

The title is set against a stylized map of Europe, with landmasses in green and surrounding waters in blue. The text is in a large, white, serif font with a blue drop shadow.

THE OSCE AND CO-OPERATIVE SECURITY IN EUROPE

LESSONS FOR ASIA

IDSS Monograph No. 6

Joachim Krause

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SECURITY IN EUROPE**

LESSONS FOR ASIA

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INSTITUTE OF DEFENCE AND STRATEGIC STUDIES

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TABLE OF CONTENTS

	INTRODUCTION	1
1	CO-OPERATIVE SECURITY IN EUROPE The Cold War years • The end of the Cold War • From the CSCE to the OSCE • The OSCE at work • The enlargement of the agenda • Contribution of the CSCE/OSCE to co-operative security in Europe	4
2	CURRENT SECURITY PROBLEMS IN EUROPE AND IN THE WIDER OSCE AREA Structural causes of violence • Political causes of violence • Consequences for co-operative security strategies	37
3	INSTRUMENTS OF THE OSCE Instruments of general political consultation • Politico-military instruments • Instruments of preventive diplomacy, mediation and post-conflict reconstruction	48
4	THE RECORD OF THE OSCE Central Eastern Europe • Conflicts in the CIS • Strengths and weaknesses of the CSCE/OSCE	79
5	THE OSCE AND ASIAN SECURITY Applying functions and instruments of the CSCE/OSCE • Concluding remarks	125
	ANNEX – OSCE STRUCTURES AND INSTITUTIONS	140
	AFTERWORD – LEARNING FROM THE OSCE EXPERIENCE	141

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INTRODUCTION

Since the end of the Cold War, the Europeans have embarked on a strategy for preserving peace and preventing war by co-operative security. In essence, “co-operative security” means an international order—so far on a regional scale—marked by a common wish to avoid war, to further economic wealth and to avoid the tragic mistakes that have marked Europe’s history for more than 100 years. This order also can be dubbed a “liberal peace”. A dominant characteristic of such an order is that certain norms and principles—some of them relating to domestic aspects—as well as certain instruments and institutions play a pivotal role and that a coalition of major states acts on behalf of this order if the need arises. In Asia, the European approach towards co-operative security (or liberal peace) is viewed both with interest and with suspicion. On the one hand, Asians are curious to learn how the Europeans have managed to construct such a regional international order and the kind of experiences they have gained. On the other, they are suspicious of it because of the involvement of certain values (such as individual human rights, minority rights, western-style democracy) that are not shared to the same degree in Asia, and because of the erosion of the principle of sovereignty that seems to go along with this new order. Further, some argue that there are marked differences between the geopolitical situations in Asia and Europe that would not allow for the adoption of any European model to the situation in Asia.

This book is an attempt to explain to readers in Asia the nature of this co-operative security approach in Europe and to ask what Asia could learn from it. It is focused on a central, but not the only, element of co-operative security that emerged in Europe after the end of the Cold War: the Organisation for Security and Co-operation in Europe (OSCE), which was called initially the Conference on Security and Co-operation in Europe (CSCE) until 1994. In comparison with the North Atlantic Treaty Organisation (NATO), European Union (EU) or United Nations, the OSCE might not be the most important

element but it has features that have similarities with indigenous political developments in the Asia-Pacific, such as the ASEAN Regional Forum (ARF), where Asian-European exchanges might be of use. In the Asia-Pacific, the ARF has developed its own approaches towards co-operative security. Japan and the Republic of Korea have been associated with the work of the OSCE for some time, and the Asia Europe Meeting Vision Group, among others, has recommended that the OSCE and the ARF seek institutionalised forms of exchange and co-operation.

This book is based on the deliberations of a CSCAP workshop that took place in May 2000 in Singapore, organised jointly by the Research Institute of the German Council on Foreign Relations (Berlin), the University of Trier and the Institute of Defence and Strategic Studies at Nanyang Technological University (Singapore), and was funded by the German Ministry of Foreign Affairs. The meeting was named “Co-operative Security in Europe and its Relevance for Asia-Pacific: The OSCE Experience”. The idea for this workshop came from a growing interest in East Asia in Europe’s experience with co-operative security, confidence- and security-building measures and preventive diplomacy.

The purpose of this book is not to ‘sell’ a certain model of international order, which could be applied to other parts of the world, but to describe the OSCE within its framework and then to address the issue of how far elements of it could find application elsewhere. In this regard, it is noteworthy that both the OSCE as well as the broader framework of co-operative security and the resultant European security architecture are not the product of a deliberately planned scheme. Rather, they are the result of a combined approach of not only learning lessons from the past but also of coping with new problems, mostly intra-state conflicts. Its main proponents are the United States, the member states of the European Union and the most neutral and non-aligned states. In light of the situation that has emerged after the end of the Cold War, the prevalent motives involved in this endeavour were the following three.

1. The wish to avoid any re-nationalisation of defence and security policies in Europe. This is the main reason for maintaining, reforming and extending existing multilateral structures such as NATO, WEU/EU, the OSCE, the Council of Europe and others as part of a system of interlocking institutions assuring international co-operation.
2. The intention of being able to cope with new (or very old) conflicts over borders, minority issues or other intra-state conflicts within the architecture of interlocking institutions. This has led to an adaptation of the structures and institutions of NATO, EU/WEU and the OSCE to the new challenges.

3. The intention to maintain and extend opportunities for keeping the dialogue with Russia and other states of the former Soviet Union over security and security-related subjects. This was at the heart of western policy with regard to the CSCE/OSCE.

The resultant overall European approach towards co-operative security is not a clear-cut conceptual approach for a new model. Rather, it should be called a “unique hybrid arrangement containing elements of traditional alliances, great power concerts, states and community building, and collective security”¹. The OSCE is but one element of this approach.

This book proceeds as follows. Chapter One deals in more detail with the development of co-operative security as a political concept in Europe and the role the OSCE is supposed to play in it. Chapter Two addresses the security challenges in Europe as perceived by the political establishments in most European capitals and the way these challenges are seen to affect the interests of European societies. In Chapter Three, the instruments that were developed within the CSCE/OSCE during the past 25 years are described. Chapter Four then reviews the record of the OSCE in the cases of Eastern Central Europe, the Balkans, and the Commonwealth of Independent States (CIS). Chapter Five addresses the question of whether or not, or how far, lessons learned from the CSCE/OSCE might be applicable to Asia, especially to the Asia-Pacific.

Notes

- 1 Gregory Flynn and Henry Farrell, “Piecing Together the Democratic Peace: The CSCE, Norms, and the ‘Construction’ of Security in Post-Cold War Europe” in *International Organisation* Vol. 53 No. 3 (Summer 1999), pp. 505–535 (505)

1

CO-OPERATIVE SECURITY IN EUROPE

Co-operative security is usually understood as being part of the post-Cold War agenda in Europe. However, the approach towards co-operative security the Europeans have chosen is older and can be understood only against the backdrop of history. For centuries, Europe was the most conflict-ridden continent in the world. With the exception of the period between 1815 and 1914—the time of the “Holy Alliance” and of the “Concert of Europe”—it is hard to find extended periods of peace in European history that lasted for longer than a few months. The historic roots of co-operative security can be traced back to the 18th century when authors such as German philosopher Immanuel Kant and British economist Adam Smith were pondering the possibilities of furthering peace by international institutions and free trade. After failed attempts at creating a new world order based on U.S. President Woodrow Wilson’s ideas of a democratic peace after World War I, the period after World War II was more auspicious. Today, it is obvious that the Europeans have learned their lessons from two world wars, from the collapse of colonialism, fascism and Communism and from the way the East-West conflict could have wound up. This is not just the “end of history”, but something that comes close to the notion of “liberal peace”, that is, an international order based on co-operation instead of a balance of power, on open borders, interdependence and free trade and on a co-operative and civilised way of addressing international problems.

The foundations of this liberal peace were laid by mainly the United States during World War II and were pursued further in the years following the end of the war. Due to the circumstances of the Cold War, it was applied only to the western world. While the East-West conflict—a typical power conflict best understood in terms of realist school thinking—was the dominant feature in international politics from the late forties to the end of the eighties, during this same period, a different order was developing within the trans-Atlantic area and the whole OECD world. It was based on co-operation, interdependence,

institution-building and, in the case of Europe, even supranational integration. The concept of such an order, initially espoused by only the U.S. on the basis of some of President Wilson's ideas about "democratic peace", but taking into account the lessons learned from the failure of international diplomacy during the 1920s and 1930s, was part of the U.S. effort to restructure Europe after World War II. Its purpose was to avoid the re-occurrence of fascism and Communism. This new order was based on a global institutional framework (United Nations, IMF, GATT, Bretton Woods System) that was supported by various regional or transregional institutions (OECD). It was aimed at free trade and free exchanges of people and ideas in order to overcome the deficiencies of the old international order and, last but not least, to make the world strong enough to withstand the Soviet and Communist threat. A salient feature of this order was that it was not confined to international relations alone, but was extended to domestic and economic orders too. Hence, democracy and a certain kind of governance—the welfare state and a strong role of the state in economy—became additional, but important elements of that order. It was the combination of a liberal, international environment structured by institutions and free trade with democratic governance and welfare state that made this endeavour such a success. It created an international, regional and transregional order, guided and guarded by the United States.

European integration, which came as an attempt to reorganise international affairs in Western Europe after two devastating wars, fitted perfectly into this picture. It was the European contribution to the creation of a zone of peace and co-operation and it gave an example of how much the quality of international relations could be subjected to change. This did not imply that traditional power relations no longer played any role among Europeans or within the world. However, the relevance of their relations among themselves was reduced, in part, because of deliberate efforts by most governments in the West, and also as a consequence of the stronger welfare orientation of modern industrialised societies. This paved the way for rearrangements and reconciliation among nations that seemed formerly to be entangled in eternal hostility (such as France and Germany) and the resolution of border conflicts on the basis of two simple principles. These were the inviolability of existing borders, and the acknowledgement of human rights for minorities also, be it in form of granting individual rights (the French model) or of collective rights (such as the regulation that was found to solve the decades-long conflict between Austria and Italy over South Tyrol).

This model of liberal peace which, to a certain degree was facilitated by the threat of Communism, was extremely successful and led Western Europe as well as the rest of the OECD world to enjoy peace, economic growth and political stability unknown so far in European history. This process, set off in the

1950s, radiated far beyond the borders of the world. It contributed indirectly to the erosion of the Communist system created by Lenin and Stalin. It combined economic and personal freedom with a degree of political governance that was allowing, on the one hand, the emergence of the creative forces of a market economy, while, on the other hand, reining in the destructive and chaotic elements of a liberal market economy and the destructive consequences it can have on societies deeply split between the rich and poor.¹ Thus, the combination of domestic stability—brought about by regulated market economies, stable democratic societies and the development of “civil societies”—free trade and institutionalised international co-operation under U.S. leadership (but with the growing role of the European Community or the European Union), shaped an attractive image of a new world. This attraction became obvious already in the 1950s—exemplified by the massive flight movements of East Germans and other Eastern Europeans to the West—and more so in the 1970s and 1980s. Although the experiment of Marxist-Socialism had obviously failed in the 1950s,² it needed more than 30 additional years before the political leadership in Moscow was ready to change the basic policy direction and to leave the unyielding path of “Scientific Socialism”.

THE COLD WAR YEARS

It is against this background that the development of the Conference on Security and Co-operation in Europe (CSCE) has to be seen. The CSCE was a typical offspring of the Cold War. Originally a Soviet propaganda plot, it later became a vehicle for détente policy and eventually was turned into an instrument of co-operative security, which helped to overcome the East-West conflict in a civilised way. In the 1990's the CSCE even became a regional arrangement under Chapter VIII of the U.N. Charter, which tries to promote co-operative security by using a couple of instruments and institutions.

Originally proposed by the Soviet Union in the early 1950s and resuscitated in the mid- 1960s, the idea was accepted by the West but with major modifications that eventually led to the beginning of formal negotiations on the mandate for such a conference in 1972.³ Soviet intentions at that time were threefold:

1. to solidify her territorial gains from 1945 and to legitimise her political control over eastern Central Europe and the German Democratic Republic (GDR);
2. to create a forum for political consultations in Europe that would create opportunities for driving a wedge between Western Europe and the U.S., or to further their differences; and

3. to get access to western technologies and find markets for Soviet and eastern European products.

The West, on the other side, had different ideas about such a conference. While the United States, notably the then National Security Advisor and later Secretary of State Henry Kissinger, had only limited expectations and conceived of the project mainly as a bargaining chip to achieve some progress in the field of conventional arms control and with regard to the status of Berlin,⁴ the West Europeans went far beyond this kind of reasoning. The notion gained ground that the CSCE as well as *détente* policy in general could be instrumental in easing the burden of the East-West conflict for individuals mainly in Eastern Europe and that by increasing trade and exchange it might be possible to achieve some liberalisation of the Communist systems (“change through rapprochement”). It was also hoped that it would be possible to engage the Soviet Union and her allies in a dialogue on peaceful relations between states. During the formative years of the CSCE, the Europeans (that is, the member states of the European Communities) became more influential in shaping the western position and the CSCE was the first successful example of what is called today the Common and Foreign Security Policy (CFSP) of the European Union—at that time the less ambitious formula European Political Co-operation was chosen.

At that time, the operational goals for the West were:⁵

- the definition and further development of principles and norms of international relations with the aim of strengthening the norm of non-aggression in general by putting emphasis on the renunciation of force;
- progress in the field of arms control in a way that would reduce the offensive capability of the Warsaw Treaty Organisation; and
- the development of East-West relations in a way that freer movement of people, ideas and information could be achieved and that instruments for economic, cultural and scientific exchange could be formed.

The Helsinki Summit (1975)

Beginning on 18 September 1973 in Geneva, the CSCE negotiations brought together representatives of all 35 European states (except Communist Albania, which refused to participate) for almost two years. The result was the text of the CSCE Final Act, which was signed by the heads of state or government in Helsinki between 30 July and 1 August 1975.⁶ The Final Act was not a legal instrument but a political document intended to bind political decision-makers and to serve as a kind of joint programme, a comprehensive code of conduct whereby the process of *détente* could be defined with more clarity

and through which it would become possible to assess the behaviour of individual states according to jointly-agreed norms, principles, procedures and other operational benchmarks. The Final Act consisted of four main sets of recommendations, usually referred to as “baskets”.

- Basket one was related to the politico-military aspects of security. Its main part was the so-called Decalogue, a list of ten principles that were to guide relations among participating states. It was supplemented by a document on Confidence-building measures (CBM) by which all states agreed to notify each other of military manoeuvres involving more than 25,000 soldiers.
- Basket two dealt with co-operation in several areas including economics, science and technology and the protection of the environment.
- Basket three covered the humanitarian dimension of co-operation; it included provisions intended to ease direct contacts between citizens, to allow more freedom of information and to increase co-operation in the area of culture and of education.
- Basket four dealt with follow-ups to the conference. It was agreed that regularly follow-up meetings (so-called review conferences) were to be held to establish progress in overall relations.

The most important part of the Final Document was the Decalogue, which contained ten carefully drafted and balanced principles, among which certain trade-offs were made between the West and the Soviet Union.

1. Sovereign equality, respect for rights inherent in sovereignty
The CSCE states promised to respect each other's sovereign equality and individuality (especially territorial integrity) and each other's right to freely choose and develop its political, social, economic and cultural systems. This principle also stated the right of states to change their frontiers in accordance with international law, by peaceful means and by agreement.
2. Refraining from the threat or use of force
The CSCE states vowed to refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any state.
3. Inviolability of borders
This was of most concern to the Soviet Union. It stated that “the participating states regard as inviolable all one another's frontiers as well as the frontiers of all states in Europe and therefore, will refrain now and in the future from assaulting these frontiers”. It also required states from simply demanding the seizure or usurpation of part of or the

territory of any participating state. Obtaining this kind of language was so important to Moscow that it accepted in turn, language concerning human rights and the independence of small states that later proved to be difficult to implement for the hard-line Communist leadership.

4. Territorial integrity of states

This principle was put into the Decalogue upon the insistence of the western and the neutral states, who wanted to have language in the document basically outlawing any repetition of the invasion of Czechoslovakia on 21 August 1968 by Warsaw Pact forces. In particular, it refers to the inadmissibility of making the territory of other countries the object of military occupation.

5. Peaceful settlement of disputes

This principle remained somewhat hollow, since the language contained nothing more than the wish of the CSCE states to solve disputes by peaceful means. Yet, it was important to have such a formula as part of the Decalogue.

6. Non-intervention in internal affairs

This principle was partly a repetition of principle four (territorial integrity) and again contained language that should make it impossible for the Warsaw Treaty Organisation to repeat an invasion against one of its member states or to threaten such an invasion.

7. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief

This was the most fundamental break with the Soviet quest for controlling the minds and beliefs of its citizens. It stated that the “participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion”. Further, it contained a promise to promote and encourage the “effective exercise of civil, political, economic, social, cultural and other rights of freedom all of which are derived from the inherent dignity of the human person...” Beyond that, it stated: “States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.”

8. Equal rights and self-determination of peoples

In principle, this constituted a repetition of principle one of the Decalogue. The language of this principle was very difficult to negotiate, since different concepts of self-determination of peoples were involved.

While, on the one hand, the language emphasised the rights of all peoples (including those without a state) for self-determination, it was cast in a way that it could not be interpreted as opening the possibility of creating new state entities or changing existing state borders.

9. Co-operation among states

This principle tried to define priorities for international co-operation in various fields, including a positive notion concerning the involvement of non-state actors.

10. Fulfilment in good faith of obligations under international law

This was a rather general legal clause intended to reassure that the political obligations assumed under the Final Act would be implemented in good faith.

The other relevant elements of the Final Act were in basket three. Here, the general obligations in the field of human rights were spelled out in more detail, in particular with regard to the freedom of information and the freedom of movement. For the Communist societies, which were built upon the notion that people and information would have to be subject to intensive state control, implementing the provisions agreed upon in basket three, turned out to be cumbersome. Basket two, containing provisions for co-operation in the economic, scientific and technological fields, was relatively void of substance and less controversial than basket one or three. The basic trade-off in the Final Act was one between principle three (inviolability of borders) on the one hand, and principles four, five, six and especially seven, on the other.

The Decline of Détente

The CSCE Final Act was supposed to form a framework within which the détente process was to make headway. After the Helsinki Summit, détente policy did not make a leap forward. On the contrary, East-West relations turned sour after the summit. This was mainly due to other developments such as the Communist victory in Vietnam in the spring of 1975, the Angolan civil war at end of 1975, the attempted Communist coup d'état in Portugal and Soviet and Cuban involvement in the civil war in Mozambique. At end 1977, the Soviet Union and Cuba, assisted by the GDR, changed sides at the Horn of Africa and supported the Marxist military junta in Ethiopia.⁷ At the same time, the Soviet Union began to deploy additional nuclear weapons of an intermediate range (the SS-20) directed at Western Europe in an attempt to intimidate the West and to widen the cracks in alliance solidarity.⁸ The absolute nadir in East-West relations was reached in December 1979, when the Soviet Union invaded Afghanistan. That same year, NATO adopted a “dual-track” strategy asking the Soviet Union to withdraw its SS-20 missiles, otherwise it threatened

to deploy the U.S. Intermediate-range Nuclear Forces (INF) in Europe against Soviet territory.

The Helsinki Summit had a rather detrimental effect on the Communist-ruled states. After the text of the Final Act was published in full by the state-controlled media in Eastern Europe, this document was taken at face value by various human rights groups in the Communist-ruled countries. They demanded that their respective governments make good on what they had just subscribed to under basket three. The resulting unrest was considered highly dangerous by the traditional Communist leaders. The so-called “dissidents”—actually these men and women were representing what the majority of people in their states wanted—were purged, imprisoned and intimidated by the Communist authorities. As a result, in 1976, the U.S. Congress established the Commission on Security and Co-operation in Europe with the aim of closely monitoring human rights violations in the Soviet Union and other Communist-ruled countries. What was originally intended to further progress in East-West relations, the monitoring of human rights, now became an instrument of the fight between the U.S. and the Soviet Union. The Soviet Union, on the other side, used the growing desire of public opinion in Western Europe for peace to depict the alleged “arms race” as the real source of tension between East and West and to make NATO responsible for a new round of the arms race by threatening to deploy intermediate-range nuclear weapons. The political pressure, especially on the Federal Republic of Germany, became very strong at that time and resulted in the collapse of the coalition government headed by Chancellor Helmut Schmidt in September 1982. This pressure subsided only after the West German Parliament on 22nd November 1983, expressed its support for the deployment of two new categories of intermediate-range missiles as the answer to earlier Soviet deployments.

The era of tensions continued until 1984 and was only dissolved after Mikhail Gorbachev became Secretary General of the Soviet Communist Party in March 1985 and subsequently also President of the Soviet Union. During this period, the CSCE held two lengthy follow-up meetings: one in Belgrade, from 4 October 1977 to 8 March 1978, and one in Madrid, from 11 November 1980, to 9 September 1983. Both meetings took place in a politically-charged atmosphere and were, at various points, on the verge of collapse. The Belgrade meeting ended with a concluding document that had no substantive improvements beyond reaffirming the commitment to implement the Final Act.⁹ The Madrid meeting did not end in failure because a new trade-off between human rights and disarmament evolved, resulting in a mandate for a conference on disarmament in Europe. The Soviets, who did an efficient job by using disarmament rhetoric to drive a wedge between the West Europeans and the U.S. and also between the individual West European

governments and their respective populations, wanted to give disarmament a greater role in the CSCE. At the height of the INF debate in Western Europe—in particular in West Germany—the Soviets wanted to have a forum in which their disarmament proposals could be launched and where divergent opinions over the security interests of the United States and Western European governments could become apparent.¹⁰ In picking up a proposal that had been made already by the then French President Valéry Giscard d'Estaing in 1978, the Soviet side wanted to have an all-European disarmament conference. The West gave in eventually. However, they demanded that the conference be judged according to its results and should be militarily significant, politically binding, and should provide for adequate verification. It was also said that it should be applied from the Atlantic to the Urals. The Concluding Document of the Madrid meeting contained the mandate for such a conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE), which was supposed to start with a first phase during which new confidence-building measures in addition to the ones that were already agreed upon at Helsinki in 1975, should be negotiated. In a second phase, measures towards disarmament were to be envisaged.¹¹

Despite this new mandate, by the end of the Madrid meeting in the fall of 1983 the future of the CSCE was still as uncertain as the whole process of détente. The CSCE was not an instrument whereby détente could be resuscitated. The combination of domestic, if not structural weakness and stasis of the Communist system, together with the penchant of the ailing Marxist elite to use force internally to keep at bay domestic unrest and internationally to impress the West, made no major progress possible. On the western side, this Soviet attitude made the position of those who wanted to stick to détente policy increasingly difficult while it helped the more conservative and détente sceptics to get into power such as Ronald Reagan in the U.S., Margaret Thatcher in Great Britain and Helmut Kohl in the Federal Republic of Germany.

The best thing that can be said about the CSCE at that time was that it was in the interest of the West and the East to keep alive the process. This was made easier by the fact that everything agreed upon was basically only political in nature, that is, legally non-binding and could have been revoked at any time. Further, because of the rule of consensus, each state had the opportunity of blocking any further steps. Hence, staying with the process was without risk. Yet, one should not forget that at the time, the main interest of both the West and the Soviet bloc was to use the CSCE to influence the domestic situation on the respective other side. As a consequence, each side tried to emphasise certain elements of the Final Act while downplaying others, or tried to introduce new elements. However, playing this game also meant that a permanent channel of

communication was kept open and that the notion that a normative code of conduct (for intra-state and for international relations) as well as a long-term programme of co-operation was needed, sunk in slowly. This turned out to be extremely helpful at the very moment East-West confrontation gave way to an unexpected peace.

THE END OF THE COLD WAR

The East-West conflict did not end because of the CSCE or because of détente policy. It stopped because the political aspirations of the Communist Soviet leadership ran out of steam as the whole system lost its momentum and was on the verge of collapse. The Leninist model, a combination of a state-run command economy and the iron-clad leadership of a political caste that drew its legitimacy from the writings of a 19th century German philosopher, had definitely outlived its time. Additionally, the “imperial overstretch” had a price, with military expenditures and other imperial costs accounting for more than 30 per cent of the Soviet gross national product.¹²

It was Mikhail Gorbachev who started to change the pace of events. His programme (outlined in his memoirs) was to prevent Soviet society from collapsing by lifting tight Communist rule and by ending confrontation with the West.¹³ Gorbachev viewed this confrontation as a huge waste of money and natural and human resources. It took almost five years for this policy to materialise and to be seen as credible by the West. During this transitional period, which lasted from early 1986 until the summer of 1991, the CSCE, because of its characteristics described above, played an important role in easing the transition and in shaping the new European order. It served first as a sounding board for the new way of thinking Gorbachev had promulgated and for the West, it was a testing ground for the seriousness of his new ideas. It then became the stage from which a peaceful and face-saving end to the Cold War could be arranged. Finally, it was the framework within which a new European order could be constructed. The years between 1986 (the beginning of substantive progress during the Stockholm negotiations on the CDE Treaty) and the end of 1990 (the conclusion of the Paris Charter) were the most important and fruitful years of the CSCE.

The CDE Negotiations

The negotiations on a conference on Confidence- and Security-Building Measures and Disarmament in Europe began in January 1984 with fundamentally different approaches taken by the West and the Warsaw Treaty Organisation. For almost two years it dragged on without tangible results. Since

late 1985, however, Gorbachev's new arms control policies started to manifest themselves in clear changes in the Soviet position. Most western observers at the time agreed that after failing to prevent NATO from deploying Cruise missiles and Pershing II missiles in Europe, the Soviet leadership eventually decided to think differently about arms control.¹⁴ During 1986, the shape of a fundamentally new approach became visible, as was witnessed from the results of the Reykjavik Summit and from the outcome of the Stockholm CDE negotiations.

On 22 September 1986, the CDE Treaty was finalised.¹⁵ It contained not only a contractual obligation on the non-use of force but also detailed provisions regarding confidence- and security-building measures. Among them was the obligatory notification of all major military activities involving more than 13,000 troops or 300 battle tanks, the mandatory invitation of observers for military activities involving more than 17,000 men, the exchange of annual calendars of military activities and a verification system providing for on-site inspections, on the ground, from the air, or both without right of refusal and subject to a passive quota of three inspections per year. This document was rightly hailed as a substantial step towards peace in Europe, since for the first time it constituted palpable measures to curb Warsaw Pact's ability to launch a conventional attack on Western Europe.

