁵² It is noteworthy that the Kosovo case calls into question the conventional wisdom that early warning is of key importance in preventing conflicts. It is a necessary - but not sufficient - condition for actions aimed at preventing conflicts. However, the international community does not possess adequate instruments to prevent tensions from escalating to a conflict.

In 1997 the OSCE was engaged in significant activities in Central Asia. Most importantly, it was a signatory to the General Agreement on the Establishment of Peace and National Accord in Tajikistan on 27 June 1997.⁵³ The ODIHR increased its involvement in the promotion of democratic institutions and human rights in Central Asia. Although the ODIHR was active mainly in the field,⁵⁴ some activities were oriented towards integration of the new OSCE participating States.

50 Cf. The Secretary General, Annual Report 1997, cited above (Note 43), pp. 482.

51 Cf. *ibid.*, pp. 483-491; see also: OSCE Implementation Meeting on Human Dimension Issues, Warsaw, 12-28 November 1997, Report of Max van der Stoel, OSCE High Commissioner on National Minorities.

52 Yugoslavia (Serbia and Montenegro) has been suspended from participation in the OSCE since 1992.

53 The OSCE Mission to Tajikistan was also a signatory to the Protocol on the Guarantees of Implementation of the General Agreement, signed in Tehran in May 1997. In addition, the Mission provided assistance to the Commission for National Reconciliation, established in September 1997.

54 Cf. The Secretary General, Annual Report 1997, cited above (Note 43), pp. 499-501. In 1997 election processes were monitored in Croatia (13 April), Bulgaria (19 April), Croatia (15 June), Albania (29 June - 6 July), Bosnia and Herzegovina (13-14 September), Serbia (21 September - 5 October), Montenegro (5-19 October), the Republika Srpska (22-23 November) and Serbia (7 December).

Co-operation between the OSCE, the UN and the Council of Europe improved qualitatively during the year.⁵⁵ The annual High-Level Tripartite Meeting in Geneva, in 1997 held on 24 January, was attended by the representatives of the International Organization for Migration and the International Committee of the Red Cross. Co-operation in the field between the UN and the OSCE was developed in Georgia, Moldova and Tajikistan.⁵⁶ The working meetings of the Chairmen and Secretaries General of the OSCE and the Council of Europe in Oslo on 4 February 1997 and of experts in Strasbourg on 10 March paved the way for the close collaboration of these organizations in Albania, Belarus, Bosnia and Herzegovina, Croatia and the Caucasus.

A Charter on European Security

The 1994 OSCE Budapest Summit Meeting took decisions on a Common and Comprehensive Security Model for Europe for the 21st Century which in 1997 led to the adoption of the OSCE Guidelines on a Charter on European Security, adopted on 19 December at the Copenhagen OSCE Ministerial Council meeting.⁵⁷ The Ministerial Council referred to two documents: the 1992 Helsinki Summit Declaration (paragraph 22), according to which "the OSCE is a forum (...) providing direction and giving impulse to the shaping of the new Europe";⁵⁸ and the 1994 Budapest Summit Declaration (paragraph 8), which states that primary new tasks of the OSCE are early warning, conflict prevention and crisis management.⁵⁹ In addition, the 1996 Lisbon Declaration on a Security Model⁶⁰ pledged a central role for the OSCE in ensuring security and stability.

55 For a detailed review of all such forms of co-operation see: The OSCE in the web of interlocking institutions, PC/SM/7/97, Vienna, 19 September 1997; and Reports from the OSCE Seminar on Co-operation among International Organizations and Institutions: Experience in Bosnia and Herzegovina, Portoroz, Slovenia, 29-30 September 1997, Consolidated Summary, Vienna 1997.

56 The 52nd session of the UN General Assembly adopted Resolution A/RES/52/22 on co-operation between the United Nations and the OSCE, New York, 16 January 1998.

57 Organization for Security and Co-operation in Europe, Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, in the present volume, pp. 431-457, here: Decision No. 5, Guidelines on an OSCE Document-Charter on European Security, pp. 444-452.

58 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, here: Helsinki Summit Declaration, pp. 701-710, p. 706.

59 Budapest Summit Declaration, cited above (Note 41), p. 146.

60 Cf. The Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century, in: Lisbon Document 1996, cited above (Note 13), pp. 426-430.

Reaffirming the significance of the basic documents of the process initiated in Helsinki (the 1975 Final Act and the 1990 Charter of Paris), the ministers decided to develop a Charter on European Security as "a comprehensive and substantive" new OSCE document. The charter is to "be politically binding and take a further step with regard to standards and practices of OSCE participating States".⁶¹ By addressing the risks and challenges to European security in the next century, it is intended to contribute to "a common security space within the OSCE area". The OSCE should be able to achieve this aim through a strengthened organization, undertaking mutually supportive co-operation with other competent organizations on an equal basis. This should complement the processes of integration across the OSCE area and promote adherence to common values and implementation of commitments. The Charter on European Security should continue to uphold consensus as the basis for OSCE decision-making. Flexibility and the ability to respond quickly to a changing political environment are seen as the main quality and advantage of the OSCE in comparison with other European security institutions.

The Ministerial Council presented a catalogue of ten measures to turn this vision into reality. Unfortunately, like many previous OSCE documents, it contained a menu of wishful thinking rather than operational means to make the OSCE an effective European security organization. The paradox is that the element which determines the authority of the OSCE is at the same time, in the view of many analysts, its weakness - its decisions by consensus. While consensus decision-making is rooted in the democratic principles of respect for the equality of states, it fails or becomes hamstrung in crisis situations. The comprehensive nature of the Organization, embracing nearly all aspects of inter-state security - political, economic, legal, military, civilizational and human dimension - provides an opportunity to seek comprehensive solutions. This is important for conflict prevention, crisis management and post-conflict rehabilitation activities, but it is not helpful for concentrating limited resources on systematic activities in innovative approaches to problems. *Ad hoc* measures often facilitate flexibility, improvisation and novel solutions, but they also expose the organizational weaknesses of structures and the lack of resources.

In 1997 the OSCE demonstrated new approaches to fulfilling its tasks by: close interaction with other European security structures, including efforts towards institutionalized co-operation;⁶² more efficient early-warning systems and conflict-prevention activities (involving all the OSCE bodies, e.g.,

61 Guidelines on an OSCE Document-Charter on European Security, cited above (Note 57), paras. 3 and 4.

62 In this context, instead of separate Summit Meetings for each organization, biennial joint Summits of the OSCE and the Council of Europe might be considered, as this could inject more co-ordination and economy into their decision-making.

the Conflict Prevention Centre, the HCNM and the ODIHR); periodic evaluation and assessment of the implementation of decisions of the Permanent Council; and the direct involvement of high-ranking persons in operational activities in the field.⁶³

The Agenda Ahead

In considering what has to be done to improve OSCE effectiveness in responding to the risks and challenges of the next century, one has to ask: is the present mandate of the OSCE adequate and workable, and if so, to what extent? Any agenda is, as a rule, addressed to the questions *what, where, when, by whom and for whom* (in the Cold War period, the important question was *against whom*). Once successfully implemented, an agenda opens up new challenges: *what next and what for?* In the final stages of the Cold War, the main although not the sole tasks of the Helsinki process were:

- (a) promoting peaceful democratic domestic changes in Eastern Europe; and
- (b) shaping international instruments for tackling problems which used to be considered as those falling exclusively within the domestic competence of states (this concerned particularly human rights and the whole cluster of matters called the Helsinki human dimension).⁶⁴ At that time, the success of the CSCE promoted turning the Conference into an organization.

Paradoxically, the institutional and organizational weaknesses of the new organization determined its attractiveness in the early nineties. This was because, compared with other European multilateral structures, the OSCE distinguished itself in the following ways:

- a) It has the largest territorial scope, covering all European states, North America and Central Asia ("from Vancouver to Vladivostok").
- b) It has the broadest spectrum of tasks (the most comprehensive agenda), covering practically all dimensions of relations between states: political and economic life; the human dimension and military aspects of security; culture, information, education, legislation etc.