Vienna Follow-up Meeting

The successful outcome of the CDE negotiations gave additional impetus to the Third CSCE Follow-up Conference that took place in Vienna between 4 November 1986 and 19 January 1989. The Vienna Document issued on 19 January 1989 was a major success, since it was bridging the fundamental divide between East and West over human rights and ended with the mandate for a conference on conventional disarmament that was clearly directed at doing away with existing capabilities for large-scale offensive military operations. Beyond that, progress in the field of conflict resolution was also put on the agenda.¹⁶

In the field of human rights, the participating states—including the Communist-ruled states of the Warsaw Treaty Organisation—found themselves in basic agreement over the necessity of implementing the principles, agreed upon in Helsinki, in a way that would show demonstrable results. In particular, the states agreed to remove barriers to the free movement of persons from one country to the other, to make it easier for the reunification of families living in different countries and to remove obstacles against the free flow of information. They also agreed on the language that would protect national or religious minorities. The relevant provisions were drafted in a clear and unambiguous

way, thus leaving little room for manipulation. The member states also agreed in principle on a mechanism through which the adherence of individual states to these principles and norms could be subject to a monitoring procedure. The so-called Human Dimension Mechanism, laid out in a separate annex to the document, provided for a simple procedure whereby states could ask for clarification and bring cases to the attention of other CSCE members.

On the arms control side, two major conferences were agreed upon in Vienna: a conference comprising member states of NATO and the Warsaw Treaty Organisation that would “strengthen stability and security in Europe through the establishment of a stable and secure balance of conventional armed forces, which include conventional armaments and equipment, at lower levels; the elimination of disparities prejudicial to stability and security; and the elimination, as a matter of priority, of the capability for launching surprise attacks and for initiating large-scale offensive action”.¹⁷ This mandate was quite a success for the West since it was addressing exactly the crux of western apprehension: the danger of a large-scale conventional armed attack by the Warsaw Treaty Organisation. The other conference was supposed to continue with Confidence- and Stability-Building Measures (CSBM) and for CSCE member states to agree on further measures beyond those agreed on in Stockholm.

Another important aspect was the agreement on the peaceful settlement of disputes. For many years, the West had insisted that beyond the declaratory level, the principle of peaceful settlement of disputes should be strengthened by a mechanism through which states were obliged to look for mediation through a third party. This demand was always rejected by the East, but now it was accepted as a principle and a meeting of experts was planned to explore further possibilities for creating such a mechanism.

These concessions were made at a time when the “old regimes” were still in power in Eastern Europe, and many of them—notably the East German and the Czechoslovakian governments—were reluctant to accept them. However, since Gorbachev’s main aim was to demonstrate to the West his sincere wish for a fundamental change in international relations, these orthodox governments had to give in.¹⁸ As a result, the CSCE process paved the way for the fundamental changes that took place in 1989 and 1990. By emphasising the importance of human rights, basic freedoms and the necessity of opening societies to change, the long overdue surrender of power by the Communist regimes to democratically-elected politicians became to be perceived as normal, expected by the international community and in line with the overall wish for freedom. The notion of the inadmissibility of capabilities for large-scale conventional attacks paved the way for the withdrawal of more than 500,000 Soviet troops from the territory of the GDR, Poland, Czechoslovakia

and Hungary. This could be presented in a face-saving manner as a step towards peace and stability in Europe, but not as a strategic defeat or withdrawal of the Soviet power.

The Collapse of Communism

During these two years (1989–90), not only did the Communist regimes collapse—or gave way to democratic elections—the new political forces in these countries emphasised the relevance of human rights more than what was thought necessary by many western governments. Since most of the new ruling forces in these countries were former dissidents who had, for such a long time, pegged their hopes on the Final Act of the CSCE, this development came as no surprise. Consequently, two CSCE conferences of experts in Bonn and Copenhagen in 1990 came out with language that embraced fully western values of democracy based on free elections, the rule of law and the recognition of an intrinsic relationship between political pluralism and the market economy.¹⁹ The CSCE Summit of Paris in November 1990, which served as the stage on which the end of the Cold War was formally declared, accepted most of this language and made it the subject of solemn state commitments.²⁰ One of the most important features of the Paris Charter was the connection drawn between peace and security on the one side, and the aim of making democratic gains irreversible and letting human rights and minority rights become a central element of any international order, on the other.²¹

In the area of CSBM and conventional disarmament, the progress made was breathtaking. In November 1990, two important documents were readied: the most important was the Conventional Armed Forces in Europe Treaty (CFE Treaty), which set ceilings for a set of weapons systems (treaty-limited items).²² Actually, it boiled down to a reduction of the overall armed forces by almost 50 per cent, to be brought about mainly by the Soviet Union—and later Russia—and by a united Germany (which had to destroy most of the equipment of the former GDR troops). The CFE Treaty was also very important since it developed a methodology for comparing and reducing military arsenals according to established military criteria.²³ Of less importance, but surely also a clear indication of the new era, was the passing of the Vienna Document on Confidence- and Security-Building Measures, which further fine-tuned and enhanced the measures agreed upon in the CDE Agreement from September 1986.²⁴

The most important task member states of the CSCE saw was to assist the new democracies in Eastern Europe in their political and economic transition. The economic dimension did not attract too much attention within the CSCE framework, since the main responsibility for economic co-operation was with

the European Community, which in 1991, already offered most Eastern Europe states preferential status (Association Agreements) and the prospect of joining the Community later. Thus, most attention was given to the support that could be organised, within the framework of the CSCE, for building democratic societies. For this purpose, the Paris Summit from November 1990 created the Office for Free Elections, which was established in Warsaw. Its purpose was to assist in preparing and conducting elections, building up political institutions and creating civil societies in the former Communist states.

This represented an attempt to make the connection between international security and peace on the one hand, and the adherence to human rights and democracy on the other, as strong as possible. By the same token, the principle of sovereignty was no longer seen as taking precedence over the principle of human rights and freedom. The 1991 Moscow Document of the Conference on the Human Dimension of the CSCE was a major step in that direction. It stated categorically and irrevocably that commitments undertaken in the human dimension of the CSCE were matters of direct and legitimate concern to all participating states and did not belong exclusively to the internal affairs of the states concerned.²⁵ This might sound strange to Asian readers. However, against the backdrop of decades-long abuse of the principle of state sovereignty by all Communist regimes—none of them having come to power by democratic vote or anything similar—and the manifold sufferings this practice brought to the citizens of Eastern Europe and East Germany, such a formulation was a deeply felt act of liberation in all of Europe, in particular in the former Communist-ruled states. It was also signalling that Europe, after almost a century of war and human rights violation, was hungry for an alternative peaceful regional order.

The Creation of a European Order

Beyond the humanitarian issues and those related to democracy, security and economic relations, the future of the CSCE was debated at the time. The Soviet leadership wanted to dissolve the Warsaw Treaty Organisation as well as its western counterpart, NATO, and to see the CSCE become a pan-European security institution with primary responsibility for security in the whole region. The notion of dissolving NATO, however, found little support in the West. This subject came to a head first in spring 1990 when the “Two-Plus-Four talks” about the international aspects of German unification focused on the membership of a united Germany in NATO. Gorbachev insisted that Germany stays out of NATO, while the U.S., Great Britain and France demanded that Germany be free to decide on its own. The negotiations dragged on for months and ended in summer 1990 when the Soviet Union accepted that a united Germany would have the right to decide which alliance it wants

to join.²⁶ The main reason for the western powers as well as for Germany to stick with NATO was to keep a working structure of co-operative security alive, which had proven effective because of U.S. involvement and leadership. The CSCE alone, it was seen, could not take over this function because of its difficult decision-making rules and lack of leadership. The danger was it could be overburdened and wind up as the defunct League of Nations did in the 1930s. The spectre of an uncontrollable re-nationalisation of defence policies was seen. The only remedy against this danger was to keep NATO intact, as a defence alliance and as an alliance jointly dealing with common security problems, alone or together, with other international institutions such as the OSCE or the United Nations.

If there ever was a possibility of making the CSCE a regional collective security organisation similar to the United Nations, it was discarded in 1990, and most rightly so since later events in the Balkans showed that the necessary level of unanimity needed to cope with such massive violence, was not possible within the CSCE. It needed an organisation such as NATO that would be able to show its teeth if the need arose. NATO, too, was built on the consensus rule. However, given the relatively high degree of convergence in many areas and the leadership role of the United States, it became possible for NATO to act even in case of a serious crisis. The problem with the CSCE was (still is) the crippling effect of the differences between Russia and the rest of Europe over many issues, in particular those relating to the Balkans.

This does not imply that the CSCE was without purpose or was only second to NATO. However, in 1990 and more so in 1991, it became clear that a division of labour was emerging between NATO, the OSCE, the United Nations and, partly, the Western European Union and the European Community (Union). The task of the CSCE was in “soft security” (that is, in preventive diplomacy, in observer missions, good services and in the creation of a broader legal framework) rather than dealing with bloody conflicts. The catchword at that time was “interlocking institutions”, that is, institutions such as NATO and the CSCE do not compete with each other but each has its place in the overall strategic architecture of Europe.

This modest role of the CSCE in the evolving European security architecture was also reflected in the institutional arrangements that were made during the Paris Summit in November 1990. Member states decided that a certain institutional framework was needed to keep the CSCE running. The highest decision-making body, which comprise the heads of state or government, was to meet each second year. In-between these meetings, the Foreign Ministers were supposed to meet, while a Committee of Senior Official (CSO), consisting of the political directors of the foreign ministries of all the

CSCE states, would convene twice or three times a year to discuss more urgent matters. In addition, a small secretariat was established in the Czechoslovakian capital Prague, which was augmented by a Conflict prevention Centre (CPC) located in the Austrian capital of Vienna and the above-mentioned Office for Free Elections, in Warsaw.

FROM THE CSCE TO THE OSCE

The years between 1989 and end 1990 were, to a certain degree, the honeymoon years of co-operative security. During that period, the anomaly of the East-West conflict vanished as well as the centuries-old traditional great power games over Europe. There was a feeling that the era of war and great-power conflict in Europe was definitely over and that the western model of society and democracy, together with a free-market economy, had taken over and was providing for the “end of history”, as Francis Fukuyama put it at that time.²⁷ The CSCE had its place within this evolving security order, which was based on a rather optimistic perception of how things would develop in Europe. Unfortunately, both the Iraqi invasion of Kuwait in August 1990 as well as the beginning of the wars in Yugoslavia in summer 1991, served as a wake-up call that there were security challenges in the world that could not be solved by soft diplomacy and co-operative strategies alone. While the Gulf War was beyond the realm of the CSCE, the Yugoslavia crises affected the CSCE and did considerable damage to its reputation.

The wars in Yugoslavia broke out in July 1991 after almost two years of negotiations between the central government in Belgrade and the various republics over how to restructure the federal state of Yugoslavia. The Yugoslavia that Marshal Josip Broz Tito had created after World War II was on the verge of collapse, mainly because the northern states of Slovenia and Croatia wanted to separate themselves from the inefficient, bureaucratic and dogmatic centre in Belgrade. Further, they did not want to support the economically weaker southern republics of the federation. For some time, the prevailing impression was that the politicians of the various republics in Yugoslavia would be able to sort out their differences by negotiations. The army declared its neutrality and began collecting the weapons militias had acquired in Slovenia and Croatia. Suddenly, in the summer of 1991, the army gave up its neutrality and, on the behalf of the Serbian leadership in Belgrade, tried to force Slovenia and Croatia to stay within the federation. At the same time, Serbian militias in Croatia began a cruel campaign of ethnic cleansing in the province of Krajina and in Eastern Slavonia, killing tens of thousands and displacing hundreds of thousands of ethnic Croats. It seemed that the Serbs, under the leadership of the nationalist Slobodan Milosevic, had concluded that the Yugoslav federation

could no longer be kept together and that it was imperative to cut out as much territory as possible from the old federation in order to save the Serbs from being forced to live under Croatian, Slovenian or Muslim leadership.²⁸

The CSCE was taken by surprise at this turn of event. The fighting broke out a few days after the CSCE Foreign Ministers in Berlin had agreed upon a mechanism for consultations in case of emergencies. They had passed the Valetta Mechanism, which was to be used to solve international disputes by peaceful means and which gave a big role to outside mediation. Consequently, the CSCE reacted to these events with timid and helpless gestures. It offered its good services to revitalise the negotiations over Yugoslavia at a time when no one in Yugoslavia believed in the restoration of the federation any more. It offered observer missions that had no impact at all. Everything beyond that was impossible because the representatives of Yugoslavia, which was now a Serb-dominated entity more or less, blocked every decision that would hurt the interest of the Serbian side.

The CSCE Foreign Ministers met in January 1992, after the worst seemed to be over because of an armistice between Croatia and Serbia, and tried to draw the necessary conclusions after the deficiencies became obvious. As the decay of both Yugoslavia and the former Soviet Union demonstrated, the notion of national self-determination that was promulgated by the CSCE, could have disastrous consequences if it went along without those elements of constraint enshrined in the Final Act of Helsinki and the Charter of Paris. Especially where the danger of conflicts in newly-established states resulting from the mishandling of minorities or of ethnic groups who were not the titular nation, was the main problem.

In discussing these problems, the Foreign Ministers agreed that without organisational changes, the CSCE would not have any impact. CSCE was still a conference series rather than an institution. The decision-making procedures were tailored in such a way that everything was put to the summit or to the foreign ministers' meeting. Since crises might occur in-between these meetings, the competencies of the Committee of Senior Officials (CSO) to deal with them were strengthened.²⁹ It was entitled to make decisions and it could even deviate from the consensus rule: at least declarations and communiqués could, in cases of grave violations of the CSCE obligations, be made without taking into account the voice of no more than one state ("consensus minus one rule"). It must be pointed out, however, that this rule did not apply to recommendations involving measures directed against an individual country.

The foreign ministers also empowered the Conflict Prevention Centre (CPC) with additional duties, including the possibility of offering fact-finding missions. The CPC had a Consultative Committee, which was tasked with

security-related negotiations. Also, a network for better communication between the foreign ministries participating in the CSCE was created. The Warsaw-based Office of Free Elections (OFE) was expanded and renamed the Office for Democratic Institutions and Human Rights (ODIHR). These measures made it possible for the organisation to react in time and with a sufficient amount of competencies and were important in transforming a conference series into an institution. They did not, however, do away with the shortcomings of the CSCE in dealing with the level of violence witnessed in the former Yugoslavia.

The Helsinki Summit (1992)

The Helsinki Summit of July 1992 marked another change in the overall direction of the work of CSCE.³⁰ A number of new states—among them Croatia, Slovenia and Albania as well as the member states of the Commonwealth of Independent states that once formed the Soviet Union—joined the CSCE, increasing its membership to 55 from the original 35. This was not undisputed since it extended the CSCE to large parts of northern and central Asia and meant a loss of philosophical cohesion. Thus, those who were promoting the enlargement of the CSCE, were predicting this step as an attempt to be of assistance to the successor states in terms of democratisation and human rights and to help them find their place in the international community. The summit also decided on more organisational improvements. The competencies of the CSO were expanded and strengthened, the role of the Chairman in Office (CiO) was expanded too. The CSO was able to offer the dispatching of observers, experts or fact-finding missions, in a crisis. The upgrading of the role of the chairman was supposed to give additional impetus to preventive diplomacy and conflict management. Usually, the chair of the CSCE rotated on a monthly basis between the states (in persona: the respective foreign minister) and the competencies of the chair were purely of an organisational kind. Now the chairman could, either alone or supported by a troika consisting of his predecessor and his successor, act on behalf of the organisation in offering good services, envoys or fact-finding missions.

In addition, the position of a High Commissioner for National Minorities (HCNM) was created, located in The Hague. The commissioner was to serve as a consulting and mediating institution helping, in particular, the newly-independent states to solve their minority or ethnic problems. In order to be able to better cope with the need to negotiate security arrangements in various fields (conventional arms control, confidence-building measures, open skies, principles guiding military activities, etc.) the consultative committee of the Centre for Conflict prevention was upgraded and established as the

Forum for Security Co-operation.³¹ In the preceding years, the consultative committee concluded a huge agenda by adapting the CFE Treaty to the changed international environment and adding another document on upper limits concerning the manpower strength of all the armed forces in those states that were members to the CFE Treaty (only NATO and former members of the Warsaw Treaty Organisation). In March 1992, it concluded negotiations on a second Vienna Document on Confidence- and Security-Building Measures and the Open Skies Treaty that allowed aerial inspections in all states that were members of the treaty. The Forum now assumed the task of organising co-operation with military establishments from the newly-independent states. Beyond that, it was asked to work out the principles and norms for a different set of issue areas.

The most conspicuous event during the Helsinki Summit, however, was that the CSCE constituted itself as a regional arrangement under Chapter VIII of the U.N. Charter. Given the fact that the CSCE membership now ranged from Vancouver to Vladivostok, including major parts of Central Asia and North America, many commentators welcomed enthusiastically the new members of the international institutions family. In December 1992, the Ministerial Council of the CSCE created the position of Secretary General of the CSCE, which was filled first by German diplomat Wilhelm Hoeyng.³²

In 1993, the work of the CSCE did not proceed as quickly as before mainly because events in Bosnia-Herzegovina escalated to such a level that the credibility of the whole co-operative approach was in question. The CSCE could play only a minor role in the various efforts to manage the crisis. The Forum for Security Co-operation, however, continued its work with much success. In November 1993, it produced a programme for military contacts and co-operation, a paper on stabilising measures for localised crisis situations and principles governing conventional arms transfers.³³ A further organisational change was made in December 1993, when the foreign minister council created a new institution under the CSO—the Permanent Council—that was to meet once a week and which could give the work of the institution more continuity. Also, it was decided during the meeting that the secretariat should move from Prague to Vienna, where the CPC and other offices were located. The CSCE had now become a full-fledged international organisation and was no longer a series of high-level conferences.³⁴

The Budapest Summit (1994)

Given the progress made in the organisational area, it was not surprising that the Budapest Summit of December 1994 decided to rename the CSCE to the Organisation for Security and Co-operation in Europe (or OSCE), which is

used today.³⁵ The Budapest Summit was also a milestone in the development of a European security concept, since it produced the document “Code of Conduct on Politico-Military Aspects of Security”, which had been negotiated in the Forum for Security Co-operation.³⁶ In it, the OSCE states reconfirmed the various central elements of the CSCE security philosophy such as:

- the notion of a comprehensive security concept, that is, security is not confined to traditional defence-related issues but encompasses societal and economic factors and takes democracy and human rights into account as very important factors for security;
- the notion of a co-operative security concept in contrast to the danger of re-nationalisation of defence politics;
- the principle of solidarity and joint action in solving security problems;
- the reaffirmation of the principles from the Final Act of Helsinki of 1975;
- the acknowledgement of the right of each state to determine whether or not it wants to join a military alliance;
- the common belief that tensions leading to internal and international conflicts rest on the violations of human rights, in aggressive nationalism and chauvinism, in racism, xenophobia and anti-Semitism, and that a strategy of preventive diplomacy has to start with attempts towards solving social, economic and political problems that could lead to such causes of conflicts; and
- the necessity to put armed forces under political and democratic control and to devote much more work within the OSCE towards assisting the newly-independent states in that regard.

The Budapest Summit yielded other important documents. Among them was the third version of the Vienna Document on Confidence- and Security-Building Measures.³⁷ In addition, a paper on principles governing non-proliferation of weapons of mass was finalised. The summit also tasked the Forum for Security Co-operation with working out a common security model for Europe in the 21st century.

The Budapest Summit did not mark the end of the process of institution-building. Yet, after this summit, the process slowed down since most of the tasks were completed. Since then, the OSCE has concentrated on more substantial work. A detailed overview of the current organisational structure of the OSCE can be found in Annex I.

THE OSCE AT WORK

With the beginning of the process of institutionalisation, the CSCE/OSCE got engaged in many activities related to ethnic intra-state conflicts. This was done mainly by missions of various characters and sizes. In the main, these missions were composed of small groups of experts or diplomats who offered their knowledge, their experience or simply, good services. By the end of 1993, there were eight such missions actively engaged, one was defunct. By the end of 1994, this number grew to ten active missions and one non-active. After the Budapest Summit, the number of such missions went up further, reaching 15 by the end of 1997. In addition, the HCNM was active in almost all of the newly-independent states and the ODIHR proved helpful in establishing (or re-establishing) democracy in those countries that were under Communist control for many decades (for more details, see chapter three).

After the Budapest Summit, among the most important tasks for the OSCE were the management of the Stability Pact for Europe, its contribution to the implementation of the Dayton Agreement (or Paris Agreement) on Bosnia-Herzegovina, the reform of the CFE Treaty and its contribution to the management of the Kosovo crisis from 1998 to 1999.

The Stability Pact for Europe

The first case the OSCE took on, as part of its involvement in the Stability Pact for Europe, was to implement a policy that was thought would stabilise Eastern Central Europe. The Stability Pact for Europe was the idea of former French Prime Minister Edouard Balladur, in 1993. The basic notion was that before the Eastern European countries could join the European Community, they had to adhere to a certain set of norms, principles and to regional or bilateral co-operation. Essentially, candidate states from Eastern Central Europe, had to solve their minority problems and border disputes by adhering to the principles formulated by the CSCE; they had to demonstrate their readiness to actively pursue regional border-crossing co-operation and to establish workable democratic institutions before they could expect to join the European Community. Candidate states had to follow these guidelines and to organise conferences of different sizes and compositions (regional, multilateral, sub-regional or bilateral) which should give new impetus to concrete co-operative projects of different categories and sizes. The initial conference took place in Paris in May 1994 under the auspices of the European Community and the Stability Pact later was referred to the OSCE in March 1995. From then on, the OSCE had the main work of co-ordinating and organising the different projects, especially the regional round tables. The purpose of the regional

round tables was to ensure that sub-regional arrangements of co-operation in the areas concerning minorities, cultural relations, economy, ecology, legal problems and education, would be pursued.³⁸ In March 1995, the OSCE took over from the European Community and was able to muster an impressive number of bilateral and sub-regional agreements that were intended to support the goals of the Stability Pact.³⁹

Bosnia-Herzegovina

While taking over the responsibility for the management of the Stability Pact was tailor-made for the OSCE, things were harsher in the war in Bosnia-Herzegovina (1991–1994). The record of the CSCE/OSCE involvement in trying to solve this war was very poor, and so was the record of the combined efforts of the international community. As a matter of fact, the failure of the international community to solve this conflict mainly by soft security measures, that is, offering observer missions and good services, and peacekeeping efforts where there was no peace to be watched over, was obvious. Many critics claimed that the failure of international efforts to stop the war and, in particular, to stop the ethnic cleansing, would have a detrimental impact on the overall chances for creating a functioning international order built upon co-operation instead of a balance of power. While the CSCE confined itself to modest forms of soft security, at least the United Nations took several steps, although hesitant, that were supposed to end the fighting such as an arms embargo against former Yugoslavia and by declaring Bosnian towns encircled by the Serbs as “protected areas”.

But most well-meant multilateral attempts towards mediation or conflict solution turned out to be inadequate, sometimes even counterproductive. Criticisms focused on the United Nations continuing to uphold an arms embargo against Bosnia-Herzegovina, although this was dubious in terms of international law. Things came to a head in July 1995 with the Serbian siege and later the taking of the cities of Srebrenica and Zepa, which were safe areas under a resolution of the United Nations Security Council, but whose predominantly Muslim population was either displaced or brutally murdered. That same month, the U.S. Congress passed a piece of legislation that terminated the arms embargo on the U.S. side unilaterally because “Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government’s inherent right of individual or collective self-defence under Article 51 of the United Nations Charter and, therefore, is inconsistent with international law”.

As a result, the Clinton administration as well as the Europeans changed their policy vis-à-vis Bosnia-Herzegovina and began an extended air campaign

against the Serbian forces in Bosnia-Herzegovina after various ultimatums did not result in any change of Serbians positions. The resultant Peace Agreement in 25 November 1995 in Dayton foresaw a major role for the OSCE as part of the overall peace-implementation plan.⁴⁰ According to the Dayton Accord, the OSCE had the following tasks: a) to prepare and organise free and fair democratic elections in Bosnia-Herzegovina, b) to help the parties implement their obligations in the field of human rights, and c) to organise the arms control process, whereby the warring parties were to reduce drastically their inventories of weapons.⁴¹ The OSCE was relatively successful on all fronts in the years since, and this will be dealt with in more detail in chapter four.

Adaptation of the CFE Treaty

Since the CFE Treaty came about, there were calls for several adaptations to be made. In each instance, the request came from Russia: in 1995, it demanded a less strict application of the so-called flank rules and in 1996, it asked for a redrafting of the treaty as a whole in connection with the enlargement of NATO through the membership of Poland, the Czech Republic and Hungary. In both instances, NATO member states agreed to resume negotiations in a committee of the Forum for Security Co-operation of the OSCE. In May 1996, the flank rule was changed and in November 1999, the CFE Treaty was recast in a fundamentally different way. It deviated from the hitherto applied model that balanced two groups of states (which reflected the old stand-off between NATO and the Warsaw Treaty Organisation) to one where each country's ceiling on domestic and foreign forces was defined as the basic parameter of conventional arms control. This successful work was surely eased by the fact that it took place within the framework of the OSCE.

Kosovo

Another high point of the OSCE activities in the period after the Budapest Summit was the Kosovo crisis. In 1998, the international community tried, on various occasions, to stop the Yugoslav leader Slobodan Milosevic, from displacing Kosovo's Albanian population from their towns and villages. This was the subject of two resolutions of the U.N. Security Council (1160 and 1199) which did not impress Yugoslavia. After NATO sent an ultimatum to Belgrade, U.S. Ambassador Richard Holbrooke struck a deal with Milosevic on 13th of October 1998, according to which most of the Yugoslav militias were to leave Kosovo in order to live up to the stipulations of the above-mentioned Security Council resolutions. This was to be verified by NATO by aircraft and by the OSCE through a 2,000-strong mission stationed on the ground. The Kosovo Verification Mission was supposed to become the largest-ever mission

the organisation had seen. However, before the OSCE was able to marshal the required 2,000 men, things developed in different way. Milosevic violated the agreement, a development that eventually led to war in 1999.⁴²

The war in Kosovo ended in early June 1999 with Resolution 1244 of the U.N. Security Council. It provided for a broad framework within which not only was the stabilisation of the military situation intended, but also the civilian reconstruction and the establishment of democratic institutions. As with the Dayton Agreement, the U.N. Resolution gave certain responsibilities to the OSCE as part of a larger effort by the international community. This means, *inter alia*, the build-up of human resources in civil administration and in the legal system, democratisation and promotion of civil society elements, support for the creation of democratic parties as well as the preparation, organisation and monitoring of democratic elections. For this purpose, the OSCE dispatched more than 500 experts to Kosovo. (Meanwhile, the number of experts grew to over 2,100. For more details, see chapter four).