63 See also the address by the 1998 OSCE Chairman-in-Office, Bronislaw Geremek, Minister for Foreign Affairs of Poland to the Permanent Council, Vienna, 15 January 1998, CIO.Gal/98.

64 See more on this in: Klaus Törnudd, The OSCE responses to post-cold war risks and challenges: Institutional and operational responses. Paper for the OSCE Cluster of Competence, Geneva, 23 March 1998.

- c) It is the most flexible institution and, thanks to its weakly shaped bureaucratic structures, showed that it was capable of quickly adapting to changing needs and operating *ad hoc*.
- d) It is the least costly multilateral body - its expenses are considerably less than those of other institutions.

These and other advantages of the OSCE have not influenced public opinion, which continues to perceive the OSCE as a relatively ineffective organization. Excessively high expectations and hopes pinned on the OSCE by the new states (for them, it is the only effective regional security structure, with the CIS being practically a dead body) increasingly result in frustration and disappointment. This situation calls for remedial action if the OSCE is to play "an essential role in securing peace, stability and security in Europe".⁶⁵ The new agenda for all European multilateral security structures, including the OSCE, should deal with three questions:

1. How can the institutional decision-making process be improved?
2. What should be done to make the existing OSCE tools and mechanism of co-operation with other European and universal organizations more efficient?
3. How may the implementation process be facilitated?

It is noteworthy that a pragmatic approach has prevailed in the OSCE practice. On the other hand, there is still no answer to the question why such ambitious solutions as e.g. the Convention on Conciliation and Arbitration (signed in Stockholm in December 1992), elaborated along the lines of classic peaceful settlement of disputes within the CSCE, do not play an appropriate role.

In analyzing these matters whose solution might enhance OSCE effectiveness in the context of the new European security environment, and the assumptions often made about the Organization, one needs to focus on the three questions of the OSCE agenda.

A. *Decision-making*

According to the common wisdom, the main weaknesses of the OSCE decision-making process lie in the fact that:

⁶⁵ Ministerial Meeting of the North Atlantic Council, Final Communiqué, Luxembourg, 28 May 1998, in: NATO review 3/1998, Documentation, pp. D2-D3, here: p. D3..

- the basis of all decisions is consensus;
- it is necessary to reconcile the interests of too many participants because of the wide membership of the Organization;
- there is no efficient body for taking operational decisions.

In practice, the reality is quite different. Many OSCE bodies, including the Chairman-in-Office and his Personal Representatives, various missions, the High Commissioner on National Minorities, the ODIHR and some other institutions, enjoy a wide range of competencies. They are not limited by the consensus rule in their activities. It is true that consensus is necessary for agreeing on their mandates, but this is an advantage rather than a shortcoming of the decision-making process because specific actions are thus politically legitimized by all States participating in the Organization. In fact, the participating States use their right to veto decisions in a careful manner.⁶⁶ Besides, thanks to consensus, they feel bound to and accountable for decisions taken.⁶⁷ However, one cannot rule out obstruction on the part of participating States which are parties to a bilateral conflict (such as Armenia-Azerbaijan) or a bilateral dispute (Russia-Latvia). In particular cases, the "consensus-minus-one" procedure can be put into effect (as has been the case with regard to Yugoslavia). To enhance OSCE effectiveness the priority of a co-operative approach rather than a formalistic one should prevail. Politically significant OSCE decisions should be inspired by the philosophy of co-operation and *inclusiveness* rather than that of confrontation and *exclusiveness*. (Facing the dilemma of what to do with a state that blatantly and constantly violates OSCE norms and principles, steps such as the suspension of Yugoslavia should take place only in extreme cases.)⁶⁸ As a rule, politically binding decisions are and should be adopted by consensus at Summit Meetings and in the Ministerial Council and the Permanent Council. When it comes to operational decisions, these would be the responsibility of the Chairman-in-Office, who would take them in constant co-ordination with the participating States. He also might delegate some of his competence to his Personal Representatives. The roles of the Secretary General and heads of other OSCE institutions (the ODIHR, missions, etc.) are and should be of an executive character.