In the late phase of the war in Kosovo, the EU launched an initiative aimed at removing the sources of perennial Balkan conflicts by combining an aid and reconstruction programme with the prospect of future membership in the European Community, provided certain standards of democracy, human rights, regional and sub-regional co-operation were met. Thus came the Stability Pact for South-eastern Europe. This initiative entailed a lot of different activities on various subject areas, from regional tables on security and co-operation to initiatives intended to improve the economic conditions or to further civil society. The OSCE has assumed some responsibility under the Stability Pact, which is organised through the Special Co-ordinator for the Stability Pact of Europe, Bodo Hombach.⁴³

THE ENLARGEMENT OF THE AGENDA

As these developments have demonstrated, the OSCE had undergone further changes and had seized new issues during the past five years. The agenda, thus, has been enlarged to a considerable degree. This was partly the result of unforeseen events, such as the collapse of state authority in Albania in 1997 and the contribution of the CSCE in the international efforts to stabilise the country and to re-establish state authority. It has resulted also from the inherent logic of the CSCE/OSCE process and the concept of comprehensive security, which has been built upon the logic of further developing and fine-tuning principles and norms and trying to implement them in incremental, but logical steps. The close connection developing between interstate security and the respect for human rights, the rule of law, and the democratic domestic order in the member states made it necessary to include new subjects. One of these

was the freedom of the media, which was considered of utmost importance during the Council Meeting in December 1997, in Stockholm. The Council at that time decided to establish a new institution within the OSCE family: the Representative on Freedom of the Media. The task of this body was to help newly-established democracies to develop independent media that are of high standards.⁴⁴

Other subjects involved a broad range of issues, such as the fight against organised crime and drug trafficking as well as against terrorism.⁴⁵ Also ecological issues, gender issues and legal matters (death penalty, torture) made it into the OSCE's agenda. The danger this entails is, as was voiced at various instances, that the OSCE might get caught up with trendy civil-society subjects, that require endless debates but eventually wind up with little operational success.

Between 1996 and 1999, a lot of attention was also devoted to the drafting of a Charter for European Security, which was finalised in November 1999, on the occasion of the Istanbul Summit.⁴⁶ The Charter was to serve as an update on the Final Act of Helsinki (1975) and the Charter of Paris (1990). It was again a reaffirmation of the basic principles, norms and goals that have been accepted by the OSCE member states. It set a couple of operational goals that the organisation was to pursue in the coming years, among them were:

- an improved concept of co-operation with other institutions, mainly the European Union, Council of Europe, the United Nations, and NATO. For this purpose the Platform for Co-operative Security was established.
- developing a role for the CSCE as peacekeepers in future conflict management. While the OSCE's role in conflict prevention and post-conflict reconstruction was assessed as being relatively successful, in terms of peacekeeping, it was seen as poor still.
- creating a Rapid Expert Assistance and Co-operation Teams (REACT), which should enable the OSCE to respond quickly to demands for assistance and for large civilian-field operations. This requirement was seen as a consequence of various attempts by the OSCE to respond to the request by the Albanians to help prevent the collapse of Albania in 1997.
- paying more attention to acquiring the capability to carry out police-related activities to assist in maintaining the primacy of law in countries that are in need of such help and which are requesting assistance from the OSCE. This is closely related to the case of Albania but is also in connection with efforts for post-conflict reconstruction in Bosnia-Herzegovina and in Kosovo.

- providing the OSCE with additional capabilities to deal with emergencies. In this respect, the Charter established an Operations Centre within the Conflict prevention Centre of the organisation and a Preparatory Committee under the OSCE Permanent Council.

The Istanbul Summit also made it clear that sub-regional co-operation and the processes of the two Stability Pacts were important elements for creating peace and stability in European sub-regions. In a post-mortem to the war in Kosovo, member states also confirmed in the Charter the rejection “of any policy of ethnic cleansing or mass expulsion”.

CONTRIBUTION OF THE CSCE/OSCE TO CO-OPERATIVE SECURITY IN EUROPE

As stated at the beginning, the OSCE should not be looked at in isolation. This organisation is part of a broader architecture of co-operative security in Europe, which is supposed to be part of the larger and comprehensive United Nations system of peace preservation, but which allows the Europeans to develop further their regional systems. It is composed of at least the following elements.

- The North Atlantic Treaty Organisation, which forms the backbone of co-operative security in Europe. Its main functions are to keep the U.S. involved in European security affairs and to organise defence and security co-operation in a manner that any re-nationalisation of defence and security policy (a scourge of the past) will be avoided. In terms of political options, only NATO allows the Europeans to act militarily in pursuance of political goals. NATO member states have confined their military activities (beyond self-defence) to those that are done in order to solve problems that might undermine security and stability in Europe. This is interpreted differently sometimes in Moscow and Beijing, however, the empirical record is very clear on that score. NATO's role as an institution of co-operative security is not only based on co-operation among member states, but also its enlargement policy and its Partnership-for-Peace (PfP) policy. The logic of PfP is to involve the newly-independent states of Eastern Europe and Central Asia as much as possible in order to avoid the re-nationalisation of their defence and security policies.
- International free trade as a precondition for peace is being guaranteed by membership in the World Trade Organisation and adherence to various kinds of free trade agreements. Besides that, other international organisations in particular the OECD (including the International Energy Agency) or rather, functional institutions, are supplementing these core activities.

- The European Union too has the primary function of preserving and fostering peace among formerly hostile nations by creating free trade (even a single integrated market today) and international and even supranational institutions. Over the past decades, it has begun to care more about the stability of adjacent areas. This is true especially after the end of the Cold War. The EU is, according to its own image, a civilian power trying to stabilise its regional environment by economic and institutional means. However, since 1999 the EU has embarked on a policy of creating an independently operating intervention army, which would be allowed limited employment for purposes of peacekeeping or even peace enforcement in European crises.
- The OSCE, even more than the EU, is practising only “soft security” in the field of conflict prevention and conflict management as well as post-conflict reconstruction. It has also proven to be extremely important as a stage for dealing with Russia and other states that are not being considered as candidates for either NATO or EU in the field of arms control and security. Although NATO is keeping up this kind of dialogue too, the OSCE Forum for Security Co-operation has proven to be more relevant.

One is tempted to position NATO, EU and the OSCE according to the relative weight soft security plays in comparison to hard security instruments. While NATO occupies one end of the spectrum and the OSCE is at the other, the EU is between them. It would be wrong, however, to try to construe a disparity between these three different organisations. Their functions overlap to a certain degree and sometimes, they have to refer to each other in order to achieve some kind of division of labour. And in the case of the Stability Pacts, the EU was charging the OSCE with the implementation of its policy.

Such collective endeavours to stabilise Europe or at least to contribute to the prevention of war by joint efforts have a long—although not always successful—tradition. The Holy Alliance of 1815 successfully prevented major wars in Europe between 1815 and 1848. After that, the Concert of Europe in combination with a balance-of-power system underpinned by growing international trade and a sense that peace was a necessary precondition for the economic upswing and growth in all European states, provided for another lengthy period of peace in Europe.⁴⁷ During this period a couple of crises on the Balkans were managed by collective efforts—the last was a joint military operation by Great Britain, France, Germany, Austria and Russia to prevent Albania from being absorbed by Serbia and Montenegro in 1913.⁴⁸

This system of peace preservation, however, was not strong enough to withstand the forces of nationalism and imperialism and it died with the outbreak of World War I in 1914.⁴⁹ During the inter-war period, there were various attempts to create an international order based on the League of Nations, which failed for various reasons.⁵⁰ Today's efforts are of a different nature and are on a more solid base than in the late 19th or early 20th century since there are no longer strategic rivalries between the major European powers. Instead, there is a broad common understanding that the mistakes of the past should not be repeated and that new forms of international security order have to be developed which are different from the traditional ones in that they would put more emphasis on the domestic side of conflicts. This thinking is understood and shared by most European countries but has been difficult to promote in Russia, Belarus and Serbia. Russia still thinks in terms of 19th century big-power rivalry in the Balkans and was surprised at how much the attraction of the Stability Pact for South-eastern Europe has led to the "loss" of Serbia in late 2000.

In their approach towards security, both the OSCE and EU follow a certain kind of philosophy that might be described as follows.

- A broad understanding of the nature of "security" and of "security risks". This is often referred to as a "comprehensive security" approach. Indeed, it means that there are elements other than military that are relevant to national and international security, such as economic security, human rights, democracy and the rule of law and that a policy of conflict prevention has to start with those economic and political problems that might cause political and military conflicts.
- By the same token, there is a close link between conflict prevention on the one hand and democracy building, rule of the law and human rights, on the other. Peace is considered to be more stable when governments are democratic, when the rule of the law is in effect, and when they are adhering to human rights standards, especially with respect to national minorities.
- A top-down conceptual approach whereby common principles and procedures are developed among all the European states as part of the CSCE process and then applied to individual situations.
- A multilateral, co-operative approach whereby international organisations are seen as important tools of preventive diplomacy and where a division of labour among them should be possible (interlocking institutions).

This kind of security philosophy is reflected in various documents of the OSCE, for instance, in the Istanbul Charter for European Security in November 1999. Paragraph nine, for example, stated: “We will build our relations in conformity with the concept of common and comprehensive security, guided by equal partnership, solidarity and transparency. The security of each participating state is inseparably linked to that of all others. We will address the human, economic, political and military dimensions of security as an integral whole.” It went on: “Peace and security in our region is best guaranteed by the willingness and ability of each participating state to uphold democracy, the rule of law and respect for human rights. We individually confirm our willingness to comply fully with our commitments. We also have a joint responsibility to uphold the OSCE principles. We are, therefore, determined to co-operate within the OSCE, with its institutions and representatives, and stand ready to use OSCE instruments, tools and mechanisms. We will co-operate in a spirit of solidarity and partnership in a continuing review of implementation. Today, we commit ourselves to joint measures based on co-operation, both in the OSCE and through those organisations of which we are members, in order to offer assistance to participating States to enhance their compliance with the OSCE principles and commitments.”⁵¹

These are lofty words that have to stand the test of reality in the light of conflicts and wars. Europe was not the peaceful continent many had dreamed of after 1989. Instead, it became clear that after the end of the old strategic conflict, new, limited conflicts arose that put demands on all institutions involved in co-operative security in Europe. As indicated above, these challenges led the OSCE to adopt internal structures, instruments and procedures that can be fully understood only if they are examined against the backdrop of the conflict potential in present Europe.

Notes

- 1 The most interesting review of the failures and mistakes that were made in Europe during the late 19th and 20th Century are reflected in Karl Polanyi, *The Great Transformation, The Political and Economic Origins of Our Time* (Boston: Beacon Press, 1944).
- 2 Already manifested by Khrushchev’s address to the 20th Party Congress of the CPSU in 1956.
- 3 The most important literature on the early development of the CSCE is John J. Maresca, *To Helsinki. The Conference on Security and Co-operation in Europe, 1973–1975* (Durham, N.C.: Duke University Press, 1985); Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents 1972–1993*, 2nd. ed. (Dordrecht:

- Kluwer Academic, 1993); Ljubivoje Acimovic, *Problems of Security and Co-operation in Europe* (Aalphen aan den Rijn: Sijthoff & Nordhoff, 1981); Victor Yves Ghebali, *La Diplomatie de la Détente: La CSCE, d'Helsinki à Vienne 1973–1989* (Bruxelles: Émile Bruylant, 1989); Hermann Volle and Wolfgang Wagner (eds.), *KSZE – Konferenz ueber Sicherheit und Zusammenarbeit in Europa. Beitrage und Dokumente aus dem Europa-Archiv* (Bonn: Verlag fuer Internationale Politik, 1976).
- 4 Henry L. Kissinger, *The White House Years* (Boston: Little, Brown and Company, 1979), Chapter XI, 7.
 - 5 See Maresca, *To Helsinki*, p. 6; Paul Frank, in Volle and Wagner.
 - 6 Text can be found on the OSCE Website (<http://www.osce.org/docs/english/1990-1999/summits/helfa75e.htm>).
 - 7 See David E. Albright (ed.), *Communism in Africa* (London: Bloomington, 1980); Jiri Valenta, "The Soviet-Cuban Intervention in Angola, 1975" in *Studies in Comparative Communism* Vol. 11 No. 1/2, (Spring/Summer 1978), pp. 3–33; John Marcum, *The Angolan Revolution*, 2 vols. (Cambridge, Mass: MIT Press, 1978)
 - 8 See Lothar Ruehl, "The Soviet Threat to Western Europe: An Example of Theater-War Capabilities" in: Lawrence L. Whetten (ed.), *The Future of Soviet Military Power* (New York: 1976), pp.157–171.
 - 9 See Stefan Lehne, *The Vienna Meeting of the Conference on Security and Co-operation in Europe, 1986–1989. A Turning Point in East-West Relations* (Boulder, Col.: Westview Press, 1999), p. 16.
 - 10 Lehne, *The Vienna Meeting*, p. 19
 - 11 *Conference for Security and Co-operation in Europe 1975, Summit Helsinki, 1 August 1975, Final Act*; text can be found at http://www.osce.org/docs/english/1973-1990/follow_ups/madri83e.htm.
 - 12 Hannes Adomeit, *Imperial Overstretch: Germany in Soviet Policy from Stalin to Gorbachev* (Baden Baden: Nomos Publ., 1998)
 - 13 Michail Gorbachev, *On my Country and the World* (New York: Columbia University Press, 1999)
 - 14 See John Borawski, *From the Atlantic to the Urals: Negotiating Arms Control at the Stockholm Conference* (Washington, D.C.: Pergamon Press, 1988); see also Karl E. Birnbaum and Bo Hult (eds.), *From Stockholm to Vienna: Building Confidence and Security in Europe* (Stockholm: Swedish Institute of International Affairs, 1987), see also Lehne, *The Vienna Meeting*, pp. 24 ff.
 - 15 Document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe Convened in Accordance with the Relevant Provisions of the Concluding Document of the Madrid Meeting of the Conference on Security and Cooperation in Europe from 22 September 1986; text can be found at <http://www.osce.org/docs/english/1973-1990/csbms1/stock86e.htm>.

- 16 Conference for Security and Co-operation in Europe. Follow-up Meeting 1986–1989, Vienna, 4 November 1986 – 19 January 1989, Concluding Document, text can be found at http://www.osce.org/docs/english/1973-1990/follow_ups/vienn89e.htm.
- 17 Chairman's statement on "Negotiations on Conventional Armed Forces in Europe", an annex to the Concluding Document; text can be found at http://www.osce.org/docs/english/1973-1990/follow_ups/vienn89e.htm#Anchor-ANNE-29383.
- 18 See Lehne, *The Vienna Meeting*, p. 20.
- 19 See Flynn and Farrell, "Piecing together," pp. 515–516.
- 20 Conference for Security and Co-operation in Europe 1990, Summit Paris, 19–21 November 1990, Charter of Paris for a New Europe, text can be found at <http://www.osce.org/docs/english/1990-1999/summits/paris90e.htm>.
- 21 See Flynn and Farrell, "Piecing together," p. 516.
- 22 Treaty on Conventional Armed Forces in Europe from 19 November 1990, text can be found at <http://www.osce.org/docs/english/1990-1999/cfe/cfetreat.htm>.
- 23 See Richard Falkenrath, *Shaping Europe's Military Order. The Origins and Consequences of the CFE Treaty* (Cambridge, Mass: The MIT Press, 1995).
- 24 Vienna Document 1990 of the Negotiations on Confidence- and Security-Building Measures Convened in Accordance With The Relevant Provisions of the Concluding Document of the Vienna Meeting of the Conference on Security and Co-operation in Europe; text can be found at <http://www.osce.org/docs/english/1973-1990/csbsml/vienn90e.htm>.
- 25 Third Conference on the Human Dimension of Security, Moscow, 10 September – 15 October 1992, Moscow Document of the Conference on the Human Dimension of the CSCE, text can be found at <http://www.osce.org/docs/english/1990-1999/hd/mosc91e.htm>.
- 26 The events are aptly described in Philip Zelikow and Condoleeza Rice, *Germany Unified and Europe Transformed. A Study in Statecraft* (Cambridge, Mass.: Harvard University Press, 1995), especially Chapters 6 to 9.
- 27 Francis Fukuyama, *The End of History and the Last Man*, (New York: The Free Press, 1992); see also Michael Mandelbaum, *The Dawn of Peace in Europe* (New York: The 20th Century Fund Press, 1996).
- 28 The beginning of the Yugoslav wars is dealt with extensively in the literature, see for instance, James Gow, *Legitimacy and the Military. The Yugoslav Crisis* (New York: Palgrave, 1992); Lenard Cohen, *Broken Bonds. The Disintegration of Yugoslavia* (Boulder, Col.: Westview Press, 1993); V.P. Gagnon, "Ethnic Nationalism and International Conflict: The Cases of Serbia" in *International Security* Vol. 19 No. 3 (Winter 1994/95), pp. 130–166; Laura Silber, with Allen Little, *The Death of Yugoslavia* (Harmondsworth: Penguin, 1995); Richard Ullman, *The World and*

- Yugoslavia's Wars (New York: Praeger, 1996); Misha Glenny, *The Fall of Yugoslavia: The Third Balkan War* (Harmondsworth: Penguin, 1996); Steven L. Burg and Paul S. Shoup, *The War in Bosnia-Herzegovina. Ethnic Conflict and International Intervention* (New York: M.E. Sharpe, 1999).
- 29 Second Meeting of the Council, Prague, January 1992, Prague Document on Further Development of CSCE Institutions and Structures, text can be found at <http://www.osce.org/docs/english/1990-1999/mcs/2prag92e.htm>.
 - 30 The documents issued at the Helsinki Summit can be found at <http://www.osce.org/docs/english/1990-1999/summits/hels92e.htm>.
 - 31 John Borawski and Bruce George, "The CSCE Forum for Security Co-operation" in *Arms Control Today* Vol. 23 No. 8 (October 1993), pp. 13–16.
 - 32 CSCE, Third Meeting of the Council, Stockholm, December 1992, Summary of Conclusions; text can be found at <http://www.osce.org/docs/english/1990-1999/mcs/3stoc92e.htm>.
 - 33 These documents were formally adopted by the CSCE-Summit of Budapest in December 1994, but they cannot be retrieved from the OSCE webpage; a German version has been published in *Dokumentation zur Abrüstung und Sicherheit* Vol. 26, 1993–1996, edited by Joachim Krause and Christiane Magiera-Krause (St. Augustin: Academia Publ., 1998), pp. 94–106.
 - 34 CSCE, Fourth Meeting of the Council, Rome, 30 November – 1 December 1993, "CSCE and the New Europe – Our Security is Indivisible". Decisions of the Rome Council Meeting, text can be found at <http://www.osce.org/docs/english/1990-1999/mcs/4rome93e.htm>.
 - 35 The Documents adopted at the Budapest Summit from 5 – 6 December 1994 can be found at <http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm>.
 - 36 Text can be found at http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm#Anchor_COD_65130.
 - 37 Vienna Document 1994 of the Negotiations on Confidence- and Security-Building Measures from 28 November 1994, text can be found at <http://www.osce.org/docs/english/1990-1999/csbms2/vienn94e.htm>.
 - 38 Text of the concluding document of the Paris Meeting in May 1994 is available in German language only in *Dokumentation zur Abrüstung und Sicherheit* Vol. 26, pp.158–164.
 - 39 Text of the concluding document of the Paris meeting in March 1995 is available in German language only in *Dokumentation zur Abrüstung und Sicherheit* Vol. 26, pp.224–232.
 - 40 See Richard Holbrooke, *To End a War* (New York: Random House, 1998), Ivo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy* (Washington, D.C.: Brookings Institution, 1999).
 - 41 General framework agreement for peace in Bosnia and Herzegovina, signed at Paris on 14 December 1995 and annexes with related agreements and

conclusions of the Peace Implementation Conference held in London on 8–9 December 1995, issued by the Ministry for Foreign and Commonwealth Affairs (London: HMSO 1996).

- 42 See Tim Judah, *Kosovo: War and Revenge* (New Haven: Yale University Press, 2000); Miron Rezun, *Europe's Nightmare: The Struggle for Kosovo* (Westport, Connecticut: Praeger, 2001).
- 43 More information about the Stability Pact for South Eastern Europe can be found at <http://www.stabilitypact.org>.
- 44 OSCE, Sixth Meeting of the Ministerial Council, December 1997, Decisions of the Copenhagen Ministerial Council Meeting, text can be found at <http://www.osce.org/docs/english/1990-1999/mcs/6cope97e.htm>.
- 45 In December 2001 the OSCE held a two-day Ministerial Council in Bucharest on terrorism during which a framework for comprehensive international action against terrorism was approved. During that same month, another expert meeting on counter-terrorism took place.
- 46 OSCE Council, Istanbul 1999, Charter for European Security, text can be found at <http://www.osce.org/docs/english/1990-1999/summits/istachart99e.htm>.
- 47 Gordon A. Craig and Alexander L. George, *Force and Statecraft. Diplomatic Problems of our Time* (New York and Oxford: Oxford University Press, 1983), Chapter I; see also René Albrecht-Carrié, *The Concert of Europe: 1815–1914* (New York: Harper and Row, 1968).
- 48 This event is documented in German only by Erwin A Schmidl, “Im Land der Skipetaren. Die Internationale Friedensoperation in Albanien 1913–1914” in *Oesterreichische Militaerische Zeitschrift* Vol. 25 No. 4 (1997), pp. 431–440.
- 49 See Norman Stone, *Europe Transformed 1878–1919* (Cambridge, Mass: Harvard University Press, 1984) and also Hajo Holborn, *The Political Collapse of Europe* (New York: Alfred Knopf, 1951).
- 50 See Edward H. Carr, *The Twenty Years Crisis, 1919–1939* (London and New York: St. Martin's Press, 1958)
- 51 OSCE Council, Istanbul 1999, Charter for European Security, text can be found at <http://www.osce.org/docs/english/1990-1999/summits/istachart99e.htm>.

2

CURRENT SECURITY PROBLEMS IN EUROPE AND IN THE WIDER OSCE AREA

To fully understand the whole thrust of the OSCE efforts in the framework of co-operative security in Europe, one has to look at the problems that are at the core of current European security concerns. In European history, there were always five different categories of conflicts:

- great power competition;
- border conflicts without an ethnic dimension;
- border conflicts with an ethnic dimension;
- intra-state ethnic conflicts with an international dimension; and
- intra-state minority or ethnic conflicts without an external actor involved.

In principle, such conflicts can happen all over Europe. However, conflicts resulting from nation-building in a multi-ethnic environment under conditions of an incomplete transition from Communism to market economy have the highest potential for becoming violent. This is especially true if these conflicts take place on the territory of former multinational empires such as the former Ottoman Empire or the Soviet Union.

The first two categories—great power competition and border conflicts without an ethnic dimension—have become the exception in Europe since the end of the Cold War. The East-West conflict was the last big power conflict in and over Europe, after it had gone through centuries during which competition between major powers was the dominant factor of international affairs. Border conflicts without an ethnic dimension have become a scarce phenomenon too. Today, only the dispute between Greece and Turkey over some uninhabited small islands in the Aegean Sea is the last remaining conflict of that kind.

The third category—border conflicts with an ethnic dimension—have become less relevant in Europe, although they were more prominent in earlier decades. These are conflicts where states disagree over borders because they

do not reflect the ethnic composition of the population living in the area. A typical example was the many border disputes in Europe after World War I, where the Paris Peace Accords drew borderlines in a relatively arbitrary manner. Germany, Austria as well as Hungary were in dispute over these lines. After World War II, the conflict over South Tyrol was another example. It was solved as part of an internal and international arbitration process in which a political solution was found that took into account the different interests of the German-speaking and the Italian (and Ladinian) populations. In present-day Europe, disputing borderlines has become extremely unpopular because, as part of the CSCE process, the inviolability of borders was declared a fundamental principle of peace in Europe. After 1990, there were at least a few border disputes and some have been solved by peaceful means.

- Armenia and Azerbaijan are still disputing the territory of Nagorno-Karabakh. Stalin gave this territory, mainly populated by Armenians, to the former Soviet Republic of Azerbaijan. In 1989, fighting broke out between Armenia and Azerbaijan over who was to control that area. Eventually, Armenia succeeded in occupying Nagorno-Karabakh and the Azery population and authorities were displaced.
- Hungary, at the time of the then Prime Minister Jozsef Antal, put into question, at least theoretically, its borders with Slovakia and Romania due to the presence of substantial Hungarian minorities in both countries. As part of the Stability Pact for Europe the European Community made the surrender of any such claims a precondition for later membership of Hungary in the EC; also, Hungary's membership in NATO was made contingent upon Hungary's renunciation of any border claims;
- There are border disputes between Russia and Ukraine and the question of sovereignty over the Crimea Peninsula.

Conflicts belonging to the fourth category—*intra-state ethnic conflicts with an international dimension*—are more frequent in present-day Europe. The fact that minorities in one state see their fate related to a nearby state to which they have linguistic and social ties (often their “motherland”), sometimes makes such conflicts easier to solve than those which, as will be seen below, are without any external support. Irredentism was virtually banned due to the international norm created as part of the CSCE process, and most states refrained from encouraging this. A major exemption was Yugoslavia (Serbia). Hungary had a period during which its leadership was unclear about denouncing irredentism. Russia, too, played this card repeatedly, but with limited enthusiasm and often with constraint. However, in the Caucasus, there were no qualms about doing so.

The fifth category—minority or ethnic conflicts without an external actor involved—are more difficult to control. As a rule, these are internal conflicts with an ethnic dimension, where the parties either have to agree on a formula that allows different nationalities to co-exist or where forceful solutions are sought by one or two sides and where ethnic cleansing, suppression or other forms of conflict solution (linguistic and social assimilation policies) are being pursued.

One may ask why some of these internal conflicts (both those with and without external involvement) could be resolved peacefully, while others turned violent or have the potential to become violent. There are two categories of causes: structural causes mainly resulting from history and from structural deformations of societies and economies; and political factors, that is, factors that have to do with deliberate decisions by key individual actors.

STRUCTURAL CAUSES OF VIOLENCE

As a rule, in European history most of the violent conflicts can be found in areas that were once part of multi-ethnic empires (in the 19th century the Ottoman Empire, in the 20th century the Soviet Union) or multi-ethnic states (such as the Austrian-Hungarian Monarchy or the former Yugoslav Federation). Often, after the break-up of such empires, the resultant attempts towards nation-building in an environment that is not suited for this, have caused violence and civil war, sometimes with international involvement. Multi-ethnic empires or states usually were formally neutral towards nationalistic feelings. In the case of the Ottoman Empire, creating a variegated ethnic patchwork by deliberate measures was considered an instrument for ruling the empire. Similar attempts towards blending different nationalities in various provinces were also made by the Soviet Union.

The Balkans states are especially notorious in this regard, since they contain some more elements of conflict aggravation: economic backwardness, political corruption and poverty. Due to centuries of Ottoman rule, the region now called the Balkans, lagged behind the economic and political developments in the rest of Europe. Important developments such as the Reformation, the Enlightenment, the creation of middle-class societies, industrialisation and democratisation (or at least the development of consensual political processes) did not take place in those parts of the Balkans that were under Ottoman rule until the middle of the 19th century. Since then, the Balkans are a kind of window into Europe's own history a few centuries ago, when societies in England, France, Germany, Italy and Scandinavia were involved in seemingly endless civil and interstate wars. Despite more than a hundred

years of liberation from Ottoman rule, the Balkans have not caught up with the rest of Europe, mainly due to structural reasons (economic backwardness) and the often irresponsible behaviour of local political elites. Serbian and Croatian nationalism in the 19th and 20th centuries were some of the main reasons. Further, for a long time, the “enlightened” powers and Russia played the Balkan nations against each other; Serbia and Croatia, to different degrees and at various times in history, were successful in marshalling foreign support for their nationalistic policies.

The Yugoslav Federation was, to a certain extent, an excellent solution since it seemed to have balanced Serbian and Croatian nationalism and created a common home for all the different nationalities and groups of different beliefs. However, any such artificial—albeit well planned—structures, eventually fail the test of reality as long as there is no economic growth and a redistribution of wealth among the different nationalities. The Yugoslav Federation, as it was organised by Tito, failed as a political model because of growing economic differentiation between the North and the South and the resultant political strife that re-ignited old nationalistic attitudes and feelings.

Eastern Central Europe, comprising parts of Europe that in the past were either under Austrian, German or Russian domination, has a similar profile. The Austrian-Hungarian monarchy was a patchwork of nationalities and minorities who lived together in a relatively relaxed fashion under the Habsburg monarchy. However, the fate of the Habsburg monarchy was sealed when in the late 19th century fervent nationalism took over. Even economic development could not save the empire. Those regions where economic development was most dynamic, such as Bohemia and Hungary, became the hotbed of Czech and Hungarian nationalism; those areas with few economic development, such as Galicia, Carpathia and Herzegovina, were characterised by poorer versions of nationalism.

Eastern Central Europe went through its most unstable times in the decades after World War I. With the exception of Czechoslovakia, none of these newly-created republics and kingdoms was politically and economically stable enough to survive. None of them was a real nation state, where titular nation and territory fit together. Attempts to build nation states with one titular nation prevailing over the “minorities” who sometimes accounted for 20 to 30 per cent of the population, were doomed to failure. Border conflicts and deep resentment among the different nationalities and/or vis-à-vis Germany, Austria, Hungary or the Soviet Union were the consequence. Besides that, none of these states had the whereabouts to make do in the extremely hostile international environment of the inter-war period. All of them disappeared under Hitler’s occupation and never regained their independence under Soviet rule.

The end of World War II brought major changes in the composition of the respective populations of these states. After 1945, Czechoslovakia, Poland, the Baltic Republics of the Soviet Union, and partially Hungary, tried to solve their nationality problems associated with the German-speaking people by ethnic cleansing—Romania being the only exception. The other ethnic problems persisted, covered up only by the purportedly anti-nationalist Communist ideology. After the end of the Cold War, most of these conflicts popped up again. Unlike the former Yugoslav Federation, however, it was possible to avoid violence. This can be attributed to various reasons that will be referred to later.

The former Soviet Union is another example showing how much the heritage of a former empire can create problems in nation-building. Much more than the Ottoman rulers, the Soviet leaders played the game of large-scale ethnic movements and deportations for the purpose of fostering Communist rule. This was especially true in the Baltic States where the indigenous Estonians, Latvians, Lithuanians were not only facing deportation to Siberia but also a well-organised influx of Russians and Ukrainians. The Ukraine, subjected to an artificial famine in the 1930s that killed up to six million people, also saw large-scale ethnic movements. Hundreds of thousands of Ukrainians were settled all around the Soviet Union while the Russians were settled in the Ukraine. Tartars from the Crimea Peninsula were deported to Siberia, and so were the ethnic Germans living at the Volga River, and many others too. The Abkhazian population, for instance, was deported to the northern Caucasus while the area they once lived were inhabited by the Georgians, Russians and Ukrainians.

The results of this policy of ethnic deportation and resettlement are still tangible today. Most of the conflicts in the Baltic States originated from the former Soviet Union's deportation strategy and resettlement policy. Due to Stalin's deportation strategy, today the Latvians constitute slightly more than half of the whole population in their own country, Estonians more than 60 per cent and the Lithuanians some 80 per cent. In the 1920s, when these states were independent entities, their ethnic compositions were quite different. Most of the conflicts we are witnessing in the Baltic States today arose from the relationship between the Baltic peoples and their Russian "minorities".

The picture looks as bleak on the Crimea Peninsula and in the Caucasus. Here again, past large-scale deportations created an ethnic environment where "normal" nation-building is practically impossible. Belonging to the Ukraine, the Crimea Peninsula, with a 60 per cent Russian population, sits on a powder keg. The Russian Navy has a major base at Sevastopol and there is an increasing influx of Tartars, who were deported forcefully by Stalin in the 1940s. In the

Caucasus, violence has erupted on various occasions, in Georgia, in Chechnya, around Nagorno-Karabakh, Dagestan and Ossetia.

Not all parts of the former Soviet Union have gone through such crises. On balance, it is remarkable to see how many other potential conflicts rooted in the ethnic composition of autonomous republics, districts and rayons have remained silent since the break-up of the Soviet Union. The Tartar Republic is a typical case in kind. It shows again that structural causes for ethnic strife can be overcome, if there is enough good will from the political actors.

In Western Europe there are very few similar cases, Northern Ireland and the Basque country being the most prominent ones. Northern Ireland's problems today hark back to earlier times when England used ethnic resettlement as a means of fostering her rule over Ireland. They settled the English and the Scots in the northern part of Ireland, letting the indigenous Irish population become a minority. Although this resettlement dates back almost 400 years and the descendants of former British settlers do not look nor speak differently from the descendants of former Irish peasants, the hostility is still there, now along religious lines since the Irish tend to be Catholics while the English and Scots are mainly Protestants.

In the Basque country, the situation is different. The Basque nation, which claims to be the oldest indigenous population in Europe (with a pre-Indo-European language), has been a problem in all kinds of state- and nation-building efforts since the time of the Roman Empire. In creating both the French and the Spanish nation states, the Basque nation was disregarded. The result was political opposition especially in Spain, which, under Spanish dictator Francisco Franco, turned violent. Today, the militant separatist movement ETA (or Basque Homeland and Freedom) represents only a small part of the population (ten per cent of the population of Spanish Basque country), but that conflict has turned violent. Politicians have been assassinated and the population terrorised, scaring off investors and tourists. However, the ETA's use of violence is confined to mainly terrorist acts, nothing that would resemble a civil war.

POLITICAL CAUSES OF VIOLENCE

Structural causes alone cannot explain the occurrence of violent conflicts. Indeed, the European political map is full of potential conflicts with ethnic backgrounds. The point, however, is which political factors contribute to the outbreak of hostilities and which factors militate against violence? Here, we have to register that certain types of political behaviour can be made responsible for increasing violence:

- ethnic populism and religious nationalism;
- failed transformation strategies in post-Communist countries; and
- a zero-sum-game mentality among political leaders.

The term ethnic populism and religious nationalism describes a political attitude where an ethnic group or nation is portrayed as something special and superior (of almost mythical or religious quality). Often, this nation is depicted as being subjected to existential threats (mainly symbolised by the presence of foreigners on that nation's holy soil) and that violence against the "intruders" (even if they were there for centuries) is justified. Ethnic purity is touted as a means of overcoming the many economic and social hardships. "Ethnicity, especially when flavoured with religion, can be extremely inflammable," wrote Norwegian ambassador Tore Bøgh. He continued: "What I conclude from this is that the international community has to be extremely alert to the emergence of leaders who try to rally support by telling people that they are distinctive in some manner and that they are being threatened by others in the same area."¹

The second factor, failed transformation strategies, is closely related to this. In the early 1990s, when both the Soviet and the Yugoslav Federations disintegrated and the other former Communist countries turned away from Communism, many observers fretted over the possibility that the new leaders might fail. Two types of failures were feared most: self-enrichment during the process of privatisation and political manipulation (through polarisation, nationalism and repression) in order to deflect attention away from this kind of corruption. These phenomena could be found in almost all post-Communist states. However, some of them were infected with these diseases much more than the others. Worst of all were the multi-ethnic states. Again, in the words of Ambassador Bøgh: "In all the countries which recently turned their backs on Marxism and which have multi-ethnic populations, we see the same picture. With no recent experience or no experience at all in democracy, politicians have rushed to the big and murky pool of ethnic or nationalist sentiment to mobilise support for their new power base. That has relieved them of the task to work out a detailed programme for political and economic progress, from presenting ideas that could have initiated a meaningful debate about priorities." As soon as such corrupt state structures exist, organised criminal gangs come into the play, often profiting from the violence and looting (such as the notorious Serb Arkan's gang of bandits and murderers) and often forming alliances with members of the new political elite.

A third factor, which is there irrespective of failed transformation but closely related to it, is the mentality of zero-sum games. In Game Theory, zero-sum games describe situations in which the actors strive for gains at the

expense of the other actors (absolute gains). So-called non-zero-sum games are situations in which compromises are sought that might be a gain for all the actors (relative gains). In post-World War II Western Europe, the philosophy of non-zero-sum games was held up as the only way out of the seemingly eternal cycle of war and hatred. This idea did not always make it into the heads of all relevant Eastern European, Soviet or post-Yugoslav politicians. Further, some western states (for example, Greece when it was leading an unprovoked economic warfare against Macedonia because of the name that state chose) were not always free from this temptation.

What happened in former Yugoslavia and in the Caucasus was that all these factors worked together. In Russia, in Belarus, in the Ukraine or in Moldova, more often than not the situation could have developed in the same direction. Fortunately, the former Soviet Union did not turn into a super-Yugoslavia. This was mainly due to the fact that—at least not against the backdrop of events in former Yugoslavia—there were politicians reasonable and powerful enough to prevent conflicts from turning violent. One should be aware of the fact that there were numerous situations in the Ukraine, the Crimea Peninsula, Moldova, the Baltic States, and other autonomous republics that could have turned violent in the past ten years.

CONSEQUENCES FOR CO-OPERATIVE SECURITY STRATEGIES

After 1990, the Europeans tried to find ways of coping with these problems. Methods and strategies that worked against the above-mentioned political factors were discussed and tried with the hope of contributing to long-term improvements of the structural problems mentioned earlier. In the following years, a whole set of strategies for co-operative security were developed, some of them were put under the purview of the OSCE, others to the European Union, NATO, the Council of Europe, various UN institutions and others. The OSCE mainly covers strategies that belong to the category of “soft security”.

- ^a A policy of conditionality. The European Union followed this policy with regard to Eastern Central Europe. The logic was simple and clear: only states that were successful in democratic transition, were adhering to human rights standards and had solved their bilateral and minority-related problems by peaceful and co-operative means were eligible to join the European community. This policy found its strongest expression in the Stability Pact of 1995. The same logic was applied to the Balkans within the framework of the Stability Pact for South-eastern Europe.
- A policy of offering observer services, other good services, advice and mediation using experienced diplomats and retired politicians. It was

mainly the OSCE and partially the European Union that pursued these strategies. They were applied to situations where conflicts had not turned violent (such as the Long-term Missions of the OSCE) or were just beginning to turn violent (observer missions). Usually, these missions were small and had a limited mandate.

- A policy of peacekeeping. Peacekeeping was defined as the deployment of an international military presence with the consent of all the parties concerned. Under the purview of the United Nations, the purpose of peacekeeping missions was interposition, supporting an armistice or taking over intermediate administrative tasks or fulfilling humanitarian missions. The OSCE, although in principle it is able to field peacekeeping missions, it has not done this so far.
- A policy of mediating between warring parties with a view towards finding a compromise (non-zero-sum game). Here, a group of states tries to broker an armistice or a peace accord among the warring parties. Usually, it is the United Nations, the Contact Group, G7/G8, the European Union or the OSCE that convenes such meetings. Typical examples were the UN Conference on Yugoslavia in 1992, the Contact Group's attempt to broker a peace accord in Kosovo (Rambouillet Accord in 1999) and the G8 Plan whereby the Kosovo crisis was being terminated in June 1999. The OSCE has made various attempts at bringing together conflicting parties of smaller and less relevant conflicts in order to sort out the possibilities for co-operative solutions.
- A policy of organising humanitarian assistance in times of crisis and conflict. This is a crucial element in any strategy of co-operative security since the tragic humanitarian consequences of wars might lead to further escalations. Lead agencies are normally the UNHCR and other humanitarian organisations with different mandates and characters (including non-governmental organisations). The EU, NATO and the OSCE often play an important role in supporting or co-ordinating such efforts.
- A policy of assisting in the implementation of peace accords, armistice accords or disarmament agreements. This was the case with the Dayton Agreement where some international organisations (such as the OSCE, the United Nations, the European Union or NATO) were given certain tasks as part of an overall scheme to bring back peace and security to an area of conflict.
- A policy of deliberate, limited violence and punishment against nationalist troublemakers and war criminals. So far, only NATO has implemented this policy. A precise bombing campaign helped

to persuade the Serbian militias to subscribe to a peace agreement over Bosnia-Herzegovina in 1995. NATO also helps in apprehending suspected war criminals for the International Criminal Court in The Hague.

- A policy of peace enforcement through the use of force. Again, only NATO has done this, initiating an extended air campaign (Operation Allied Force) in 1999 to force Serbia to stop its ethnic cleansing and to withdraw from Kosovo.
- A policy of post-war rehabilitation assistance in the civilian and military fields. Within the EU and the OSCE, this is considered to be one of the most important elements in any kind of post-conflict strategy. The purpose is to lend a hand to local and regional efforts in reconstruction. Sometimes this can take the form of a quasi-protectorate, as with Bosnia-Herzegovina or in Kosovo, where huge efforts by the international community are being co-ordinated by special representatives.
- A policy of assistance in the building up of democracy and human rights. Democracy, respect for human rights and minority rights, free media and monitoring of human rights standards and free press are considered essential elements of peace in Europe. In this regard, the OSCE has developed certain instruments that are useful in monitoring activities in all member states and that can offer advice; sometimes they function as an ombudsman for individuals. They are the High Commissioner on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR) and the Representative on Freedom of the Media.

These are only elements of a co-operative strategy. They were devised (often in a way that is far from being satisfactory) under conditions of political stress and tension. However, to a certain extent, they were useful in coping with conflicts especially in a preventive mode or after a conflict had ended. The next chapter deals in more detail with the instruments the CSCE/OSCE has developed in order to fulfil its respective missions.

Notes

- 1 Lecture by Ambassador Tore Bøgh, at the European Centre for Migration Issues (ECMI), Flensburg, Germany, on 16 March 1999. He was Ambassador of Norway to Yugoslavia in the period from Tito's death in 1980 until 1988. Since June 1999, Ambassador Bøgh is Head of the Transitional Task Force for Kosovo.

3

INSTRUMENTS OF THE OSCE

The range of instruments the OSCE has developed during the past decade in order to cope with these security problems is amazing. It covers political consultative processes, various institutions, politico-military measures and mechanisms as well as a whole set of measures for conflict prevention, conflict mediation, and post-conflict reconstitution. It also has a growing role in sub-regional stabilisation and economic and social development, not necessarily related to conflicts or only in a long-term perspective. The emphasis of the OSCE activities and operations lies in preventive diplomacy, mediation, and post-conflict reconstruction, in particular, monitoring democratic elections, building democratic institutions and creating police forces.

INSTRUMENTS OF GENERAL POLITICAL CONSULTATION

Although no longer the centre of attention, the general political consultative functions of the OSCE—which formed the main part of the former CSCE activities—are still important and deserve attention. The main forums for consultation are the biannual summit meetings and the biannual meetings of foreign ministers (Council). Both categories of meetings are important for the discussion of political developments, as forums to exchange opinions and to provide major political stimuli. They are also instrumental in developing further the process of norm building and are helpful in maintaining continuity. Most importantly, these meetings are for discussing security issues and a broad range of subjects not only among the 53 states from Europe but also the US, Russia and all newly-independent states that were formerly part of the Soviet Union. The summit meetings thus involved almost the whole Northern Hemisphere.

The Permanent Council of the OSCE is the regular body for political consultations and decision-making. It addresses the full range of conceptual

issues as well as the day-to-day operational work of the organisation. Providing guidance and political support to all other instruments, primarily the field operations, the Permanent Council has a central role in early warning, conflict prevention, crisis management and post-conflict rehabilitation. To assist in its deliberations and decision-making and to strengthen the process of political consultations and transparency within the organisation, it was decided at the OSCE Summit in 1999 to establish a Preparatory Committee under the Permanent Council's direction. This open-ended committee normally meets informally and is tasked by the council, or its chairman, to deliberate and to report back to the council on any matter of concern.

If compared with the United Nations, the differences between the two institutions are obvious. On the one hand, the Permanent Council has no similarities with the Security Council, neither in terms of its competencies nor in terms of its decision-making procedures. On the other hand, the United Nations does not have a summit meeting of the heads of state or of government once every two years, which can give such an organisation more political clout. Another difference is in the size of the organisation headed by the Secretary General. While the United Nations Secretariat in New York has a staff of around 8,900, the Vienna-based OSCE has a staff of just 180, which is supplemented by the staff of the High Commissioner on National Minorities (10–15 persons) and of the Office for Democratic Institutions and Human Rights (40 persons).

The Parliamentary Assembly of the OSCE is another forum for political consultation, not just at the level of heads of state or government, but at the level from whom future government positions might be recruited.

POLITICO-MILITARY INSTRUMENTS

In the politico-military dimension, the main OSCE tools are confidence- and security-building measures (or CSBM) and arms control agreements. The CSBM focus on defence planning, information on armed forces, military contacts notification and observation of military activities, verification and evaluation. The aim of these measures is to promote mutual trust and dispel concerns about military activities by encouraging openness and transparency. The current provisions evolved in three stages: the Helsinki Final Act regime (1975–1986), the Stockholm Document regime (1986–1990) and the Vienna Document regime (since 1990). Arms control encompasses first and foremost the Conventional Armed Forces in Europe (CFE) Treaty, the Treaty on Open Skies and the Code of Conduct on the politico-military aspects of security, as well as progressive measures for arms control and regional stability in South-eastern Europe, provided for in Annex 1-B of the Dayton/Paris Agreement.

The 1996 Lisbon Document described them as elements of a Framework for Arms Control, which, as it develops further, will create a web of interlocking and mutually-reinforcing arms control obligations and commitments. The main body to deal with politico-military affairs is the Forum for Security Co-operation (FSC).

Confidence- and Security-Building Measures

Confidence-Building Measures (CBM) have been with the CSCE since the early 1970s. In fact, they were invented by the OSCE although one might find examples of older CBM in the past. The concept of “confidence-building measures” in itself is not very clear and traditionally, has served always as an invitation to put everything that could not be categorised elsewhere, under this heading. In Asia, this concept is often used in a vague fashion as if CBM could be understood simply as the means whereby states assure others that they have no hostile intentions. Often then, the difference between CBM and propaganda becomes somewhat blurred. One of the successes of the CSCE (and later the OSCE) was that it gave operational meaning to an otherwise diffuse term “confidence-building”. The same is true with the term “stability-building measures”. The operational definitions found in the CSCE/OSCE process could be summarised as follows.

- Confidence-building measures: measures whereby a state demonstrates in a credible and verifiable manner to others, the absence of a certain perceived threat¹
- Stability-building measures: measures that help to sustain communication under crisis situations as well as other measures that would make the behaviour of states more accountable, including the renunciation of certain types of escalating measures, or other constraints²

Confidence-building measures were divided in those measures that could alleviate fears concerning the general direction of a state’s (or a coalition of states) security strategy, and those that would address specific threats. In the first category, one can include all measures that provide for transparency in the military field, including direct contacts between military representatives on many levels, the issuing of documentation on defence policies, procurement strategies, defence budgets, size, strength and direction of armed forces and many more information of that kind. Confidence-building measures addressing specific threats are those that help to alleviate in a credible, that is, verifiable, form certain threat perceptions. During the Cold War, the biggest threat was that of a big-scale exercise being turned into a major offensive operation. Hence, the first CBM were directed at military exercises.

As Table 3.1 shows, the development of the CBM and the CSBM took more than 25 years during which six different documents were negotiated, whereby with each new round, the existing measures were enhanced and enlarged, and the relevant parameters lowered. They were supplemented by a couple of consultation and implementation mechanisms, including mandatory on-site inspections. In the Helsinki Final Act of 1975, the only CBM that was negotiable at that time was prior notifications of military exercises beyond a certain size. Exchanges of observers were possible but only on a voluntary basis. The Stockholm Document of 1986 not only lowered the parameters for the prior notification of exercises and all kinds of other military activities involving large numbers of men, it also made the invitation of observers mandatory beyond certain threshold numbers. The Stockholm Document also stipulated the exchange of annual calendars for military exercises and it contained a constraining provision according to which military activities beyond 40,000 troops had to be announced at least one year ahead. The most revolutionary result of the Stockholm Document was the mandatory inspection regime, limited to three per year.

With the Vienna Document of 1990 these measures were improved further and additional CSBM added, among them: (a) an annual exchange of information on land and air forces including their structures, strengths and planned deployments, (b) the establishment of a risk-reduction mechanism, whereby each state can invoke a special consultation mechanism, (c) building up a network that would be available in emergencies, (d) increased contacts between military establishment through exchange visits, and (e) annual implementation assessment meetings. The Vienna Documents of 1994 and 1996 further enhanced these measures and lowered some thresholds. The Vienna Document of 1999 added two new categories of CSBM: a) an annual exchange of defence planning documents, and b) additional regional measures. It also stipulated that states should publish their notifications and give the Conflict prevention Centre (CPC) a crucial role in collecting the documents.

Arms Control Agreements

The achievements of the CSCE and the OSCE in arms control are often overlooked in political debates. The most important achievement is the Conventional Armed Forces in Europe (CFE) Treaty, which was passed by the CSCE Summit of 1990 and amended in 1992, 1996 and 1999. The CFE Treaty removed those military forces in Central Europe and other sub-regions that formed the core of the arms race between NATO and the Warsaw Pact. The basic thrust of the CFE Treaty was to divide Europe into different zones and create regimes for each of them, with each zone having upper limits for certain categories of weapons—the so-called treaty-limited items. The most

important sub-zone was the central region encompassing Germany, the Benelux countries, Poland and Czechoslovakia (later the Czech Republic and Slovakia), around which different categories of sub-zones were arrayed. The system of ceilings and sub-ceilings combined with many rules and regulations is too complicated to be discussed in detail here, but it should be said that the methodology chosen was the right one to reduce drastically existing capabilities for launching large-scale offensive operations. It led to the withdrawal and mainly, to the destruction of huge amounts of weaponry: more than 18,000 battle tanks, 17,000 armoured infantry vehicles, 9,000 pieces of artillery, 2,100 combat aircraft and 250 attack helicopters. In 1991, the CFE Treaty was extended to include ceilings on manpower.

The CFE Treaty was in need of various adaptations because of changing circumstances. In 1992, the newly-independent states of the former Soviet Union were included in the Treaty, thus making a major reshuffling necessary. In 1993, Russia claimed that the existing flank regime, which was useful under the conditions of the Soviet Union, but which hampered the restructuring and regrouping of armed forces in Russia, had to be modified. It took three years until 1996 before such a change was agreed upon. By end 1999, a radical redressing of the CFE Treaty had taken place. The sub-regional orientation (that is, the division of Europe into various zones) was given up after the accession of Poland, Czech Republic and Hungary to NATO. From then on, ceilings were allocated to each country, again building upon similar parameters for treaty-limited items but on a national basis. Besides that, rules for the stationing of foreign troops on the territory of individual nations were included. With this new methodology, the CFE Treaty, previously applicable only to member states of NATO and the former Warsaw Treaty Organisation, now included other states.

The CFE Treaty was successful because of the methodology chosen to achieve a certain goal—the reduction of capabilities for large-scale operations. A similar methodology was chosen when the OSCE was tasked by the Dayton Agreement to broker an agreement to reduce armaments among the conflicting parties in Bosnia-Herzegovina.⁴ The enormous amount of weapons hidden in the mountains of Bosnia-Herzegovina (controlled by the Serbian militias and the Yugoslavian army) was one of the most dangerous challenges to the success of the whole accord. The Forum for Security Co-operation organised negotiations that were supervised by the Peace Implementation Council (PIC), whose activities were prepared by the Office of the High Representative. In January 1996 (Vienna) and in June 1996 (Florence), two agreements were finalised, the first dealing with the CSBM, and the second with the reduction of armaments in Bosnia-Herzegovina. By the end of hostilities in 1995, 8,000 pieces of weaponry were surrendered and since the signing of the Florence

Agreement in June 1996, over 7,000 pieces were destroyed. A meeting of the Implementation Conference of the Florence Agreement in early November 2000 concluded that all parties were in compliance with their obligations.⁵

Other Arms Control Regimes

The CSCE/OSCE—acting through its Forum for Security Co-operation—has found agreement on a number of other arms control measures, mostly those focusing on additional transparency or on steps that would help to make the behaviour of states more accountable in times of crises.