Of key importance, however, for any international, including regional, security structure is the existence of an organ like the UN Security Council. In the OSCE such a function might be fulfilled by the existing Contact Group after

66 Piotr Switalski, *The OSCE in the European security system: chances and limits*, Warsaw, 1997, pp. 34-46.

67 Cases of the abuses of consensus, such as those by Malta in the 1970s and 1980s and by Liechtenstein in the early 1990s, are referred to as anecdotal examples of the past.

68 Another case is Belarus where the OSCE has decided not to have recourse to such a drastic step.

some modifications. Called into being for implementation of the Dayton Peace Agreement, it has become an important new institution with competencies which extend beyond its original mandate (e.g., covering the recent Kosovo conflict). In order to maintain its democratic character in decision-making, it is worth considering granting the Contact Group the status of a *sui generis* European Security Council (or Executive Council or Steering Committee). An important assumption here is that the OSCE Chairman-in-Office should be an integral part of it. In other words, representatives of the Troika would be on a rotation basis the members of this new executive organ. Their tasks would be to inform other OSCE participants of Security Council decisions. States-permanent members of such a Council would, as a rule, not apply for OSCE Chairmanship.

B. The OSCE and Other European Security Structures

Co-operation between the OSCE and the United Nations and the Council of Europe is institutionalized in different forms (High-Level Tripartite meetings, agreements, UN resolutions, etc.). Nevertheless, there are still many areas and possibilities which have not yet been explored and used. Of qualitative significance would be steps aimed in two directions:

- a) institutionalization of co-operation with NATO and the Euro-Atlantic Partnership Council (EAPC); and
- b) convening - in agreement with other European security structures - a "Common European Summit" which in a single document would set out specific tasks for different security structures functioning in Europe and lay down the scope and forms of co-operation among them.

NATO and the EAPC. At the Madrid Summit in July 1997, the NATO states reaffirmed their "commitment to further strengthening the OSCE as a regional organisation according to Chapter VIII of the Charter of the United Nations and as a primary instrument for preventing conflict, enhancing cooperative security and advancing democracy and human rights".⁶⁹

In his letter to the Danish Chairman-in-Office, Ambassador Klaus-Peter Klaiber expressed NATO's willingness to "consider joint NATO-OSCE exploration" of different issues.⁷⁰ NATO's willingness to co-operate with the OSCE should not be underestimated. In practice, however, such co-operation

⁶⁹ Madrid Declaration, cited above (Note 3), para. 21, p. 3.

⁷⁰ Letter of 8 October 1997 (Annex to Polads 97/160 Final). The Annex listed the following issues: crisis response planning, including peacekeeping activities under the responsibility of the OSCE; briefings on the progress of on-going conflict prevention missions; periodic working-level exchanges on institutional capabilities; possibilities for informal staff contacts; possible cross-representation at ministerial or sub-ministerial events.

sometimes boils down to entrusting to the OSCE tasks which it can hardly carry out because of the lack of appropriate resources, instruments and organizational capability. This is why, more than one year after the establishment of the EAPC and the decision to establish a Euro-Atlantic Disaster Response Co-ordination Centre in Brussels, as part of "enhanced practical co-operation in the field of international disaster relief",⁷¹ the possibility should be considered of not only collaboration and division of labour between them but also, in the longer run, a possible fusion.