The first to be named was the Open Skies Treaty, concluded under the auspices of the CSCE on 24 March 1992.⁶ The Treaty gave each member state the right to conduct a certain number of reconnaissance flights over the territory of other member states with the purpose of enhancing transparency. So far, however, the necessary number of ratifications has not been achieved. Besides that, ten years after the end of the Cold War and under conditions of an already high degree of general transparency, it is questionable whether this Treaty will ever be entered into force. Notably, its relevance has decreased since 1992.

Of greater relevance is the Code of Conduct on Politico-Military Aspects of Security, which was adopted at the 1994 Budapest Summit.⁷ It broke new ground by formulating norms, particularly those regarding the role of the armed forces in democratic societies, namely concerning the democratic political control and the democratic internal use of armed forces. According to the Code, the various OSCE bodies, mechanisms and procedures are used to assess, review and if necessary, improve on its implementation. It reaffirms other norms of an international nature too.

The Forum for Security Co-operation adopted four other arms control documents of lesser relevance.

- **Stabilising measures for localised crisis situations**
This is a catalogue of stabilising measures intended to facilitate decision-making in the appropriate CSCE bodies and the search for specific measures for temporary application in support of the political process during crises. It was agreed upon in November 1993 and endorsed by the Budapest Summit in December 1994.⁸
- **Principles governing conventional arms transfers**
These are principles to guide participating states in conducting arms transfers, and in determining whether or not certain arms transfers should be avoided. The provisions of this document were reinforced by the introduction in 1997 of an annual exchange of information on transfers of weapon and equipment systems. It was agreed upon in

Table 3.1
Development of confidence- and security-building measures in Europe³

Helsinki 1975	Stockholm 1986	Vienna 1990
		Annual information on Land/Air forces; strengths; planned deployments; budgets
		Risk reduction: consultation/emergency mechanism (CPC), points of contact
Exchange by invitation, include. visits by military delegations		Contacts: air base visits
Prior notification: (voluntary) of major manoeuvres; 21 days for 25,000 troops, and of other manoeuvres or major military movements	Prior notification: (mandate) of military activities within 42 days, 13,000 troops or 300 comb. Tks in div or 3,000 troops ab/amphib landing; information at division level	Prior notification: same as Stockholm Doc.; information at brigade level
Exchange of observers: (voluntary, no reciprocity)	Observation: mandatory, 17,000 troops, or 5,000 troops ab/amphib landing; contact to forces, code of conduct for observers	Observation: the same as Stockholm Doc.; improved security for observers, contacts improved
	Annual calendars: of planned notifiable activities	Annual calendars: same as Stockholm, plus negative reply
	Constraining provisions: notify 40,000/year; 75,000; 2 years in advance	Constraining provisions: notify 40,000; 2 years in advance
	Verification: On-site inspection (max 3 times/a), if compliance is in doubt	Verification: same as Stockholm Doc., evaluation of annual information on armed forces/quotas (1 per 60 units)
		Communication: network for emergencies and CSBM messages
		Annual implementation meeting: Consultative Committee

Vienna 1992	Vienna 1994	Vienna 1999
Annual information as Vienna '90; plus details on ACV; activation for non-active forces; data on weapons and photographs	Annual information as Vienna '92 plus defence planning, budgets; white books; mechanisms to request for clarification	Annual information on military forces, data, plans for deployment
		Defence planning: budgets, white books, requests for clarification
Risk reduction: same as Vienna '90, vol. hosting of visits to dispel concerns	Risk reduction: same as Vienna '92	Risk reduction: UMA meetings only bilateral; joint sessions of FSC and PC, chair CiO
Contacts: same as Vienna '90	Contacts: joint exercises and training, etc.; info on co-operation agreements	Contacts: provision of information, contacts, annual plans
Prior notification: same as Stockholm Doc.; lower thresholds: 9,000 troops; 250 comb. Tks., division structure, information as Vienna '90	Prior notification: same as VD '92, new thresholds: 500 ACVs; 250 art. pieces, ACV notifiable; use of network	Prior notification: same as Vienna '94
Observation: same as Vienna '90, lower thresholds, 13,000 troops or 300 com. Tks. or 3,500 troops ab/amphib landing	Observation: same as Vienna '92; new criteria: 500 AVCs; 250 art. pieces, use of network	Observation: same as Vienna '94, responsibilities may be delegated to other states
Annual calendars: same as Vienna '90	Annual calendars: same as Vienna '90 plus number of activities	Annual calendars: same as Vienna '94
Constraining provisions: limits on activities (more than 13,000/ 15,000/ 40,000 depending on frequency	Constraining provisions: same as Vienna '92; use of network	Constraining provisions: same as Vienna '94, parameters for art. Pieces
Verification: multinational inspection teams; evaluation of non-active forces	Verification: same as Vienna '92; info on quotas; equal standards for inspections and evaluation visits	Verification: same as Vienna '94; time frame for requests, obligations for inspected third state forces cooperate, 2 evaluation visits/month
Communication: same as Vienna '90	Communication: same as Vienna '92; regulations for languages, working groups	Communication: (removed to a separate document)
	Annual implementation meeting: active role for CPC	Regional measures: voluntary in acc. with OSCE principles; add to transparency and confidence
Annual implementation meeting: same as Vienna '90		Annual implementation meeting: increased role for CPC
		Final Provisions: network has distinct document regular factual presentation of implementation to CPC

November 1993 and endorsed by the Budapest Summit in December 1994.⁹

- Global exchange of military information

This document obliges participating states to exchange information annually on major weapons, equipment and personnel in their conventional armed forces, as well as on the command structure of their forces. This was agreed in 1994 and found entry into the Vienna Documents on the CSBM.¹⁰

- Principles governing non-proliferation

This is a paper of intent, providing support for existing international agreements regarding the non-proliferation of nuclear, chemical and biological weapons, and more specifically, providing for an obligation to reflect on existing commitments in national legislation, regulations and procedures. The latter provisions were included in the Budapest Document of 1994.¹¹

The Forum for Security Co-operation

The main instrument of the OSCE for dealing with politico-military matters is the Forum for Security Co-operation (FSC). This is a permanent negotiating body responsible for negotiations and consultations on military security and stability. The FSC is made up of representatives from the OSCE-participating states, who meet weekly in the Conference Centre at the Vienna Hofburg. The main objectives of the Forum are: a) negotiations on arms control, disarmament, and confidence- and security-building, b) regular consultations and intensive co-operation on matters related to security, c) further reductions of the risks of conflicts, and d) implementation of agreed measures. It has two sub-units: the Joint Consultative Group, which is responsible for promoting the implementation of the Treaty on Conventional Armed Forces in Europe and the Open Skies Consultative Commission.

Chapter V of the Helsinki Document 1992 established the Forum. Originally, it was part of the Conflict prevention Centre, which consisted of a Special Committee and a Consultative Committee. In 1993, the Consultative Committee was dissolved and two years later, the Special Committee was renamed the Forum for Security Co-operation. The Helsinki Document 1992 also outlined a comprehensive agenda for the FSC—a “Programme for Immediate Action”. It mandated the Forum to conduct consultations and negotiations regarding: (a) the harmonisation of obligations concerning arms control, disarmament and confidence- and security-building, (b) the development of the Vienna Document 1992, (c) a regime for the global

exchange of military information, (d) co-operation in respect of non-proliferation, and (e) co-operation in defence conversion, military contacts, regional issues and forces planning.

The Forum is also responsible for the implementation of confidence- and security-building measures, the holding of the Annual Implementation Assessment Meetings, the provision of a forum for discussing and clarifying information exchanged under agreed-upon CSBM, and the preparation of seminars on military doctrine. Although not implemented totally, the 1992 “Programme for Immediate Action” was supplemented in 1996 by the guidelines for a new general agenda and a fresh Framework for Arms Control, which were formally adopted at the Lisbon Summit.¹²

INSTRUMENTS OF PREVENTIVE DIPLOMACY, MEDIATION AND POST-CONFLICT RECONSTRUCTION

While the activities of the OSCE in the politico-military field are manifold and in part impressive, the core of its work lies in preventive diplomacy, mediation, and post-conflict reconstruction. Conflict prevention and mediation can imply sending rapporteurs and missions comprising experts, special envoys, dispatching Long-term Missions or overseeing democratic elections, the building of democratic institutions and the creation of police forces. It can provide third-party personnel who can evaluate the situation more objectively and it offers many procedures and instruments that can be helpful in situations where there is reason to expect the conflicting parties to be interested in some kind of amicable, peaceful solution. OSCE, hence, is offering services, it is not imposing solutions.

There are a lot of institutions within the OSCE framework that deal with prevention, mediation and post-conflict reconstruction, which often confuses outsiders. In particular, the alphabet soup of abbreviations of the OSCE institutions (their names are changed sometimes) gives a headache to many outside observers. Often, the hierarchy of the institutions is not clear: the Conflict prevention Centre, for instance, is part of the Secretariat, while the ODIHR, and in particular, the HCN are rather independent institutions, albeit all of them have similar tasks. The range of instruments the OSCE has available in this field is already broad but it keeps getting broader. The CSCE and later the OSCE has developed a great deal of ingenuity in finding new ways and means of making the impact of the organisation felt. In the following pages, the main functions of the instruments used in conflict prevention, mediation and post-conflict reconstruction are described.

The Political Framework of Preventive Diplomacy

Former UN Secretary General Boutros Boutros-Ghali once described preventive diplomacy as “the use of diplomatic techniques in order to: (a) prevent disputes from arising; (b) prevent them from escalating into armed conflicts if they do arise; and (c), if that fails, to prevent the armed conflict from spreading”.¹³ The OSCE has devoted most of its work to the first part of this definition. Due to its comprehensive concept of security, this entails that the OSCE looks at a broad range of structural factors that could turn disputes into violent conflicts, including factors that lie within the domestic sphere such as democracy, rule of law, respect for minorities, the freedom of the press or societal, economic and ecological factors. Although such activities focus on typical domestic affairs, this does not imply that the OSCE is impinging upon the sovereignty of states. Every activity, every mission or recommendation is done with full respect for the sovereign rights of states, that is, in principle, each member state of the OSCE has the right to turn down offers made by or through the OSCE. However, the more political obligations a state has accepted so far, the more difficulties it will have invoking its sovereign rights.

The OSCE is to provide instruments, structures and procedures that could be applied at various levels of conflict prevention. These are:

- early warning activities, that is, the participation of almost all institutions and states involved in providing timely information and warning signs if a conflict arises;
- structural conflict prevention, that is, preventing conflict at a very early stage by working on the sources of the conflict, that is, lack of democracy, disrespect for human rights, rights of minorities, freedom of the press and economic backwardness; structural conflict prevention also encompasses post-conflict reconstruction efforts;
- a consultative mechanism, that is, a set of previously agreed procedures to deal with conflict-prone or dangerous situations, or agreements made in advance to solve disputes by peaceful means or arbitration; and
- mediation by special missions and other field activities.

The main political responsibility for taking up and debating conflict issues lies with the Permanent Council. Each participating state has the right to draw the attention of the Permanent Council to a situation if it is convinced that the situation within the OSCE area has the potential of developing into a crisis that could escalate into an armed conflict. This can be done through the Chairman-in-Office (CiO) of any state directly involved in a dispute, a group of 11 states not directly involved in the dispute, through the High Commissioner on National Minorities in situations where he feels that they could escalate into

conflicts or might exceed the scope of his action, or through the Permanent Council itself. The establishment of the Permanent Council has strengthened the capabilities of the OSCE for early warning, because participating states can use this forum now to draw the attention of the OSCE to a potential crisis at any given moment.

Once the Permanent Council is involved, the CiO has the overall responsibility for executive action and the co-ordination of the activities of the OSCE. This includes: co-ordination of the work of the OSCE institutions, representing the OSCE and supervising activities related to conflict prevention, crisis management and post-conflict rehabilitation. The chairmanship meanwhile rotates annually and the post of the CiO is held by the foreign minister of the participating state that is in charge. The previous and the succeeding chairmen assist the CiO and the three of them together form the Troika. The CiO may form also ad-hoc steering groups and appoint personal representatives to deal with specific crises or conflict situations.

Early Warning

Preventive diplomacy starts with early warning and there are a few institutions within the OSCE that are involved in such activities. Besides the Secretariat, early-warning functions are fulfilled mainly by the Warsaw-based Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the Representative on the Freedom of the Media.

Within the Secretariat, the Conflict Prevention Centre (CPC) is constantly following events in member countries that are deemed to have the potential for conflicts. It is supported by other international institutions such as the European Union or the Council on Europe as well as by individual governments or by non-governmental organisations (NGOs). The CPC is responsible for the overall support of the CiO in early warning and conflict prevention.¹⁴ Under the guidance of the Secretary General, the CPC provides support for the CiO and other OSCE-negotiating and decision-making bodies. It maintains an Operations Centre, which, among other tasks being mentioned below, has to identify potential crisis areas.

Structural Conflict Prevention by Supporting Democracy and Governance

In accordance with the broad and comprehensive approach towards security and conflict prevention taken by the OSCE, it has developed a set of instruments geared towards assisting states in the creation and the support of democratic institutions and human rights. The main instruments are the Office for

Democratic Institutions and Human Rights (ODIHR) and the Representative on Freedom of the Media. In 1999, another less formal institution was created that would render another kind of assistance: the Rapid Expert Assistance and Co-operation Teams (REACT).

The Office for Democratic Institutions and Human Rights

The Office for Democratic Institutions and Human Rights (ODIHR) was established originally in Warsaw as the Office for Free Elections (OFE) under the Charter of Paris in 1990. Its purpose was to facilitate contacts and exchange of information on elections taking place within the OSCE. Two years later, at the Prague Ministerial Council Meeting, the mandate of the OFE was expanded and it became the Office for Democratic Institutions and Human Rights. The mandate of the Office was further enlarged at the Helsinki (1992) and Budapest (1994) Summits, to include assistance to OSCE-participating states in the implementation of their human dimension commitments. Since 1997, the work of the ODIHR has increased steadily and now it employs a staff of more than 40 persons who are engaged in election observation and in technical assistance in connection with elections. They also help governments in the building of democratic institutions and a civil society and they monitor compliance to their human rights commitments by participating states. This was thought necessary because of the many new democratic states that came into existence after 1989. Starting from 1991, the CSCE/OSCE has thus dispatched rapporteur missions to newly-admitted states to ascertain how each new participant was progressing with the implementation of its CSCE commitments. The head of the ODIHR is the Austrian diplomat Christian Strohal.

The main work of the ODIHR is divided into three parts: a) election assistance, b) democratisation assistance, and c) monitoring human dimension commitments. It also has to deal with the problems related to Roma and Sinti, and, thus, has four sections.

- Election Section, responsible for long-term election observation, technical assistance and training in the organisation of elections
- Democratisation Section, which supports practical projects designed to promote democracy, the rule of law and civil society in the OSCE area
- Monitoring Section, which monitors most of the human dimension commitments
- Contact Point for Roma and Sinti issues, which acts as a clearing-house for the exchange of information and offers advice on making policies concerning the Roma and Sinti minorities¹⁵

During ten years of work, the most important task in terms of structural conflict prevention, has become the promotion of democratic elections by observing elections and providing election training and assistance. The criteria for fair and democratic elections were set out in the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE in June 1990. These included the usual provisions which were deemed to define the nature of fair, equal and just elections at due intervals.¹⁶

As regards the work of the Election Section, there is a standard procedure upon which election observation missions are organised. It starts with a participating state inviting the ODIHR to observe an election. States do this either because they want to reassure their neighbours of the fairness of their elections or because they see a real material need for assistance, often attributable to a lack of democratic experience. For new democracies, an election observed by the CSCE/OSCE gives the democratisation process more weight than it would have without it. The ODIHR usually responds to this request by dispatching a needs-assessment mission to the country, often in co-operation with other international organisations such as the Council on Europe or the European Union. Such a mission then assesses pre-election conditions and the requirements of an observation mission.

If the OSCE considers it appropriate to dispatch an observer mission, it requests the nomination of long- and short-term observers from other OSCE states. From this list, a core team, including a head of election observation mission, is selected. Then an election observation mission will be established in the country, comprising both kinds of observers who will analyse the preparations for the election, the equality of chances and the actual pursuit of the election, including the counting procedure. A preliminary statement is issued immediately after the election, which is to be followed by a final report to be published within a matter of weeks after the election.

This approach reflects the understanding that election observation is not a one-day event and that an informed assessment of an election cannot be made if observation is limited to election-day monitoring only. The ODIHR, therefore, deploys its observation missions up to two months prior to election day to observe the entire process from beginning to end. The final task of the observation mission is to offer an assessment of whether the election was held in accordance with OSCE-election commitments and with national legislation, and to submit recommendations on how to make improvements before future elections. Other bodies, both governmental and non-governmental, have the opportunity to participate in election-observation missions. During these missions, the ODIHR co-operates closely with the OSCE Parliamentary Assembly and the Council of Europe (including its Parliamentary Assembly).

Since 1991, the ODIHR has assisted in the observation of about 100 elections and referendums in most of the new, democratic member states of the CSCE/OSCE.¹⁷

Besides electoral monitoring, the ODIHR also offers training and assistance to the OSCE states. This should help them improve their election processes. This assistance includes legal advice, training programmes, logistical support, and in particular, assistance in the implementation of any recommendation that may result from an ODIHR election observation. Among the projects implemented during the past ten years were assistance in drafting new election legislation or reviewing draft electoral codes. Support was also offered for the compilation of voter registers, training election officials, and organising seminars and workshops on the electoral process.

The Democratisation Section of the ODIHR designs and carries out programmes to promote civil society and democratic institutions. They put the emphasis on practical projects often at the grassroots level, in order to further the scope of democratic or civil society in countries which had no democratic experience before 1990. Often, these activities are carried out in co-operation with other OSCE states and international organisations. According to the OSCE Handbook, the following kinds of projects are being offered.

- Special training programmes and technical assistance to strengthen the rule of law
- Training and technical assistance to ombudsman/national human rights institutions
- Education projects and dissemination of information on the human dimension
- Combating trafficking in human beings
- Strengthening of NGOs, including the establishment of networks to develop and improve communication among NGOs and between governments and NGOs
- Gender equality projects
- Activities to combat torture and to promote religious freedom

During the past five years, the states of Central Asia and the Caucasus were the centre of interest as well as Bosnia-Herzegovina, Albania (since 1997), Macedonia and Kosovo (since 1999) and, more recently, Yugoslavia.

As regards the work of the Monitoring Section, since 1998, the ODIHR has focused more on monitoring, by gathering information on the implementation of human dimension commitments by member states. It reports to the CiO, the Permanent Council or other relevant OSCE institutions. The ODIHR also

organises the OSCE Human Dimension Implementation Meetings, (held in Warsaw), supplementary meetings on specific human dimensions topics (held in Vienna) and an annual Human Dimension Seminar, often in co-operation with other international organisations.

The Representative on Freedom of the Media

The Representative on Freedom of the Media was established in January 1998. This institution's basic task is to co-operate with and assist member states in furthering a free, independent and pluralistic media, which are crucial to a free and open society and accountable systems of government. The Office of the Representative on Freedom of the Media is in Vienna. The German politician Freimut Duve of Germany was appointed to the post in January 1998.

The Representative has both early-warning and early-action functions. His mandate specifies that he has to monitor media developments in all member states. He does this with the purpose of advocating and promoting full compliance to the principles and commitments of the OSCE in respect of freedom of expression and free media. In doing this, he has to pay particular attention to problems caused by factors such as the obstruction of media activities and intentionally making working conditions for journalists unfavourable. He is also responsible for responding quickly to instances of serious non-compliance by OSCE-participating states.

In the case of disputes among member states over non-compliance with OSCE principles and commitments, the Representative can work as an intermediary between the governments concerned. He is supposed to help in establishing direct contacts, assessing facts and contributing to the resolution of the issue.

In his work, the Representative is not dependent upon information received by governments. He is free to collect and receive information on the media situation from all sources he sees fit, including from the media and relevant NGOs. He can take up requests, suggestions and comments regarding compliance, including alleged serious instances of intolerance, aggressive nationalism and racism. He is free to forward such requests, suggestions and comments to the Permanent Council and to recommend further action, where appropriate.

The Representative has a political function, not a juridical one. He can make only recommendations, act as an intermediary or as an advisor. He has to seek the co-operation of the other OSCE bodies such as the CiO and the Permanent Council as well as the ODIHR and the High Commissioner on National Minorities. He might be invited by the Permanent Council to present reports on matters relating to freedom of expression and free, independent

and pluralistic media. So far, the Representative has focused his work on the Balkans, Central Europe, the Caucasus and Kosovo.

Instruments of Governance Assistance

During the past five years increasing attention has been given to assisting new states in building up their civilian administrative capabilities. This is especially necessary for member states located in the territory of the former Soviet Union or in the Balkans (Albania, Macedonia). In order to strengthen the organisation's operational capabilities in this area, the OSCE states decided at the 1999 Istanbul Summit to develop capabilities, both within the member states and the OSCE, to set up Rapid Expert Assistance and Co-operation Teams (REACT) which will be at the disposal of the OSCE.

REACT teams have the task of assisting states whose administrative structures have failed or are in danger of failing. REACT teams are not supposed to become permanent institutions, rather, they present an ad-hoc instrument to assist in situations of need. They are put together in an ad-hoc manner according to respective needs, following rosters provided by member states, and are co-ordinated by the OSCE Secretariat. REACT teams have available a wide range of civilian expertise that could be used in establishing or re-establishing state authority. They give the OSCE the ability to address problems before they turn into crises. These teams could be used also to assist the OSCE with the rapid deployment of large-scale or specialised operations.

Special emphasis has been laid on providing police services in unstable countries. A couple of member states have committed themselves to work at enhancing the role of the OSCE in civilian police-related activities as an integral part of the organisation's efforts in conflict prevention, crisis management and post-conflict rehabilitation. Such activities may comprise:

- monitoring the police, which could include preventing police forces in member states from carrying out activities involving religious and racial discrimination;
- police training;
- improving the operational and tactical capabilities of local police services and reforming paramilitary forces;
- providing new and modern policing skills, such as community policing and anti-drug, anti-corruption and anti-terrorist capabilities;
- creating a police service with a multi-ethnic and/or multi-religious composition that can enjoy the confidence of the entire population; and
- promoting respect for human rights and fundamental freedoms in general.

Presently, the OSCE is co-operating with other international organisations in the creation of political and legal frameworks within which the police can perform its tasks in accordance with democratic principles and the rule of law.

Structural Conflict Prevention by Assisting in Minority-related Issues

The High Commissioner on National Minorities is at the centre of the OSCE conflict prevention activities focusing on national minority issues.

The creation of this position was decided at the Helsinki Summit in 1992. This has to be seen against the backdrop of the then Yugoslavia wars and the many ethnic problems that popped up in Eastern Central Europe at the time. Due to the sensitivity of the problem, the HCNM has to be a highly respected person. Netherlands former Foreign Minister Max van der Stoep was appointed the first High Commissioner in December 1992 and took office in January 1993. He has been High Commissioner for more than eight years and was succeeded in mid-2001 by the former senior Swedish diplomat Rolf Ekéus.

A small international staff of 10 to 15 supports the High Commissioner, including seven advisers. His role is to identify ethnic tensions that might endanger peace, stability or friendly relations between the participating states of the OSCE and to look for possible solutions in a co-operative way that both heeds the principles of the various CSCE and OSCE documents and the sovereignty of member states. His mandate describes him as “an instrument of conflict prevention at the earliest possible stage”. But he is more than that; he often works as a mediator and advisor.

The mandate of the HCNM specifies that the High Commissioner has to provide “early warning” and when appropriate, “early action” at the earliest possible stage “with regard to tensions involving national minority issues, which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential of developing into a conflict within the OSCE area”.¹⁸ His mission is two-fold: first, to try to contain and defuse tensions in a relatively autonomous way, and second, to act as a “tripwire”, meaning that he is responsible for alerting the OSCE whenever such tensions threaten to rise to a level at which he cannot contain them with the means at his disposal.

What makes this position so special is the fact that the HCNM is entitled to act on his own, for instance, serving as a mediator to find long-term solutions to minority-related problems. He can start, sustain and further a process whereby the parties exchange their views and begin to work together to take concrete steps designed to reduce tensions and, if possible, to resolve the issues.

However, the HCNM is not totally free to act. His mandate contains guidelines for determining whether or not he should be involved in a particular situation. Involvement by the High Commissioner in solving long-term problems does not require the approval of the Senior or Permanent Council or of the state concerned. However, without the co-operation of both, his work would be fruitless.

The OSCE also made it clear that the HCNM is not a person directly in charge of taking up individual claims by national minorities. He is not an ombudsman or an investigator of individual human rights violations. His function is of a purely political nature, that is, he has to help governments and representatives of national minorities identify the nature of the problem and to co-operate with them in finding solutions. In this respect, the High Commissioner is empowered to conduct on-site missions and to engage in preventive diplomacy at the earliest stages of tension. But his main task is promoting dialogue, confidence and co-operation among the political forces involved in a minority conflict. This could imply that the HCNM might produce a report with recommendations to the government in question and the representatives of national minorities.

Despite this high degree of independence, the HCNM cannot act on his own without political support from member states. In particular, co-operating closely with the Permanent Council is important for his work to be effective. It is equally essential that he preserves his impartiality at all times, even if this turns out to be difficult in times of serious violations of the CSCE/OSCE principles. Usually, his strongest expression of criticism is to ask a government to change its policy, reminding it that stability and conflict prevention are, as a rule, best served by ensuring full rights to the persons belonging to a minority.

The High Commissioner has been involved in minority issues in many OSCE member states, including Albania, Croatia, Estonia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Romania, Slovakia, Macedonia, and Ukraine. In 1993, at the request of the OSCE states, the High Commissioner also conducted a special study on the situation of the Roma and Sinti minorities throughout the OSCE area.

Structural Conflict Prevention – the Economic Dimension

Although the OSCE is not an economic organisation, it is concerned with economic and environmental issues included as part of its comprehensive approach to security. The basic premise is that economic and environmental solidarity and co-operation can contribute to peace, prosperity and stability. Economic and environmental matters became increasingly relevant when more than a dozen participating states began transforming their economies

from command economies to market-based capitalism between 1989 and 1992. Monitoring this transition and serving as a forum for the problems that typically arise, has become an important task for the OSCE. Although, when compared with the economic and environmental tasks of the EU and the OECD, the OSCE's are of lesser relevance, it does help stabilise the transformation process. The activities of the OSCE in this field encompass the following categories.

- Monitoring economic and environmental developments among participating states with the aim of alerting them to any threat of conflict.
- Supporting the formulation of economic and environmental policies and initiatives to promote security in the OSCE area, particularly in member states that are involved in the process of transition. This is done mainly by organising conferences and seminars on economic and environmental matters and by promoting the articulation of and adherence to shared standards and norms of economic and environmental behaviour.

The main instruments used in the economic dimension are the Economic Forum, and the Co-ordinator of OSCE Economic and Environmental Activities.

The Economic Forum was established at the 1992 Prague Council Meeting. Its task is to strengthen the CSCE focus on the transition to free-market economies as an essential contribution to the building of democracy. Pursuant to that decision, the Senior Council now meets once a year as the "Economic Forum". These meetings should give political stimulus to the dialogue on the transition to free-market economies, suggest practical means of developing free-market systems and economic co-operation, and encourage activities in co-operation with other international organisations. The first meeting of the Economic Forum was held in Prague from 16 to 18 March 1993. In addition to the annual meetings of the Economic Forum, follow-up and preparatory seminars on a wide variety of economic and environmental topics are organised.

In 1998 the institution of the Co-ordinator of OSCE Economic and Environmental Activities was created within the Secretariat. Tom Price, a former US diplomat, was appointed to the position in January 1998. The Co-ordinator's task is to strengthen the ability of the Permanent Council and the OSCE institutions to address economic, social and environmental aspects of security. Furthermore, he is to act in accordance with the flexible approach of the OSCE when responding to tensions and crisis situations as they emerge and evolve. Looking at the list of operational tasks he has to fulfil, one can see easily that the ambitions of the OSCE in the economic area are limited. His tasks, according to the OSCE Handbook, involve enhancing OSCE interaction

with relevant international organisations, strengthening the economic, environmental, and social components in the work of OSCE missions and field activities, deepening interaction with the OSCE Parliamentary Assembly and broadening OSCE contacts with non-governmental organisations and the private sector. The Co-ordinator works under the direct supervision of the Secretary General and has not a position of similar distinction as the HCNM, the Head of ODIHR or the Special Representative for the Freedom of the Media.

The contribution of the Economic Forum and of the Co-ordinator of OSCE Economic and Environmental Activities are hardly comparable in terms of relevance to the work of ODIHR, HCNM or the Special Representative for the Freedom of the Media. It demonstrates the relatively lesser importance of economic issues within the OSCE, mainly due to the superior role of regional (EU, OECD) and global (WTO, UNCTAD) institutions in this field.

Mechanisms of Political Consultation During Crises

The general political consultation instruments have been mentioned above, such as the biannual summit and council meetings as well as the Permanent Council. Besides those, over the past ten years, the CSCE/OSCE has developed a set of specific, consultative mechanisms that can be applied where a situation in a member state might turn violent or where two or more states are entering into a conflict which has the potential of becoming violent. These mechanisms are as follows.

- The Vienna Mechanism, which was adopted by the Vienna Follow-up Meeting in 1989. It provides for the exchange of information on questions relating to the human dimension. This Mechanism obliges member states to respond to requests for information made by other member states. It also opens the possibility of holding bilateral meetings (should these be requested by other OSCE states) and allows member states to bring situations and cases in the human dimension to the attention of other OSCE states. It is mainly an instrument whereby minority-related problems or problems resulting from the violation of human rights can be discussed at the OSCE level without member states being able to refuse such a debate on the grounds that it is a purely internal affair.
- The Moscow Mechanism, which was adopted in 1991 at the occasion of the CSCE Conference on the Human Dimension. It provides the option of sending missions of experts to assist member states in the resolution of a particular question or problems relating to the human dimension of the OSCE such as minority issues or problems relating to violations

of individual human rights. Missions of experts can be either invited by the state concerned or initiated by a group of six or more OSCE states. A mission's task could consist of gathering information necessary to further its work and, if appropriate, to offer good offices and mediation services to promote dialogue and co-operation among interested parties.

- The Berlin Mechanism for consultation and co-operation with regard to emergency situations. This Mechanism was agreed upon during the Berlin Council Meeting in 1991. It contains measures that can be applied to emergency situations that have arisen from a violation of one of the principles of the Helsinki Final Act or as the result of major disruptions endangering peace, security or stability. The Mechanism provides that if any participating state concludes that such an emergency situation is developing, it may seek clarification from the state or states involved. Should the situation remain unresolved, the participating state may request that the CiO call an emergency meeting of the Senior Council.
- The Mechanism for Consultation and Co-operation with regard to unusual military activities. This mechanism provides for the exchange of information regarding any unusual and unscheduled activities of the military forces belonging to the participating states outside their normal peacetime locations that are militarily significant. As with the Vienna Mechanism, the OSCE states are obliged to respond to requests for an explanation from other member states, and, should the requesting member state so desire, to hold a meeting to discuss the matter.
- The Mechanism for Co-operation with regard to hazardous incidents of a military nature. This mechanism, which was agreed upon during the 1994 Vienna CSBM Meeting, requires member states, in the event of hazardous incidents of a military nature, to co-operate by reporting and clarifying the incidents in order to prevent possible misunderstandings and to mitigate the effects on other member states. In particular, it obliges each OSCE state to designate a point of contact in case of such hazardous events and to inform all other states of the incident in an expeditious manner. Any member state affected by such an incident may request clarification, which has to be delivered as soon as possible.
- The Valetta Mechanism for the peaceful settlement of conflicts. This Mechanism was devised during the expert meeting on conflict settlement in 1991 and later accepted by the Helsinki Summit in 1992. It provides for procedures involving third-party involvement in case of a dispute between two member states. The Valetta Mechanism is the basic element of an OSCE Dispute Settlement Mechanism, aimed at facilitating the peaceful settlement of disputes between participating

states. The Mechanism consists of one or more persons, selected from a register of qualified candidates, who will seek contact with the parties to the dispute, separately or jointly. They may offer general or specific comments or advice, which are not binding on the parties. In 1992, the CSCE states also agreed in principle to establish a Conciliation Commission that will hear disputes brought forward by two OSCE participating states, if they agree to do so. The Commission shall seek to clarify the points of dispute between the parties and endeavour to bring about a resolution on mutually agreeable terms.

In addition to the above-mentioned Valetta Mechanism, in 1996 the OSCE passed the Convention on Conciliation and Arbitration within the OSCE. This Convention, which has been ratified only by a limited number of member states, further explores the possibilities of finding procedures for conflict settlement by adding a juridical dimension to it. The core element of the Convention is the Court on Conciliation and Arbitration, which the Convention established with the aim of facilitating the settlement of disputes between state parties by means of conciliation and, where appropriate, arbitration. The Convention binds only those OSCE states that have legally become party to it and will cover the expenses of the Court on Conciliation and Arbitration. The Court is not a permanent body but rather a roster of conciliators and arbitrators. It will act in two stages. At first, an ad-hoc Conciliation Commission will be established. The Conciliation Commission will hold hearings and present a report to the parties, proposing a solution to the dispute. If no agreement is reached within a period of 30 days, the second stage sets in and an Arbitral Tribunal can be constituted. The Tribunal makes its own investigations into the issue and has to arrive at a decision. The decisions of the Tribunal are binding on the parties.

Since December 1992, the OSCE has a directed conciliation provision according to which the OSCE Ministerial Council or the Senior Council may direct any two member states to seek conciliation with the purpose of assisting them in resolving a dispute that they have not been able to settle within a reasonable period of time. The Ministerial or Senior Council may direct the parties to use the OSCE Conciliation Commission, as if the parties had made a joint written request to bring the dispute before the Commission. This procedure was devised in 1992 with the intention of forcing Yugoslavia to seek international assistance during the war in Bosnia-Herzegovina in 1992 and is referred to as the “consensus minus two-rule”. It does not, however, involve the mandatory acceptance of any substantial decision that is being made during that process involving any infringement on the sovereignty of any of the concerned states. In this regard, the “consensus minus two-rule” is less revolutionary than it is often depicted.

Short- and Long-term Missions and Other Field Activities

Over the years, the OSCE has developed a set of instruments and procedures that the CiO and the Troika could use. These are:

- dispatching fact-finding and rapporteur missions;
- sending a personal representative of the CiO;
- starting a mission by the CiO or the Troika itself;
- dispatching long-term missions and other field activities;
- using ad-hoc steering groups; and
- initiating peacekeeping operations.

Of all these instruments, the long-term missions and field activities have turned out to be the most important ones. With them, it has become possible to better coordinate and combine efforts undertaken by the various institutions within the OSCE.

Fact-finding and rapporteur missions are short-term visits by experts and personalities from OSCE-participating states with the task of establishing facts, reporting on their findings, and in certain cases, making recommendations to the OSCE decision-making bodies. Fact-finding and rapporteur missions have been used in the past ten years to ascertain how recently-admitted states have been progressing with the implementation of the OSCE commitments. They were established also to investigate allegations of non-compliance with OSCE commitments, to assess the situation in states that wished to be admitted to the OSCE, and to investigate areas of conflict. Usually, they have the task of studying specific situations of a human dimension or military nature, on a short-term basis. Fact-finding and rapporteur missions often make recommendations regarding the establishment of missions and other field activities.

While the OSCE usually makes decisions by consensus, in several cases, as in the context of the so-called Moscow Mechanism, the support of several OSCE states for such an initiative is deemed sufficient and the receiving state may not refuse to accept the mission. Under the Moscow Mechanism, exploratory missions have been sent to, for example, Croatia, Estonia and Moldova, sometimes preceding the dispatch of a Long-term Mission. Again, states can continue to refuse the mission and even prevent them from entering their territories but they cannot prevent such a mission coming into existence and taking up their work.

Personal representatives of the CiO are personalities from the OSCE states designated by the CiO to assist him/her in dealing with a crisis or conflict. They are established with a precise mandate. So far, the various Chairmen-in-

Office have drawn on both distinguished diplomats and prominent political personalities as their personal representatives. Usually, charging a personal representative with such investigative tasks does ensure that problems are given close attention. So far, personal representatives were instrumental in starting and determining the CSCE/OSCE action, in particular, in Moldova and Georgia as well as in Chechnya, quite recently. In 1995, as the bloody conflict in the breakaway Russian republic of Chechnya was raging, the CiO dispatched his personal representative (as well as a human-rights assistance group) on three occasions to Moscow and the conflict area to consult with Russian authorities and to assess the situation in the field.

With their considerable political weight, missions of the CiO and his representatives, including the Secretary General or the OSCE Troika countries, have a special role. Among such missions were the visit by the CiO to Sarajevo and Belgrade in June 1994 and the visit by the Secretary General to the five Central Asian States in February that same year, and to Tajikistan in January 1995.

Ad-hoc steering groups are, like personal representatives, established on a case-by-case basis to assist the CiO on specific tasks, in particular, conflict prevention, crisis management and dispute resolution. The groups are composed of a limited number of participating states, including the Troika. The size of the group is determined by taking into account the need for impartiality and efficiency.

For long-term involvement in conflict prevention and crisis management, the main instrument of the OSCE are Long-term Missions and other field activities. They allow a comprehensive, co-ordinated approach and give the OSCE an active presence in countries that require assistance. They are also the vehicles through which political decisions are translated into action. Their work may address all phases of the conflict cycle: early warning, preventive diplomacy, conflict management, and post-conflict rehabilitation.

These missions and other field activities are established by a decision of the Permanent Council, with the agreement of the host country. They are deployed for an initial period of six months to a year and renewed if necessary. Mission members, who have either a civilian or a military background, are seconded by the participating states. A Head of Mission, appointed by the CiO, leads each mission and he/she is from an OSCE-participating state. Their activities are supervised and supported by the Secretariat and the Chairmanship. The mission concept dates from the early 1990s.

At present, there are in total 21 long-term OSCE missions and other field activities. In the past, the respective mandates for these missions were adapted to rapidly changing realities and some were expanded. As a consequence,

the mandates, the composition and the *modus operandi* of the missions are increasingly varied, underlining the flexibility of this instrument. Most missions co-operate with other international organisations, in particular the UN and the Council of Europe, as well as with a number of NGOs and the UNHCR. With regard to missions taking place in the Commonwealth of Independent States (CIS), all missions co-ordinate their diplomatic action with the Russian Federation.

The missions and field activities are often described as the “front line” of the organisation’s work. They vary enormously in size, ranging from about 2,100 international staff (for example, the OSCE Mission in Kosovo), to as few as three (for example, the OSCE Project Co-ordinator in Ukraine).

South-eastern Europe has the highest concentration of OSCE field activities, in particular, the four largest are: the OSCE Mission in Kosovo, the OSCE Mission to Croatia, the OSCE Mission to Bosnia and Herzegovina, and the OSCE Presence in Albania. There is also the Spillover Monitor Mission to Skopje, which was expanded recently and, most since late 2000, the Mission to Yugoslavia. The Balkans is the region to which the OSCE dispatched its first missions to Kosovo, Sandjak and Vojvodina, in September 1992, and to Skopje (former Yugoslav Republic of Macedonia), in the fall of the same year. Missions and other field activities can also be found in the Caucasus, Eastern Europe, two of the Baltic States and Central Asia.

All the OSCE bodies and institutions are, and will be, increasingly involved in the work of the missions. Although each mission has had its own success stories and setbacks, most missions have contributed to building up stability through support and advice or, in some cases, by their very presence. To date, very few missions have reached the stage of implementing their mandates fully and have been dissolved. Within the OSCE, meetings of the Heads of Missions (HOM) have become regular working practice. The Heads of Missions discuss the achievements and problems of the missions, share experience and table proposals for improvements in such areas such as reporting, guidance, support, and contacts with international organisations.

Peacekeeping

So far, the OSCE has played no significant role in peacekeeping, that is, in activities where military forces are used for interposition or for supporting the implementation of an armistice. The Helsinki Document of 1992 had made provisions giving the OSCE a role in such peacekeeping activities. The document

stated that peacekeeping constituted an important operational element of the overall capability of the OSCE for conflict prevention and crisis management. The document also mentioned that OSCE peacekeeping activities might be undertaken in cases of conflict within or among member states to help maintain peace and stability in support of an ongoing effort at a political solution. In the past, it turned out that it was not feasible to build up a peacekeeping infrastructure and organisation within the OSCE. In no instance was it possible to achieve the necessary consensus.

To sum up, this overview of the instruments shows that the OSCE is quite different from other international institutions or organisations such as the United Nations or other regional arrangements. The importance of the OSCE lies in the field of “soft security”. Its main strength is in supporting the build-up of democratic societies in states which are newly created and/or which are in the process of transforming from a Communist-ruled command economy towards a free-market economy and democracy. It has also developed instruments that allow it to act as an impartial third party or honest broker, serving as a go-between or facilitator of compromises for parties in a dispute, or to serve as a politico-diplomatic interposition force when parties are unequal in size and power, for example, the Baltic-Russian situation. Often, the organisation works within states and within governmental processes, as an “insider third-party”.¹⁹

Current Long-term Missions of the OSCE

South-eastern Europe

- Mission to Kosovo
- Mission to Bosnia and Herzegovina
- Mission to Croatia
- Presence in Albania
- Spillover Mission to Skopje
- OSCE Mission to Yugoslavia

Caucasus

- Mission to Georgia
- Assistance Group to Chenya
- High-level planning group for eventual peacekeeping in Nagorno-Karabakh
- Office in Yerevan
- Office in Baku

The Baltics and Eastern Central Europe

- Mission to Moldova
- Project Co-ordinator in Ukraine
- Advisory and Monitoring Group in Belarus
- Activities in Estonia
- Activities in Latvia

Central Asia

- Mission to Tadjikistan
- Four OSCE Centres in Central Asia

Notes

- 1 Cf. Johan Jörgen Holst and Karen Melander, “European Security and Confidence-Building Measures” in *Survival* Vol. 19 No. 4 (1977), pp. 147–148; see also Joachim Krause, *Prospects for Conventional Arms Control in Europe*, pp. 42–48.
- 2 Cf. James McIntosh, *Confidence- (and Security-) Building Measures in the Arms Control Process: A Canadian Perspective* (Ottawa: Department of External Affairs, 1995).
- 3 Adapted from Vetschera, *From Helsinki to Vienna*, p. 719.
- 4 See Ivo H. Daalder, *Getting to Dayton. The Making of America’s Bosnia Policy* (Washington, D.C.: The Brookings Institution, 2000), pp. 153–159.
- 5 *Oesterreichische Militaerische Zeitschrift*, Vol. 39 No. 1 (2000), p. 87.
- 6 Text can be found at <http://www.osce.org/docs/english/oskiese.htm>.
- 7 The Code of Conduct is part of the Budapest Summit Document and can be found at <http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm>.
- 8 Budapest Document, text can be found at <http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm>.
- 9 Budapest Document, text can be found at <http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm>.
- 10 Vienna Document 1994 of the Negotiations on Confidence- and Security-Building Measures, text can be found at <http://www.osce.org/docs/english/1990-1999/csbms2/vienn94e.htm>.
- 11 Budapest Document, text can be found at <http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm>.
- 12 Lisbon Summit Document, text can be found at <http://www.osce.org/docs/english/1990-1999/summits/lisbo96e.htm>.
- 13 Boutros Boutros-Ghali, “Challenges of Preventive Diplomacy” in: Kelvin M. Cahill (ed.): *Preventive Diplomacy. Stopping Wars before they Start* (New York: Harper-Collins, Basic Books, 1996), pp.16–32 (p. 18).
- 14 Secretariat of the OSCE, *OSCE Handbook* (Vienna 1999), p. 32.
- 15 Roma and Sinti—often called “gypsies”—are a minority spread over most of Central and Southern Europe countries.
- 16 Text can be found at <http://www.osce.org/docs/english/1990-1999/hd/cope90e.htm>.
- 17 In order to provide a systematic basis for evaluation, the ODIHR has published the OSCE/ODIHR Election Observation Handbook, which sets out the OSCE standards for elections.
- 18 The tasks of the HCNM were laid out in the Document of the CSCE Helsinki Summit in July 1992, text can be found at <http://www.osce.org/docs/english/1990-1999/summits/hels92e.htm>.

- 19 See Rob Zaagman, Conflict prevention in the Baltic States: The OSCE High Commissioner on National Minorities in Estonia, Latvia and Lithuania (Flensburg: European Centre for Minority Issues, April 1998), p. 12; see also Diana Chigas, with Elizabeth McClintock and Christophe Kamp, “Preventive Diplomacy and the Organization for Security and Co-operation in Europe: Creating Incentives for Dialogue and Co-operation” in Preventing Conflict in the Post-Communist World. Mobilizing International and Regional Organizations, Abram Chayes and Antonia Handler Chayes (eds.) (Washington, D.C.: The Brookings Institution, 1996) pp. 25–97.

4

THE RECORD OF THE OSCE

Assessing the record of an international institution is not easy since there are only few indicators determining the nature of “success” or of “failure”. In the light of the fact that the OSCE has changed so much in the mid-1970s, it would be difficult also to arrive at a common understanding of what constitutes “successes”. However, most observers agree that the OSCE has been quite successful in the politico-military field so far, that is, the CSBM process and, in particular, the CFE process. The CSCE/OSCE was extremely helpful in winding up the military dimension of the Cold War and in putting up the framework for a new military order in Europe. Opinions start to differ the moment the organisation’s record in conflict prevention, crisis management and post-conflict reconstruction is debated. Indeed, opinions are mixed, thus making a differentiated analysis necessary.

At first, differences occur because of different standards being used. If one expects the OSCE to solve all problems on its own, one might find very few examples, if at all. Rather, the OSCE has been more successful in solving problems in co-operation with other institutions. If one feels content with the ability of the OSCE to freeze a conflict, then the benchmark of success might be lower. A difficult problem is how to assess the success of preventive diplomacy, since the non-occurrence of violence may be the result of preventive diplomacy. However, it might have come about anyway. Hence, a closer examination of the situation on the ground is needed. We have to look at the individual situation with a view to the different levels of standard and of expectation.

In assessing the effectiveness of the CSCE/OSCE, one has to be aware that geopolitics matters a great deal. So far, the CSCE/OSCE has been active only in former Communist-ruled countries in Europe or Central Asia. In looking at the record, one has to discern among three different groupings of former

Communist-ruled states, which may be differentiated as follows.

- The states of Central Eastern Europe (CEE), encompassing Poland, the Czech Republic, Slovakia, Hungary, Bulgaria and Romania as well as the three Baltic republics of Estonia, Latvia and Lithuania. It is in this group of states that the CSCE/OSCE has been most successful in conflict prevention, conflict management (freezing) and problem solving.
- The Balkan states (Yugoslavia, Croatia, Slovenia, Bosnia-Herzegovina, Macedonia and Albania), where the record of CSCE/OSCE is more mixed with disastrous results in the early 1990s and an improving record both in conflict prevention (mainly in the field of post-conflict reconstruction) and problem solving in the past few years.
- The successor states to the Soviet Union which are members of the Commonwealth of Independent States (CIS). Here, the organisation's record is rather bleak. In a few instances, the OCSCE was successful in freezing a conflict situation, in others it failed conspicuously.

These differences can be explained by referring to two parameters: first, the degree to which the European Union and the U.S., which are both supportive of the soft-security approach of the OSCE, are able to influence events in a region, or, to what degree others such as Serbia or Russia, which have been clinging to a 19th century approach in dealing with regional conflicts, have been able to control events. The second parameter is the degree to which civil societies, with the concomitant culture of compromise and non-use of force, have developed in these countries relative to the prevalence of archaic and violent attitudes. In looking at individual countries in which the CSCE/OSCE has been active, it is clear that most successes took place where the elements of civil society were already strong and where the influences of the EU and the U.S. could be felt. This was clearly the case in almost all countries of Eastern Central Europe. The CSCE/OSCE was less effective in the Balkans and in the CIS, where civil society was either weak or non-existent and where Serbia's (until 2001) or Russia's influence could be felt directly or indirectly.

CENTRAL EASTERN EUROPE

While Central Eastern Europe has been the most successful area of the CSCE/OSCE involvement, there are, nonetheless, differences among the states concerned. As a rule, those countries that have developed a culture of civil society and democracy posed fewer problems than those in which the old Communist cadres tried to cling to power under the disguise of nationalist or socialist strategies. Further, there are differences in the nature of minority-

related conflicts. All in all, the relative success of the CSCE/OSCE has to do with the fact that its activities went hand in hand with those of the European Union and NATO and that the local political forces were ready to co-operate with them.

Poland and the Czech Republic

The two states with the least problems were Poland and the Czech Republic. The ODIHR and, to a lesser degree, the HCNM, were active and instrumental in furthering the transformation to democracy and free institutions. This included assistance in preparing and organising elections as well as monitoring them. In doing so, a variety of activities took place (ranging from organising seminars to certifying correct election processes) that often ran outside the public's awareness. Today, Poland and the Czech Republic are relatively stable democracies and have no disputes with their neighbours, which, to a certain degree, is credited to the CSCE/OSCE and co-operation with the EU and NATO.

Slovakia

Today, the situation in Slovakia is coming close to that of the Czech Republic and Poland. However, for many years there was a danger that the transition would run into serious difficulties. For many years, the country was ruled by a new elite composed of representatives of the old regime and new nationalist forces, who used the privatisation of national industries to enrich themselves and to achieve control of the mass media and key political-administrative positions. They used nationalistic rhetoric directed against the half-a-million strong Hungarian minority in order to deflect attention. Both democracy and peace with neighbouring Hungary were in danger in the mid-1990s. In this situation, the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights, became active.

The HCNM started his work in 1993 by involving all parties in a discussion process aimed at fulfilling those norms and standards that OSCE and the Council of Europe had set in this regard. This mediation process turned out to be very difficult since the ruling nationalist forces in the Slovakian capital of Bratislava were playing on nationalistic sentiments in order to foster their own rule.

The OHIDR activities were directed at offering material assistance in building democratic institutions and in monitoring the political process in Slovakia. On many occasions, the OHIDR met harassment and obstruction to their work mounted by the opposition parties in Slovakia.

Things changed decisively in September 1998 when the ruling nationalist coalition under Prime Minister Vladimir Meciar lost the parliamentary elections despite massive manipulations. This event has to be seen against the backdrop of strong pressures exerted by the EU as part of the Stability Pact for Europe. The EU countries made it clear that they were not ready to accept as new members any state that had no clear democratic credentials and had not solved its minority-related problems according to OSCE standards. The defiant attitude of the Slovak government led to their growing isolation and the country was removed from the list of likely candidates for membership in the EU and NATO in 1996. Eventually, it was the growing dissatisfaction of the Slovak people with the policy of Meciar that led to the vote of September 1998, which was later confirmed by a similar vote at the presidential elections in May 1999. Since then, with the assistance of the OSCE, progress is underway for a solution to the complicated problem of the Hungarian minority in Slovakia and the Slovak minority in Hungary.

Hungary

Although the process of democratic transition went relatively smoothly, Hungary posed a problem because of the many minority disputes it had with its neighbouring countries. The Peace Treaty of Trianon in 1919 cut down the size of Hungary by 50 per cent, leaving a total of 2.5 million ethnic Hungarians outside their motherland today, most of them (1.5 million) in Romania, the rest in Slovakia (0.5 million), Serbia and Croatia. The first democratically-elected Hungarian government of Jozsef Antal in 1991 demanded the revision of its border along ethnic lines. This demand was rejected unanimously by other member states of the CSCE since it was a clear violation of the CSCE principles. This resistance demonstrated to the Hungarian government that any demand for a change of its borders was futile. After a new socialist government took over in Hungary in 1994, the way was opened for a process whereby minority agreements could be negotiated with Romania, Croatia and, later on, with Slovakia. A similar agreement with Serbia is pending.

Romania

For many years, Romania, like Slovakia, was deficient in the field of democratic transition that went along with a nationalistic handling of the minority issue. Romania, a country of 15 million people, has more than 1.5 million national minorities in its territory, most of them Hungarians.

The transition from Communist rule to democracy took place in Romania in December 1989 in a way quite different from that of the other states of

Central Eastern Europe. A reform-minded fraction of the Communist Party killed the former dictator Nicolae Ceaucescu and his wife and established a semi-democratic government, which, in actual fact, was a continuation of the old system. During the years of this government (1990–1996), virtually no economic transition took place and democratic institutions developed very slowly. As a result, the minority-related problems in that country were aggravated and at some points came close to a conflict with neighbouring Hungary, which tended to question the legitimacy of the existing international borders.