The Council of Europe. The mandates of the OSCE and the Council of Europe are quite similar. Further institutionalization of co-operation between them seems natural. One should not, however, ignore the fact that the Council of Europe, with its built-up specialized structures and a ten times larger staff, focuses exclusively on the problems of democracy and human rights. Issues of security are excluded from its competence. Institutionalization of Council of Europe-OSCE co-operation is encountering various obstacles and difficulties, not only political but also owing to the vested interests of the staffs employed by these organizations. Overcoming this type of resistance will be possible only after a political decision on the further strategy of co-operation between the two institutions has been taken. A practical expression of such a move could be the holding of joint Summits of the OSCE and the Council of Europe every other year instead of separate Summit Meetings. Such a decision would promote co-operation between not only the functionaries of both organizations but also Foreign Ministry officials who often see their activities in competitive terms rather than as mutual support and complementarity. Such a move would also raise the standing of the Summit Meetings, lower the costs and help co-ordinate the work of both institutions and contribute to closer rapprochement with regard to joint action on many issues (e.g., ODIHR, HCNM and some missions).

C. Implementation

Important as they are in strengthening the significance of an organization, charters, declarations and resolutions do not guarantee that it will be effective in carrying out its tasks. In other words, the future of the OSCE will be determined not so much by the Charter on European Security, the text of which is now being negotiated, as by the capabilities, efficiency and effectiveness of the Organization on three planes:

71 EAPC One-Year Anniversary. Press Statement by the Chairman, Luxembourg, 29 May 1998, in: NATO review 3/1998, Documentation, p. D8.

- a) as a primary instrument for preventing conflicts;
- b) as a forum for enhancement of co-operative security; and
- c) as a body for advancing democracy and promoting human rights.

Of key importance for conflict prevention and security enhancement functions is the adoption of an agreement proposed by the EU on Solidarity in Assistance.⁷² The essence of the agreement consists not so much in opening up a "fast path" towards the urgent start of discussions and consultations as in promoting two other matters: *first*, setting in motion - in agreement with the UN Security Council - the procedure provided for in Chapter VII, and *second*, taking, if necessary, such a decision "in the absence of the consent of the States or State party to the dispute".⁷³ Adoption of this proposal would signify that the OSCE had become a regional security organization in the full sense, not solely on paper.

Conflict Prevention

Activities under the auspices of the OSCE regarding what is called conflict prevention, crisis management and resolution are understood as applying diplomacy aimed at:

- preventing disputes from arising between parties;
- preventing disputes from developing into conflicts;
- eliminating conflicts when they occur; and
- containing and limiting the spread of those conflicts not amenable to swift elimination.⁷⁴

All these activities, with no exceptions, were addressed to the states that emerged from the collapse of the totalitarian regimes in Central and Eastern and South-eastern Europe. Most of the conflicts erupted as a result of the disintegration of two multinational federations - the Soviet Union and Yugoslavia.⁷⁵ This determined the character of the effective solutions sought under conflict prevention schemes in the states which are going through

72 In its intervention at the Security Model Committee (Vienna, 29 May 1998), the EU proposed to agree in a Document-Charter that "(t)he participating States undertake to act jointly and promptly if one participating State threatens to use or uses force against the territorial integrity or political independence of another participating State". Presented by the UK Presidency of the EU, PC.SMC/39/98.

73 Ibid.

74 Margaretha af Ugglas, Conditions for successful preventive diplomacy, in: Ministry of Foreign Affairs of Sweden (Ed.), The Challenge of Preventive Diplomacy. The Experience of the CSCE, Stockholm 1994, p. 12.

75 Cf. R. Lukic/A. Lynch, Europe from the Balkans to the Urals. The Disintegration of Yugoslavia and the Soviet Union, Oxford 1996.

political and legal transformation processes - from dictatorship to democracy, from centrally planned economies to market economies. It is a common belief that the OSCE, more than any other security structure, is predestined to act most effectively in these countries. This is connected with both its all-inclusive membership and its all-embracing security agenda (human rights, minorities and democratic governance, on the one hand, and military aspects of security, including CSBMs, on the other). Most important seems to be the fact that there is no other organization in Europe with a mandate so clearly referring to domestic affairs. Taking these as a starting-point, the following practical priorities can be set:

- *Preparation of a professional staff* which could accountably carry out tasks entrusted to them in the spheres of conflict prevention, crisis management and resolution. The selection of heads of permanent missions and particularly personnel has so far been haphazard. The CiO and the Secretary General do not, practically, have a choice; there are many positive examples of competence, experience and effectiveness which should be taken advantage of in preparing the new staff. On the other hand, the CiO and the Secretary General accept candidates proposed by states who frequently are neither professionally prepared nor experienced for the tasks they are mandated with (they are not familiar with the specificity of the organization they represent or with the problems they are to solve). This implies the need to work out a long-term programme of training of diplomatic and military personnel for field operations. The existing forms of training organized by the ODIHR and some national centres, such as the Geneva Center for Security Policy, the George C. Marshall European Center for Security Studies, Garmisch-Partenkirchen, etc., have turned out to be workable. It is worth going further and considering the possibility of creating under OSCE auspices - in conjunction with the EAPC and the Council of Europe - an international centre where training courses could be organized on a continuous basis for diplomats and military officers as well as for national administration civil servants and some NGO representatives participating in the implementation of OSCE tasks. In the preparation of a programme for such a centre in one of the Central European states the experience of existing national institutions of this type and that of the ODIHR could be used. A project on this could be elaborated by a group of independent international experts and submitted for consideration of the interested governments. Establishment of a Euro-Atlantic Security Centre of this type would perform, apart from its training function, two other tasks: it would be an instrument for building an informal network of contacts among diplomats, officials and the military using similar concepts and terms, which facilitates contacts and rapprochement;

regular workshops would be held in the centre with the participation of politicians and experts on the issues which, for different reasons, call for informal political consultations.

- *Improvement of organizational and logistical support for a mission:* the role of the action-oriented Conflict Prevention Centre within the OSCE Secretariat should be reconsidered. The discrepancy between the very limited number of CPC staff, on the one hand, and its broad mandate and the very high expectations pinned on it, on the other, led in effect to some degree of disappointment and the erosion of the high reputation of the OSCE as one of the most efficient instruments of conflict prevention and crisis management. The national logistic units (Swiss in Bosnia, Italian in Albania, etc.) might be institutionalized as a new form of strengthening the OSCE on a voluntary basis by individual states. In this context, it is worth considering the collaboration with the EAPC, PfP and NATO in crisis situations not only on an *ad hoc* basis but also on a regular basis.

Co-operative Security

The OSCE has a better record in this sphere than other organizations. It is enough to mention the implementation of the CFE Treaty, the successive CSBM Vienna Documents, the Code of Conduct and the work of the Forum on Security Co-operation. Some matters concerning the foreseeable future are obvious: the adaptation of the CFE Treaty, the modernization of the CSBM Document etc. The recently adopted EU Code of Conduct on Arms Exports should be subject to negotiation among the OSCE participating States in the near future. However, while thinking about the long-term perspective going beyond the year 2000, two matters should kept be in focus:

- *harmonization of the military-related commitments* adopted within the OSCE on the whole territory from Vancouver to Vladivostok; this means that states which have not yet entered into the agreed treaties and arrangements must do so;
- *a new philosophy of confidence- and security-building measures:* in the past, they were intended to stave off armed conflicts between states; today, when all conflicts in Europe are of an internal character, a new set of measures is needed, which would: (a) foster the solution of and lower domestic tensions before they turn into an open conflict with the use of force; (b) be oriented not exclusively towards the military sphere but towards the broader infrastructure of confidence between potential parties to conflicts inside states and between states. In other words, a broader concept of CSBMs is called for: they should not be confined solely to technical-military parameters, as is the case at present, but should com-

- bine military networking with the establishment of informal contacts and building of democratic institutions, thus creating a comprehensive, transparent security framework. Such tasks should be carried out on the regional (the whole of Europe) and subregional levels (different measures are required in the volatile Balkans and different ones in the stable context of the Baltic Sea region).