The HCNM made various trips and missions to the Romanian capital of Bucharest to try to alleviate this situation and to assist in finding a solution based on the standards formulated by the CSCE/OSCE. He was not successful until the elections of November 1996 which brought to power the opposition forces. Under President Emil Constantinescu and a government led by Prime Minister Victor Ciorbea, who formed a centrist coalition that included the representatives of the Hungarian minority, things moved ahead with more speed and led to an agreement over the minorities, brokered by the HCNM. However, in November 2000, the centrist coalition fell apart and the Socialist-turned-former-Communist party again won the presidential and parliamentary elections. During the election campaign, a nationalist competitor received more than 30 per cent of the votes. Hence, future events in Romania are again open to debate.

Bulgaria

Bulgaria took a similar line of development with a lengthy transition period during which the former Communist-ruled country did everything to prevent radical change. As a consequence, the problems associated with the Turkish minority (comprising almost ten per cent of the population) remained unresolved, despite various attempts by the HCNM to address the issues with both parties. In January 1997, the independent Petar Stoyanov was elected as President of Bulgaria and in May 1997, a centrist coalition took over government under Prime Minister Ivan Kostov. Since that coalition included representatives of the Turkish minority, it was possible to develop a formula for the place of the Turkish minority within Bulgaria based on recommendations put forward by the HCNM. The elections of Summer 2001 brought up a new political force headed by the former King of Bulgaria who had had to leave in country in 1947 as a young man. Again, there is hope that this new government will cooperate with OSCE and will make use of its instruments.

The Baltic States

The three Baltic States of Estonia, Latvia and Lithuania form a special category since they were annexed against their will by the former Soviet Union and were subjected to major deportations of their populations in the 1940s and 1950s. They also suffered badly under the enforced settlement of Russians and other Soviet nationalities during the Soviet rule. The deportations were done with the intention of changing the ethnic balance in those states. Many of these migrants were former military officers who, it was thought, would form a loyal segment to the Soviet Union. When these states regained their independence in 1991, only one (Lithuania) had a population where the titular nation formed more than 80 per cent. In Latvia, just over 50 per cent of the population were Latvians; in Estonia some 62 per cent (for Estonia see Table 4.1). From the point of view of the newly-independent Baltic states, it was understandable that they wanted to redress the ethnic balance which, for so many decades, had been manipulated to their disadvantage. However, the Russians and the other non-Estonian ethnic groups claimed they had the right to stay and to be protected as citizens of Estonia. To make things worse, Russia portrayed itself as the spokesman for the Russian-speaking minorities in these countries and exerted political and military pressure on these tiny states on its border.

Table 4.1
Ethnic composition of the Estonian population
(persons, according to census data)

Year	Total population	Ethnic Estonians	Other ethnic origin	Ethnic Russians
1922	1,107,059	969,976	137,083	91,109
1934	1,126,413	992,520	132,327	92,656
1934*	1,061,313	972,750	87,049	50,080
1959	1,196,791	892,653	304,130	240,227
1970	1,356,079	925,157	430,908	334,620
1979	1,464,476	947,812	516,577	408,778
1989	1,565,662	963,281	602,374	474,834
1994**	1,506,927	962,326	544,601	436,562
1995**	1,491,583	957,948	533,635	428,360
1996**	1,476,301	953,547	522,754	420,435
1998**	1,451,489	946,646	504,843	409,111

Source: European Centre for Minority Issues, Flensburg, Germany (<http://www.ecmi.de>)

* Recalculation of the 1934 data according to the borders of the Estonian SSR in 1945

** Data for 1994, 1995, 1996 and 1998 are calculated as of 1 January by the Statistical Office of Estonia

Estonia

As for Estonia, it took some time and devoted diplomatic international efforts to obtain the consent of the Estonian government to make the citizenship conflict an issue of concern within the CSCE/OSCE and to establish a Long-term Mission in Tallinn. Originally, the government of Estonia viewed the CSCE as an instrument for securing its independence and accelerating the withdrawal of Russian troops from the Baltic States. Eventually, it was Russia that brought the conflict into the agenda of the CSCE by linking it to its obligation to withdraw its troops. First, there was an ODIHR fact-finding mission composed of German and Finnish diplomats in the fall of 1992, which had the task of analysing Estonian citizenship legislation. The ODIHR report concluded that the situation of the stateless Russian speakers in Estonia does give rise to concern. Consequently, on 13 December 1992 the Committee of

Senior Officials established a Long-term Mission consisting of up to eight diplomats, lawyers and experts. The mission's purpose was to advise the Estonian government and parliament in citizenship legislation and to mediate between the Estonian state and members of the non-Estonian ethnic groups—which formed more than 30 per cent of the overall population—many of whom faced the prospect of becoming stateless.¹

Operating from the capital Tallinn, with two local offices in Johvi and in Narva, the Long-term Mission in close co-operation with the HCNM and OHIDR, has done a relatively successful job in co-operating with the Estonian government on the drafting of citizenship legislation that would meet OSCE standards. Further, an expert from the OSCE takes part as an advisor in an Estonian Commission dealing with applications for permanent residence or citizenship, by the former Soviet military personnel living in Estonia. Unrelated to the work of the mission, the representative participates in the work of the Estonian Government Commission on Military Pensioners, which was established by a bilateral agreement between Russia and Estonia. The OSCE representative's assistance is valued by both sides because of the element of neutrality and expertise he brings in.

The whole process was helped by the European Union's refusal to discuss Estonia's membership in the Community if it was not ready to take measures to accelerate naturalisation procedures to enable its Russian-speaking citizens to integrate into Estonian society. Responding to the challenge, in February 1998, the Estonian government adopted a policy paper that satisfied the EU. Meanwhile, Estonia, which has made surprisingly good progress in economic reforms and democratic transition, is among the most likely candidates for EU membership.

In terms of figures, some progress is demonstrable albeit a lot of work still has to be done. The number of so-called non-citizens had diminished by 1999 to 26 per cent of the total population (375,000 persons out of 1,440,000) either due to emigration to Russia or to successful naturalisation procedures. About eight per cent of the Russian speakers had already opted for and acquired Russian citizenship but they continue to live in the country as foreign residents. The status of the remaining 250,000 Russian speakers is still to be determined.² For many, this is still too slow. As then HCNM Max van der Stoep stated in August 2000, he is concerned about the slow pace of progress and is hopeful that the naturalisation of Russian-speaking citizens in Estonia can be accelerated.³

Latvia

In Latvia, the situation is more difficult than in Estonia since the domestic political constellation is not as stable and the economic transformation not as successful as in Estonia. However, co-operation with the OSCE has turned out rather well. In 1992, when the Latvian Parliament was discussing restrictive citizenship legislation that would have made hundreds of thousands of Russian-speaking people stateless, the Committee of Senior Officials of the CSCE decided on 23 September 1993 to dispatch a Long-term Mission, comprising seven diplomats and experts, to address citizenship issues and related matters. The Head of Mission and two mission members started their work in the capital Riga, on 19 November 1993.

The mission's main focus is on the process of integrating the substantial non-citizen population into the mainstream of Latvian society. This involves following closely and giving advice on the drafting of specific relevant legislation (citizenship issues, language, education, employment, stateless persons) and the monitoring of its implementation, for example, the issuing of non-citizen passports and naturalisation testing. Members of the mission regularly visit various parts of the country to check whether the implementation of legislation and government issues and orders are guaranteed (Road Trip Programme). The Head of the Mission is also represented in a Russian-Latvian Commission overseeing a bilateral agreement on social welfare given to Russian military pensioners living in Latvia. The mission has become an almost integral part of political life in Latvia and is involved in many projects furthering contact and communication between the various ethnic groups.⁴ During a visit to Riga on 31 August 2000, HCNM Max von der Stoel voiced his satisfaction with the progress that has been made so far in Latvia regarding minority rights.⁵

Another activity in Latvia centred round the Skundra Radar station. This facility was part of the former Soviet strategic early-warning system and it was agreed between the governments of Russia and Latvia that this facility had to stop its operation by the year 1998 and to be demolished by February 2000. Both parties asked the CSCE/OSCE to assist in the monitoring of the implementation of the agreement and to participate in a joint committee for the monitoring and co-ordination of the implementation. On 15 June 1994, the Committee of Senior Officials of the CSCE approved the request and on 30 June 1994, the Permanent Committee requested the CiO to appoint a CSCE Representative and an Alternate Representative to the above-mentioned Joint Committee. The OSCE Representative was co-located with the OSCE Mission to Latvia. He was able to terminate his work successfully in spring 2000, when the facility was demolished.

By and large, the record of the OSCE in the Baltic States has been rather successful. The OSCE was able to mitigate the conflicts over the treatment of Russian-speaking “minorities” in Estonia and Latvia as well as in Lithuania, where the HCNM did not need to invoke a separate Long-term Mission. The OSCE, through the OHIDR also was able to stabilise the democratic transformation in all three countries.

THE BALKANS

This area of south-eastern Europe, usually called the “Balkans”, has the highest concentration of OSCE field activities today. It also has the largest missions in place:⁶

- the OSCE Mission in Kosovo with over 2,100 staff members;
- the OSCE Mission to Bosnia-Herzegovina with over 200 staffers;
- the OSCE Mission to Croatia with an international staff of about 100;
- the OSCE Presence in Albania with an international staff of about 45;
- the Spillover Monitor Mission to Skopje, Macedonia, with meanwhile 210 members; and
- the OSCE Mission to the Federal Republic of Yugoslavia with an international staff of about 30.

While these figures indicate how strong the OSCE is today in its involvement with the efforts of the international community to stabilise the Balkans (or what were once Yugoslavia and Albania), they tell only one part of the story of the failures and successes of the CSCE/OSCE. In the early 1990s, the dominant impression was that the soft-security approach of the EU and CSCE might be proven wrong in light of the belligerent attitude of many Balkan political players, and that hopes for a new international order in Europe might be dashed. Today, things look quite different and are more positive. The soft-security oriented international community, comprising not only the OSCE, but also the EU, the Council of Europe, the U.N. (acting through various agencies and international economic institutions), as well as NGOs, is now heavily engaged in reconstructing Bosnia-Herzegovina and Kosovo (both have the status of being quasi-protectorates) and doing the same for Albania. The soft-security community reached this stage only because NATO—as provider of “hard security”—had cleared the way for a co-operative solution. Without the ultimatums, the bombings and the military cover given by the SFOR (Stabilisation Force) and the KFOR (Kosovo Force), the current situation on the ground would have not been possible. It is this combination of liberal peace and armed peace, of soft and hard security that

is characteristic of the current approach, which, by the way, is totally at odds with all established theories of international relations.

Wars in Former Yugoslavia

Before the Balkans became a trouble spot, it had seen peaceful days. For decades, many Europeans regarded Yugoslavia as a successful model of how to integrate various ethnic groups into one federal state. However, the signs of decay were obvious in the 1980s and some better-informed authors made some unsettling predictions in the late 1980s, such as F. Stephen Larrabee from the RAND Corporation. In a paper written in 1989/1990, he pointed out that ten years after Tito's death the fragmentation of Yugoslavia had reached a level where its violent disintegration held a real possibility of threatening the stability of the region and of Europe at large.⁷ His analysis was proven right. Tito had kept Yugoslavia together under his tight grip. After his death in 1980, a collective leadership took over which managed to keep a balance between the different republics and nationalities, initially. Ultimately, this leadership turned out weak and unable to cope with the vexing problems of state socialism in Yugoslavia. Thus, the necessary radical reforms of the command economy could not take place. As a result, the individual republics took different avenues with Slovenia and Croatia going for radical reforms and privatisation, while Serbia and Montenegro as well as Macedonia remained indifferent. In Serbia, conservative Communist cadres played the Serbian nationalist card in order to avoid economic reform. Their most outspoken leader was Slobodan Milosevic, who, in 1984, became head of the Communist Party in Belgrade and in 1988, President of Serbia.⁸

Even before becoming President of Serbia in 1988, Milosevic was stirring nationalist sentiments in Serbia, which led to immediate reactions from the Kosovo-Albanians, who turned defiant in 1988. Milosevic responded to the Kosovo-Albanian protests by abandoning the autonomous status of Kosovo and introducing a suppressive regime to keep the Albanians (who formed 90 per cent of the population of Kosovo) down. It fuelled separatist tendencies in the most reformists of republics, Slovenia and Croatia. Their desire for more independence was taken up in an intra-Yugoslavian dialogue that commenced in 1990 and ended in summer 1991, when the Yugoslavian army tried to force both republics back into the federation. That military operation turned out to be a failure and while the Yugoslav troops soon left Slovenia, some of them joined the Serb militias, who were occupying a third of Croatia and displacing the non-Serb population (about 600,000 Croats). In late summer 1991, ethnic war broke out in Croatia, which was fought with utmost cruelty and

where the support of the former Yugoslavian army for the Serb militias led to a clear victory for the Serbian side.

After a cease-fire agreement was made at end 1991—which paved the way for the international recognition of Slovenia and what was left of Croatia—the war spread over to Bosnia-Herzegovina and, for four years, turned this central part of Yugoslavia into killing fields. Despite the continuation of an international arms embargo from 1991 against the whole of Yugoslavia, the country was virtually an arms warehouse due to its former defence concept. Weapons were dispersed all over the country—but mainly in the central region of Bosnia-Herzegovina—and were under the control of the Yugoslavian army which spared no pains in passing these weapons over to the Serbian militias. The Croatian and Muslim armed forces, however, suffered from a dire shortage of weaponry.

Without any prospect for a balance on the ground, initiatives for international mediation in that conflict were futile from the beginning. The efforts undertaken by the European Union and the United Nations were helpless attempts to bring about an end to hostilities. The attacking side was not ready to do this and there was no leverage available to force them to do so. Public dismay over this war forced many (mostly western) politicians to demand for humanitarian assistance to the region. As a result, the United Nations became involved in peacekeeping activities in a situation where there was no peace to keep, and to protect “safe areas” for which protection forces were not provided. It took two ultimatums from NATO and the eventual use of force against the Serbian militias before the fighting could be stopped and the Dayton Agreement be reached in November 1995.

Until Dayton, the CSCE/OSCE had even less influence on the events than the United Nations, the European Union or NATO. When the war broke out in summer 1991, the CSCE was hardly more than a series of conferences with little institutional backing. Due to its consensus rule, it was unable to agree on anything that the Yugoslav government was not ready to accept. This problem was partly glossed over by the introduction of the “consensus-minus-one rule”. As the CSCE stood for a new security philosophy and since the wars in former Yugoslavia presented the strongest defiance to this approach, the OSCE could not stand aside. It took a series of small steps. Besides supporting the convening of the U.N. Conference over the former Yugoslavia in 1992, it sent a small observer mission to Kosovo, Sandjak and Vojvodina from September 1992 until summer 1993. Its task was to promote dialogue between the Serbian authorities and the Albanian, Hungarian and Bulgarian populations in these three provinces. The mission was ended in June 1993 after the Yugoslav government withdrew its former approval. This OSCE undertaking—well meant and well planned—was a great failure.

Support for Macedonia

The other activity was to dispatch a small monitoring mission to Skopje, the capital of the newly-created Republic of Macedonia. This mission started in September 1992 and is still in the country. Its tasks have changed since 1992, in particular during the past two years. Originally, the mission's purpose was to prevent the spread of war to Macedonia. The mission was initiated by the U.S. Administration and supplemented by the dispatch of a 2,000-strong U.N. Peacekeeping Force that started its work in early 1993, but which had to stop in 1999. The strong involvement of U.S. personnel and troops in both operations it was thought would serve as a deterrent against any Serbian attempts to widen the war.⁹

In terms of deterrence, the U.N. Peacekeeping Forces turned out to be more important than the small CSCE/OSCE mission. However, the CSCE/OSCE became an important partner for Macedonia in its democratic transition and in solving minority-related problems. The then government under President Kiro Gligorov had put all their eggs into the western basket and pursued a policy of modernisation and internal moderation among the different ethnic communities. The office of the OSCE Mission and the office of the High Commissioner on National Minorities in Skopje became important points of contact and exchange. The activities of the OSCE gave reasonable and moderate forces a chance and Macedonia was, for a long time, considered an example of a functioning model for conflict prevention.¹⁰

As the outbreak of fighting between the Macedonian armed forces and Albanian extremists—who were instigated and supported by radical Kosovo Liberation Army (KLA) forces from Kosovo—in early 2001 has shown, there is no guarantee that the forces of nationalism and violence can be kept silent forever. The support the Albanians gave these radicals demonstrated that the degree of national self-determination granted to the Albanians is still far from being completed. The tragic thing is that political change in Serbia (which eased the problem of inter-ethnic violence since Serbia was the main culprit during the Balkan wars after 1991) has contributed to a loss of control by the West over radical Albanians and this might have ushered in the next phase of conflict in the region. It might no longer be Serbian ethnic radicalism, but rather the Albanian irredentism that will be the biggest problem for regional security.

As a consequence of intense international mediation efforts—in which the OSCE was participating—a political solution for Macedonia was found in late Summer 2001. On 13 August 2001 a Framework Agreement was signed by the main political parties and endorsed by the Parliament which later also changed the Constitution in order to give Albanian language and education

a higher status in Macedonian life.

While during the first half of the year 2001 the OSCE was mainly offering services in terms of fact-finding and observer missions, and while it was helping in easing local conflicts within that country, since September 2001 its tasks have changed. Meanwhile, monitoring the implementation of the Agreed Framework and ensuring the return of refugees and internally displaced persons are being executed as well as police training and assistance in organising a population census. The OSCE mission is also helping to establish a South East European University at Tetovo.

The implementation of the Dayton Agreement

The greatest hour for the OSCE came with the Dayton Agreement. In it, Bosnia-Herzegovina was practically put under an international protectorate overlooked by the High Representative, but was in fact supervised by the U.S. and the EU. This protectorate is supposed to end with the reconstruction of Bosnia-Herzegovina and the successful reconciliation of its different ethnic groups. In this regard, various tasks concerning the reconstruction of Bosnia-Herzegovina were distributed among international organisations. The OSCE was responsible for arms control and confidence-building measures. It was also tasked with conducting elections and monitoring their outcome.¹¹

In the coming years, the OSCE did a relatively good job. It was very successful in arranging an arms control agreement and an agreement on CSBM. It was less successful in organising and monitoring elections, since the necessary will on the side of the Serbian entity as well as on part of the Croatian group was lacking, and still is. The municipal elections in Bosnia-Herzegovina from April 2000 were the latest test of the ability of the OSCE to organise, monitor and, finally, implement elections. The result was not encouraging since nationalist forces were still very strong among the Serbs and Croats, but the overall assessment was that of a modest optimism.¹²

Croatia

Croatia has been independent since summer 1991. While Serbia is rightly credited with having caused the wars in Yugoslavia because of her uncompromising nationalism and the ease with which violence was resorted to under the rule of undemocratic and corrupt politicians, by comparison, Croatia's record was not as bad. However, over the years, it came close to the Serbian model. Croatia's first president Franjo Tudjman, a former general of the Yugoslavian army, was a fervent nationalist who ruled the country with an iron fist and who was criticised both from within and outside the country especially for his treatment of national minorities.

In 1995, when the international community showed increasing interest in the events in former Yugoslavia, pressure grew on Croatia to co-operate with international institutions in the improvement of the humanitarian situation. In April 1996, Croatia agreed to the establishment of a small OSCE Long-term Mission to be placed in the capital Zagreb, with branches in two other towns. Its task was to provide assistance and expertise to the Croatian authorities at all levels, as well as to interested individuals, groups and organisations in the area of protecting human rights and the rights of persons belonging to national minorities. The mission was also supposed to monitor the proper functioning and development of democratic institutions, processes and mechanisms. This mandate, which was passed by the Permanent Council on 18 April 1996, was relatively vague and soft. One year later, it was extended to encompass assistance to and monitoring of the Croatian authorities with regard to the return of refugees and the treatment of national minorities. This has to be seen against the backdrop of the Dayton Agreement of November 1995, which stipulated that Croatia would get back control over her eastern province Slavonia (which was occupied by Serbian militias) after a three-year transitional administration by the United Nations and that it had to accept the return of Serbian refugees into her province of Krajina. While the transitional administration was taken over by a special authority (United Nations Authority for Eastern Slavonia—UNTAES) and the return of the refugees was to be organised by the U.N. High Commissioner on Refugees (UNHCR), the OSCE was asked to support both international organisations in their work.

The work of the OSCE Mission mainly consisted of a mixture of administrative assistance and various attempts to solve problems related to the return of the refugees or their integration into Croatian society. It also was instrumental in furthering political dialogue within the country between the government and opposition parties and between the Croats and Serbs. Its presence was especially valued by the opposition parties, who considered the OSCE as a means of furthering civil society and modernity in the country. In particular, the monitoring of local and countrywide elections was seen as important to avoid massive fraud.

When the UNTAES ended its work successfully in 1998, the OSCE Mission took over its tasks and was mainly monitoring the implementation of the various agreements UNTAES had concluded with the Croatian authorities. Mission strength went up to 250 men and women when a policy advisor group came in to help the Croatian authorities develop a professional police service.¹³

The work of the OSCE Mission was always watched with mistrust in Croatia as long as the nationalist President Tudjman and his equally nationalistic party were in power. Since the EU was insistent on the continuation of the mission and since many Croatian authorities cherished its work too, President

Tudjman never dared to ask for the termination of the work of the mission. After Tudjman's death in 1999, presidential and parliamentary elections were held in January 2000 which brought to power the moderate Stjepan Mesic as the new president and a coalition of democratic parties. Since then, co-operation between the Croatian government and the OSCE Mission has improved considerably and today it is being viewed as an important asset in helping Croatia become a civil society that might be mature enough for EU membership in a couple of years. The experience of the Long-term Mission in Croatia as well as the overall engagement of the organisation in Croatia today, is viewed with much optimism and is called rightly, a success.

Albania

Albania is the poorest and the most backward country in Europe. What chances of economic development it had had been destroyed under the rule of the doctrinal Communist Enver Hodxa, who ran the country between 1947 and 1987. The changes in 1989 had an impact on Albania and brought a nationalist party to power, which operated with few successes. In February and early March 1997, public order collapsed in Albania during a major financial investment scandal that robbed millions of Albanians of their savings and in which the then president was implicated. Crowds of people roamed the streets looting businesses, administrative buildings and weapons storage facilities. It was only after the military intervention by a group of states led by Italy (Operation Alba) that the riots subsided and some state authority could be re-established. Since the military presence was insufficient to solve the economic and political problems, it was seen as expedient to support Albania in its reconstruction efforts.

In March 1997, the OSCE Chairman in Office sent a Personal Representative, former Austrian Chancellor Dr. Franz Vranitzky, to Albania twice. On the basis of his reports the OSCE Permanent Council decided on 27 March 1997 to establish an OSCE presence in Albania in co-operation with the Albanian authorities and to provide the co-ordinating framework within which other international organisations can play their part in their respective areas of competence. The OSCE declared that its activities were to be focused on democratisation, media and human rights as well as election preparations and monitoring. In addition, it was ready to participate in efforts to collect weapons. The OSCE presence started its work in early April 1997, concentrating on monitoring the re-drafting of Albania's constitution and on mediating between the two political camps, which were openly hostile to each other. Other OSCE tasks included collecting weapons, monitoring activities in the border regions, and organising and monitoring elections and their implementation.

By September 1998, the domestic situation in Albania was further aggravated and the country came close to civil war. It became obvious that international support for Albania needed a lot of time and more devoted efforts to re-establish statehood in the country. In addition, it was felt that some kind of international co-ordinating framework was needed. In September 1998, both the European Union and the OSCE began to provide for such a flexible co-ordinating framework jointly with the Albanian government by creating the Friends of Albania Group. This is an informal and open-ended group of interested donor countries and international institutions chaired by the Head of the OSCE presence if meetings take place in Albania, and, while in session at an international level, are co-chaired by the EU and the OSCE.

Within this framework today, there are 24 donor countries and eight international organisations co-operating in Albania to rebuild public order, fight widespread corruption and to lay the foundations for the emergence of a civil society. For the OSCE, this meant a continuation of their mediation efforts between the two political camps (a socialist party and a nationalist party) and support in building up the very basic elements of statehood and civil society. For this purpose, a Legal Counsellor Office was created in Tirana which helps in the codification of the law, the rebuilding of public services and, as well, renders a lot of technical assistance. It has also launched a programme to monitor human rights in Albania. The OSCE presence has offices at various places in the country and often is involved in many different activities on the ground, including the organisation of a football match between the two hostile political parts—with the umpire coming from the OSCE.¹⁴

This mixture of brokerage, development aid, legal consulting and co-ordinating an international aid effort in a backward society deeply split and burdened by the past of more than 40 years of radical Communist experiments, is an extremely demanding and arduous task. It is still too early to rate the work of the OSCE and the others, as a success. However, it is fair to state that without “Operation Alba” and without the subsequent international assistance effort organised by the EU and OSCE, the situation in Albania might have turned disastrous.

Kosovo

Today, the involvement of the OSCE in Kosovo takes up a huge part of its resources. At this moment, the OSCE has a mission in Kosovo with a staff strength of about 2,100, which is part of the overall international effort to reconstruct the country and lay the groundwork for a democratic and civil society. It might sound ironic, but it was in Kosovo where the CSCE had

concentrated its first, but unsuccessful, activities in 1991. In July that year, the first activity was a Meeting on National Minorities by CSCE experts. The CSCE then decided to send the first fact-finding mission to Kosovo in May 1992. In its report, the mission recommended that CSCE observers be stationed in the three Serbian provinces of Kosovo, Sanjak and Vojvodina. On June 10 1992, the Committee of Senior Officials (CSO) set up a special working group on former Yugoslavia. One month later, the CSCE Summit in Helsinki, which suspended the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) from this and the following CSCE meetings, passed a declaration denouncing Serbian repression in Kosovo. It also demanded for a dialogue between the communities in Kosovo and called for “immediate preventive action”. After another fact-finding mission, the CSO decided to establish CSCE Long-term Missions to encourage dialogue between the ethnic groups in Kosovo, Sanjak and Vojvodina and to collect information on human rights abuses and help dissolve local tensions. The mission in Kosovo officially began its work in September 1992 and made some headway. However, in July 1993 Belgrade refused to extend the visas of the members of the mission, who, therefore, had to leave the country by the end of the month. The mission continued in theory but it had no more practical impact.¹⁵

The next involvement of the OSCE in Kosovo started in 1997, when the situation there became increasingly tense. In February 1997, the Acting Chairman of the OSCE, the Danish Foreign Minister, appointed his former Dutch colleague Max van der Stoep, the OSCE High Commissioner for National Minorities, as his Personal Representative to Kosovo. Belgrade, however, refused to grant a visa to van der Stoep and rejected any direct discussions as long as its OSCE membership remained suspended. In October 1997, van der Stoep managed, in separate meetings, to meet with the representatives of Serbia and Kosovo in Austria, but the talks did not produce any results—the positions of the two sides were too far apart. In February 1998, he made another effort. After a preparatory visit by the OSCE Troika Ambassadors in Belgrade (they continued to serve provisionally as stand-ins for the Long-term Missions) to Kosovo, van der Stoep managed to visit the province in his private capacity. He was welcomed by Albanian leader Ibrahim Rugova, who emphasised van der Stoep’s capacity as the Kosovo Representative of the OSCE Chairman. Neither the Serbian authorities nor the more radical Albanian organisation KLA was willing to meet with van der Stoep.