The subsidiarity rule should be applied in this field: each state must be responsible for its own security, even if it belongs to one of the existing security structures; security problems should be dealt with, where feasible, on the subregional and regional levels; and there must be solidarity between states with regard to security issues. New OSCE solutions should encourage more domestic support for extending and deepening the existing multilateral international institutions. New arrangements should facilitate profound internal transformation of the existing structures, co-operation with other institutions and, where feasible, a merger or, if desirable, the replacement of some structures by other ones (as it was the case when the NACC was substituted by the EAPC). All this should be carried out according to the rule that institutions should follow the problems.

Advancing Democracy and Human Rights

One of the most significant achievements of the process initiated in Helsinki is that in Europe no one any longer calls into question the principle that human rights and democracy do not belong exclusively to the competence of the state. Respect for and observance of the rights of individuals and the minorities as well as pluralist democracy are legitimate matters of concern of the main multilateral European security organizations: the OSCE, the Council of Europe,⁷⁶ the European Union and NATO. More important than new documents, in this connection, are new forms and ways of fulfilling the commitments adopted by the states. In this context, the importance of two institutions working within the OSCE - the ODIHR and the High Commissioner on National Minorities - cannot be overestimated. With limited resources and a very small staff at their disposal, both institutions have managed to build up great authority. These two bodies illustrate what potential the OSCE can reach when managed by competent persons who are creative in seeking new solutions and capable of making use of NGOs.

In building civil societies an important role could be played by the OSCE Parliamentary Assembly. It seems that the time is ripe for the Assembly and the ODIHR not only to work together but to collaborate closely. In advancing democracy in the new independent states (e.g., ensuring civil control over the military) Western parliamentary experience could be

76 The concept of democratic security was forged at the Summit Meeting of the Council of Europe in Vienna, 9 October 1993.

effectively shared with them via the above-mentioned Euro-Atlantic Security Centre.

Noteworthy among numerous new concrete proposals is the idea of establishing a modern "democratic" police service that is accountable solely to the law, serving the public without discrimination and enjoying its confidence. "International monitoring of local police behaviour could be an equally crucial element in crisis management."⁷⁷ An equally if not more important matter is the question of how to promote the fundamental reform of the judiciary and support democratic governance in parallel with the shaping of a democratic civil society. What has been achieved in recent years with regard to the monitoring of democratic elections can provide guidance and encouragement for expanding OSCE activity in supervising the shaping of and respect for the rule of law. In his speech delivered in Berlin on 13 May 1998, President Bill Clinton envisaged that at the next OSCE Summit Meeting in 1999, the United States "should encourage even greater engagement in the areas where democracy's roots are still fragile - in the Balkans, in Central Asia, and the Caucasus - and (the development of) practical new tools for the OSCE, such as training police to support peacekeeping missions and dispatching democracy teams to build more open societies".⁷⁸

The intention of this article is to suggest some directions in which multilateral efforts undertaken under OSCE auspices might move. To respond effectively to the risks and challenges of the next century, innovation, creativity and boldness in moving beyond the existing frameworks are required. This means, *inter alia*, that it is necessary to take more advantage of the expertise of NGOs, including international research communities which are helpful in fulfilling OSCE tasks. They could, on the basis of the CPC documentation concerning various aspects of military activities or the human dimension of the OSCE (ODIHR), provide periodical analyses supplemented with tables (e.g., a European Conventional Arms Register) to be used by interested states.

The future functioning of the OSCE Economic Forum should be thought through. It is an open question whether, with its finite resources, the OSCE should continue to be a forum of dialogue in this respect. Other organizations, such as the EU, the EBRD, the ECE, the OECD, and even NATO (the EAPC) are much better equipped for taking up the issues discussed at the Economic Forum. If, for political reasons, it were decided to give economic

77 Norwegian paper on: OSCE and police operations, PC/SME/36/98, Vienna, 28 May 1998.

78 Remarks by President Bill Clinton to the people of Germany, 13 May 1998.

issues a higher status within the OSCE, then a narrower, more specific mandate should be formulated and additional resources earmarked for its realization.

However, neither internal transformation nor the best document will work unless all the states, European powers, and the United States in particular, move beyond verbal declarations and adopt strategic decisions committing them firmly to the OSCE.