In March 1998, the Contact Group issued a call to Belgrade, in which it demanded an immediate return of the OSCE Long-term Mission to Kosovo, a visit of the new Kosovo Representative, Felipe Gonzáles, the signing of a school agreement and the immediate opening of a political dialogue with the Kosovars. Milosevic ignored this call. Efforts by Felipe Gonzáles to visit the

region came to naught and on the top of this, in April 1998, the leadership in Belgrade organised a referendum on whether Serbia should accept international mediation on the Kosovo problem. The result was a predictable 95 per cent vote against mediation; Milosevic's special sense of cynical humour prompted him to invite the OSCE to supervise this phoney referendum.

In May 1998, Belgrade went on the offensive against the KLA in Kosovo. This campaign was conducted in such a way that as a "by-product" large portions of the Albanian population of Kosovo were simply expelled from their towns and villages. This renewed practice of ethnic cleansing created large numbers of refugees and changed the mood in the western capitals, which seriously began to entertain the notion of threats of military strikes against Serbia. Belgrade reacted with mixed diplomatic signals of moderation and restraint in its military operations on the ground, while trying to keep activities at a level that would not lead to NATO air strikes. Between July and September 1998, Serbian forces in Kosovo went on the counter-offensive and easily crushed the KLA forces in central and western Kosovo. In the process, a new wave of massacres and ethnic cleansing occurred, producing a rapidly-swelling refugee population, which grew to about 300,000 by end September, according to the UNHCR. On 23 September 1998, the U.N. Security Council passed Resolution 1199 (supported by Russia while China abstained) which demanded an immediate armistice, the withdrawal of forces of both sides, free access to humanitarian organisations, a return of the refugees and full co-operation of the authorities with the International Criminal Court at The Hague. For the first time, Resolution 1199 invoked Chapter VII of the U.N. Charter, but did not apply the usual clause ("with all necessary means") which normally signalled that the UNSC was authorising the use of force. Since Yugoslavia did not heed the resolution and since stronger means could not be expected from the U.N. Security Council because of the veto power of Russia and China, NATO took the initiative towards implementing the resolution. On 8 October 1998, the NATO Council decided that in light of Serbia's intransigence, it was ready to enforce the withdrawal of Serbian forces from Kosovo and impose a fair political solution, a step that came close to an ultimatum.¹⁶

While NATO was finalising preparations for an ultimatum and the exercise of military strike options, U.S. Special Envoy Richard Holbrooke went to Belgrade on 12 October 1998 and was able to secure an 11-point understanding with the Serbian president the next day. The agreement stipulated the partial withdrawal of the Serbian armed forces, militias and police but Serbia could keep some 15,000 regulars and 10,000 special police in the province. The withdrawal was to be verified by NATO air patrols and by a group of 2,000 unarmed OSCE observers. After the withdrawal had taken place, political

negotiations with the Albanians were supposed to commence. Hours after the agreement was made, NATO stepped up its military preparations, a clear sign that it did not trust Milosevic. Under this strong military pressure, further agreements were signed, detailing the implementation of the 13 October deal. On 25 October 1998, the OSCE Permanent Council formally authorised the largest OSCE operation ever. The OSCE was in charge of:

- supervising the implementation of UNSCR 1199, in particular, the armistice, the withdrawal of forces and the return of the refugees;
- organising and supervising free elections; and
- building democratic institutions and a non-partisan police.

It became apparent quickly that the OSCE was way out of its depth with this mission. This cannot be held against the organisation, which was put in charge by the U.S. without prior consultation and without concern over how well equipped it was to handle the complex and potentially explosive Kosovo problem. The deficiencies soon became glaring.

- The OSCE experienced great difficulties in assembling a 2,000-strong observer force. By mid-December, only about 800 observers had arrived and there were signs that several member governments were procrastinating. By mid-February, only 1,307 of the 2,000 observers were deployed.
- There were serious problems of logistics and materials—the shortage of armoured cars and accommodation was felt strongly.
- The safety of the unarmed observers, which officially was to be ensured by the Federal Republic of Yugoslavia, was, in fact, precarious. Thus NATO decided to set up a 1,700-strong extraction force (XFOR) and deploy it in Macedonia, ready to evacuate the observers in case of a contingency.
- The greatest problem with the OSCE was that it had little or no experience containing escalated violent conflicts. Although the observers were able to contain local flare-ups and re-stabilise the situations on the ground, overall the OSCE Mission was unable to deal with the enormous conflict potential resulting from long-standing grievances of the Kosovars, the recourse to violence on both sides, and the blood that had been spilled already.

The main fault of the agreement of 13 October 1998 was that it did not include the KLA. Thus, this radical armed organisation of the Kosovars did not feel bound by the accord and intensified the fight after the withdrawal of the Serbian forces shifted the balance in its favour. The reaction of Milosevic was predictable to a certain degree. In December, major Serbian units were

brought back and by Christmas 1998, the armistice broke down. On January 16, Serbian militias killed 45 Albanian civilians near the village of Racak. This massacre changed the mood in the western capitals, stiffening their resolve to “prevent another Bosnia”, if necessary with military force. Military pressure on Belgrade increased and at end January 1999, the NATO Council was giving Secretary General Javier Solana the mandate to order air strikes against Yugoslavia without seeking any further specific decision by the Council.

A last-ditch attempt to find a political solution was made with the so-called Rambouillet negotiations. At this France castle, representatives of Serbia and the Kosovo Albanians were summoned by the Contact Group and presented with a draft treaty, which contained a cease-fire agreement to be monitored by NATO, a cooling-off period of three years during which democratic institutions were to be created in Kosovo, and, eventually, a series of negotiations with the aim of finding a permanent solution based on the principle of self-determination.¹⁷ Although the Contact Group—in which Washington, Paris and London had the most influence—was ready to make changes to the text, both sides remained sceptical. The Kosovar Albanians needed until 18 March 1999 to accept the draft treaty, and Serbia rejected it one day later.¹⁸ On that same day, all political efforts were halted and the almost 1,400 OSCE observers were withdrawn from Kosovo. On 24 March 1999, NATO launched air strikes against targets in Kosovo and the rest of Yugoslavia, which were ended on the 10 June 1999 by U.N. Security Council Resolution 1244.

After the end of the war, the OSCE re-entered Kosovo as part of the United Nations Mission in Kosovo (UNMIK). In effect, Kosovo has been, since summer 1999, a protectorate managed by the United Nations, NATO, the European Union and the OSCE. While KFOR is assuming the military implementation, including disarming the warring parties (in Bosnia, this was referred to the OSCE), the other institutions are to rebuild the area and lay the groundwork for reconciliation and a political solution that should be found later. While the EU is mainly tasked with the reconstruction work, the OSCE received a specific set of implementation tasks. The OSCE will assume a leadership role in:

- human resources building—training of an impartial police force, formation of an independent judiciary and a functioning civilian administration in co-operation with the Council of Europe;
- developing a democratic political system, for example, through the organisation of political parties, non-governmental organisations and a civil society;
- organising, supervising and training personnel for elections;

- organising, supervising and training personnel for the media, including a radio and TV programme; and
- monitoring, protecting and promoting the human rights situation, including the setting up of an ombudsman in co-operation with the U.N. High Commissioner on Human Rights.¹⁹

It remains to be seen how well the OSCE will be able to fulfil this ambitious agenda. In the foreseeable future, Kosovo will be ruled and run by the OSCE and other international organisations and non-governmental organisations.

The pros and cons of the OSCE involvement in Kosovo have been discussed extensively. Most agree today that the soft-diplomacy approach of the CSCE/OSCE was insufficient to stop the suppression of the Kosovo Albanians in 1992 because Serbia was intransigent. The same was true of the attempts of 1997 to mediate between the parties: if one side goes for unilateral solutions, there is little point in mounting mediation efforts. In this regard, only the readiness of NATO to threaten the use of force and its employment of force brought about a change and paved the way for a role for the OSCE that was much closer to its actual capabilities.

On the performance of the OSCE with regard to the cease-fire agreement on 13 October 1998, most observers accepted the notion that this deal came as a surprise and was not well thought through. The OSCE was ill equipped to handle this challenge. It had little experience in conflict management of this type. Its material and personnel resources were grossly insufficient (and not topped up by those who had charged the OSCE with a “mission impossible”), and it was unable on its own even to guarantee the personal safety of its unarmed observers in Kosovo. For reasons for which the OSCE should not get the blame, it was bound to fail in preventing the war in Kosovo. There are only few who would argue that the presence of the OSCE observers could have made a difference if there had been more time.²⁰

The OSCE has returned to Kosovo with yet another mission: that of helping to build viable multi-ethnic and democratic institutions. It seems that the OSCE is quite well equipped to live up to expectations and to contribute to the stabilisation of Kosovo. However, the task shouldered by the international organisations and institutions co-ordinated by UNMIK is an enormous one given the deep resentments that prevail in Kosovo.

Serbia and Montenegro

Yugoslavia (which, since the Dayton Agreement, consists only of Serbia and the much smaller Republic of Montenegro) has been the main troublemaker in the Balkans for more than a decade. The responsibility lay with the regime of Slobodan Milosevic, a former conservative Communist official turned fierce nationalist, who presided over a thoroughly corrupt and undemocratic government. In July 1992, the membership of Yugoslavia was suspended because of major violations of the CSCE principles and its role in the conflict in Bosnia-Herzegovina. This never excluded the possibility of co-operation between the CSCE/OSCE and Yugoslavia as well as with the two republics. There were opportunities where the OSCE was asked to monitor elections such as in Yugoslavia in 1997 or in the Republic of Montenegro in 1998. The latter nation, which had distanced itself more and more from Serbia during the past five years, saw the OSCE as a lever with which to deal with Serbian dominance in Yugoslavia. Within Serbia, the opposition parties too looked at the OSCE as an institution from which they expected help and at least moral support. In the 1990s, these parties were subjected to all kinds of harassment and were disadvantaged by the state-controlled media. Basic freedoms were non-existent in Serbia and the OSCE was always seen as a ray of hope for many democrats in Serbia.

In September 2000, after almost ten years of wars instigated by President Milosevic, which resulted in economic deprivation, the death of hundreds of thousands and the shrinking of former Yugoslavia to almost half of its former territory, Milosevic lost the presidential elections to Vojislav Kostunica, who was from the opposition party alliance DOS. The election was monitored partially by the OSCE and irregularities were observed, committed by state authorities. However, Kostunica received the majority of the votes despite many harassments and attempts by Milosevic to forge the results of the elections. It took more than a week of protest marches in Belgrade and other towns before Milosevic eventually acknowledged defeat. On 23 December 2000, a transitional government was established which paved the way for the first free elections in Serbia.

The OSCE reacted quickly to this development. Already on 10 November 2000, Yugoslavia was admitted again to the OSCE and Foreign Minister Goran Svilanovic promised that his country was ready to accept and carry out all the OSCE principles and standards. As a next step, the OSCE responded positively to the request by President Kostunica that it should send a mission to observe the country's parliamentary election in order to avoid manipulations and give more weight to the results.

The International Election Observation Mission for the parliamentary election in Serbia was a joint effort of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and the Congress of Local and Regional Authorities of Europe. The ODIHR Election Observation Mission consisted of 12 election experts based in Belgrade and 24 long-term observers deployed throughout Serbia. The mission assessed the legal and regulatory framework, the election administration, the media environment and conditions for the election campaigns. Some 270 short-term observers, including several from the Parliamentary Assemblies of the OSCE and the Council of Europe, monitored the voting and counting procedures. The opposition alliance was overwhelmingly successful in this election too.

As a further step, in January 2001 Yugoslavia and the OSCE agreed to establish a Long-term Mission with the purpose of providing assistance and expertise in the areas of democratisation, protection of human rights and minorities and freedom of the media. This mission, which has up to 30 various experts will advise and assist the Yugoslav authorities as well as NGOs and even individuals in areas that are relevant to the mandate. It is also supposed to monitor the implementation of legislation and the proper functioning and development of democratic institutions. For the new Yugoslav government, the assistance rendered by the OSCE is an important tool to underpin the process of democratic transition, since the old corrupt structures still exist in Yugoslavia.

The Stability Pact for South-eastern Europe

The Stability Pact for South-eastern Europe was founded at the initiative of the European Union in June 1999 and since then, it has brought together about 40 countries and organisations. The aim is to launch a major initiative—similar to the Marshall Plan—for economic assistance, supporting democratic institutions and working state structures, furthering respect for human rights and improving the ecological situation. One goal is to improve co-operation between neighbouring states in as many areas as possible. It is an attempt by the international community to replace the previous, reactive-crisis intervention policy in South-eastern Europe with a comprehensive, long-term conflict prevention strategy. The Stability Pact for South-eastern Europe offers the states of the Balkans and their neighbours the prospect of integration and eventual full EU membership provided they are able to meet the relevant criteria. As with the earlier Stability Pact for Europe (Balladur Plan), this means a policy of conditionality which is carried forward with a carrot (EU money

and assistance plus the prospect of membership) rather than with a stick. The activities under the Stability Pact for South-eastern Europe are organised by a Special Co-ordinator, Bodo Hombach from Germany, who is heading a small staff of just 30 persons located in Brussels.²¹ The work within the Stability Pact for South-eastern Europe is organised along the OSCE model.

The OSCE is one of many organisations participating in and actually supporting the work of the Stability Pact for South-eastern Europe but it is not the key supporting institution. First, it tried to harmonise its activities with those of the Stability Pact by devising a regional strategy. In the Istanbul Summit Declaration, the Permanent Council was tasked “to develop a regional strategy to support its aims”, and on 16 March 2000, the Permanent Council adopted a concept for a regional strategy for South-eastern Europe. As part of the OSCE regional strategy, projects have been developed based on the expertise of the OSCE missions in the region. These projects address issues transcending national borders, with the objective of encouraging co-operation among different OSCE missions and supporting the aims of the Stability Pact.²²

The Stability Pact for South-eastern Europe has established three Working Tables. The OSCE has participated in these meetings as well as in the deliberations of task forces and in the Regional Funding Conference, which was held in Brussels 29–30 March 2000. The OSCE was assigned the lead on specific task forces of the Working Tables of the Stability Pact such as the Task Force on Gender under Working Table I, and the Task Force on Trafficking in Human Beings under Working Table III. The Chairperson-in-Office chairs the informal working group on military contacts under Working Table III.²³

So far, the Stability Pact has been a rather successful endeavour. During the Donor Conference in Brussels in March 2000, more than 2.4 billion Euro (that is, 2.2 billion U.S. dollars) were raised for the support of various projects and programmes. The most stunning success of the Stability Pact was the democratic change in Serbia. The message that the Stability Pact was sending to the Serbs was obviously understood: if you co-operate you will be rewarded; nationalistic, belligerent behaviour under the disguise of national sovereignty will lead to further deprivations and economic hardships. The Russian government was most surprised by this development. In September 2000, when Milosevic was forced to admit defeat by the protesting masses in Belgrade, the Russian leadership was flabbergasted to see how little a role was given to them. Russia, which still pursues a traditional interest- and influence-oriented policy in the Balkans, still has difficulties fully understanding the whole thrust of this development. A traditional nationalist hero such as Milosevic was easier to handle and his behaviour easier to understand.

CONFLICTS IN THE CIS

By and large, while the record of co-operative security in the Balkans is beginning to improve significantly—after the disappointing developments in the early 1990s—the record is still poor in the Commonwealth of Independent States (CIS), that is, the territory of the former Soviet Union except the three Baltic States. This is mainly due to Russian aspirations to regain as much influence as possible in this area. Since Russia's political class is looking at the world from the perspective of a traditional realist actor of the 19th century, it considers the approach of co-operative security as an attempt to encroach upon her sphere of influence. Russia, however, is too weak to play a stabilising role in this large region, where all successor states to the former Soviet Union have internal and often external problems. Frequently, it is Russia (or political forces within Russia) which is fuelling internal or interstate conflicts in other CIS states. Further, Russia is not always trusted by the political elites in the newly-independent states. Some of them such as Armenia or Kazakhstan have good and friendly relations while others are rather intent on distancing themselves. To complicate things more, none of the member states of the CIS was able to master successfully the transition to democracy. There are some states which have come closer to this goal than others have (Russia might be better off than Belarus), but by and large it would be inappropriate to speak of any case of successful democratic transition. Instead, authoritarian semi-democratic systems have evolved in which economic transformation is lacking too. There is no successor state to the former Soviet Union that has no minority-related problems, in some of them—such as in Kazakhstan—the titular nation counts for just 50 per cent of the total population.

The OSCE has been involved in the CIS countries since 1992 and it is there that the largest number of permanent missions exists. However, this number is no indication of the depth of the OSCE involvement. Usually, the CIS missions are very small (between three and 20 members) and cannot be compared to the large Balkan missions. Roughly speaking, the activities can be differentiated between three sub-regions:

- the Eastern European states of Belarus, Ukraine and Moldova as well as Russia itself;
- the Caucasus states (Georgia, Armenia, Azerbaijan and the Russian provinces of the Caucasus (namely Chechnya); and
- the Central Asian states (Kazakhstan, Uzbekistan, Turkmenistan, Kyrgystan, Tajikistan).

Activities of the OSCE in these states were directed at conflict prevention and management, at furthering democracy and free media and on the support for civil society. For each region a short overview will be given.

The Eastern European States

Ukraine

Between 1994 and 1999, the OSCE had a mission in the Ukraine with the purpose of mediating between the Ukrainian authorities, the majority ethnic Russians and the returning Tartar population, which was forcefully resettled under Stalin in the 1940s. The problem was extremely difficult since two intricate ethnic problems had to be solved at once. The activities of the OSCE were not confined to the mission but many other steps were taken to bring about an agreement between the Ukrainian government and the Russian-speaking population in the Crimea Peninsula. According to the OSCE, the mission ended “successfully” in 1999, yet the problems have not been solved. The Ukrainian government felt uneasy about the continued OSCE presence and preferred to negotiate with Russia unilaterally over a broad range of issues including the future of the Crimea.

Since then, a new form of co-operation has been initiated between the OSCE and the Ukrainian government through the establishment of the OSCE Project Co-ordinator in the country. The Co-ordinator is based in Kyiv, with an office of both international and local experts and technical staff. The aim of all projects in which the Co-ordinator is involved is to support Ukraine in adapting legislation, institutions and processes to the requirements of a modern democracy, based on the rule of law. Among the current and planned projects are a comprehensive review of human rights legislation, an attempt to strengthen the judiciary system, technical and practical support to the Ukrainian ombudsman, and support for the Ukrainian authorities in their efforts to combat trafficking in human beings.

Moldova

Moldova, created in 1992, is an extremely difficult case. Not only is it a very backward state, but it has a fundamental minority-related problem. The Moldovans form a clear majority but there is a small region at the eastern border separated by the Dniestria River, which is populated mainly by a Russian-speaking population, who founded the renegade Republic of Transdniestria in 1992. The OSCE has taken up this issue since 1992. In April 1993, a mission was opened in Moldova’s capital Chisinau with a branch office in Tiraspol,

the administrative centre of the “Republic Transdnistria”. The mission’s task was to facilitate the establishment of a comprehensive political framework for dialogue and negotiations. It was to assist the conflicting parties to pursue negotiations for a lasting political settlement, consolidating the independence and sovereignty of the Republic of Moldova, and reaching an understanding on a special status for the Transdnistrian region. Since 1993, the mission has gathered and provided information on the situation, including military; it has investigated specific incidents and assessed their political implications. It has been rather helpful in monitoring cease-fire agreements that were concluded in 1994 and 1997. In 1995, it brokered a confidence-building agreement on the non-use of force and economic pressure. The agreement was signed by the two parties as well as by the Russian mediator and the head of the OSCE Mission. In May 1997, the presidents of Moldova, Russia and Ukraine along with the Transdnistrian leader and the OSCE Chairman-in-Office, signed a Memorandum on the Basis for Normalisation of Relations between the Republic of Moldova and Transdnistria, in which the two parties stated that their aim was the consolidation and immediate definition of their relations, the definition of the status of Transdnistria, and the division and delegation of competencies.

So far, the mission has been unsuccessful in solving the problem of a special status for the Transdnistrian region. It offered many proposals that were rejected by both parties. The largest problem is the fact that the administration of the Republic of Transdnistria is not ready to compromise on the question of its sovereignty and that it feels encouraged by the presence of Russian troops who are still stationed in the country. The Russian troops have shown no signs of withdrawal, although at the 1999 Istanbul Summit, OSCE heads of state and government reiterated their expectation of an early, orderly and complete withdrawal of Russian forces from Moldova, and set the deadline as at end of 2002.

Belarus

The situation in Belarus is extremely complicated because of the total failure of democracy in the country. Since 1996, Belarus has been ruled by an authoritarian and nationalistic president and his party, composed of old Communist functionaries and new nationalist politicians. The regime of President Lukashenko outlawed most of the opposition parties and is exercising tight control over the media. It has been extremely unsuccessful in furthering economic transformation.

In September 1997, the Permanent Council of the OSCE, reacting to increased criticisms against the Belarus government decided to create an Advisory and Monitoring Group (AMG) in Belarus for the purpose of assisting the Belarus authorities in promoting democratic institutions and in complying with other OSCE commitments. The group began its work in Minsk in early February 1998.

Given the circumstances, the mandate is almost a mission impossible. Nonetheless, the AMG has had some successes, for instance, it assisted in the preparation of a new electoral law and new legislation relating to the penal code and penal procedures. The group has also tried to create opportunities for open dialogue in the context of seminars and conferences on issues important to the development of democracy and the rule of law in Belarus.

The AMG concentrates on human rights as it is here that the situation is considered unsatisfactory in Belarus. It has analysed some 600 human rights cases and members of the group have visited some 40 prisoners or detainees. Court proceedings have been monitored, especially in instances where the charges appear to be politically motivated. The group has also brokered an agreement between the president and opposition on confidence-building measures, in which the opposition parties were promised access to the media. However, the implementation of this agreement is still pending.

The presence of the AMG has become very unpopular with the government of Belarus, which criticised them recently as being biased against Belarus. The OSCE responded by insisting that the group has kept strictly to its mandate.²⁴ As these recent disputes indicate, the record of the group is rather poor for which it is not to blame.

Conflicts in the Caucasus

Since the early 1990s, the Caucasus has been beset by as many conflicts as in the Balkans. This area is a patchwork of different ethnic groups with centuries-long tradition of hate and wars between them. Some of them consider the Russians as their main enemy; others try to use Russian influence in order to prevail over their local rivals. Russia has a keen interest in this region since the 19th century and is afraid of losing its remaining control over that area to others, namely the United States or Islamic forces. There are three major areas of conflict: the Nagorno-Karabakh region, Georgia and Chechnya, the latter is part of Russia.

Nagorno-Karabakh

Nagorno-Karabakh is small mountainous region that was predominantly, but not exclusively, populated by the Armenians. Being a part of Armenia in earlier times, it came to Azerbaijan when Stalin changed borderlines in the 1930s. With the break-up of the Soviet Union, conflicts arose between Armenia and Azerbaijan and were fuelled by intransigence on both sides. In 1989, war broke out and Armenia occupied not only the Nagorno-Karabakh region but also other areas belonging to Azerbaijan. Most Azeris living in Nagorno-Karabakh were displaced and have been refugees since then. So far, a solution to the conflict has not been found.

The OSCE seized the issue in March 1992 when the Ministerial Council decided to convene a conference under the auspices of the CSCE to provide an ongoing forum for the negotiation of a peaceful settlement. The conference was supposed to take place in Minsk with the participation of Armenia and Azerbaijan, the CSCE Troika, the host country (Belarus) and a limited number of interested states (France, Italy, Russian Federation, Turkey and the U.S.). The Minsk Conference was never held since both parties were extremely inflexible and intransigent and tried to marshal international support for their cause. While Russia was backing Armenia, the United States together with Turkey saw the opportunity for building closer ties with Azerbaijan. In 1994, it became obvious that the Caspian Sea might harbour more crude oil and natural gas resources than was earlier realised, thus increasing the political value of Azerbaijan. A whole geopolitical game has since developed around the Caspian Sea basin in which the conflict over Nagorno-Karabakh has become more and more intricate.

Instead of convening the conference, its designated participants have been meeting as the “Minsk Group” (but without Armenia and Azerbaijan) in an ongoing attempt to hammer out a political solution on the basis of the relevant United Nations Security Council resolutions. In 1993, among other proposals, the Minsk Group developed an Adjusted Timetable for the withdrawal of troops from the occupied territories, the restoration of communications and transport, exchange of hostages and prisoners of war, unimpeded access for international humanitarian relief efforts, and the establishment of a permanent and comprehensive cease-fire to be monitored by the OSCE. These efforts were in vain. It was Russia which brokered the only measure, a cease-fire in 1994.

Things changed after the Russian Federation became one of the two Co-chairmen of the Minsk Group and a high-level planning group (HLPG) was established in Vienna to make recommendations concerning the modalities of such a force. In August 1995, the Chairman in Office appointed a Personal

Representative of the Chairman-in-Office on the Conflict Dealt with by the OSCE Minsk Conference for the task of supporting efforts to achieve an agreement on the cessation of the armed conflict and to create conditions for the deployment of an OSCE peacekeeping operation. He is also supposed to assist the HLPG and the parties in implementing and developing confidence-building, humanitarian and other measures facilitating the peace process. The Personal Representative is based in Tbilisi (Georgia) and is assisted by field assistants who are deployed on a rotating basis in Baku, Yerevan and Stepanakert/Khankendi. Much of their time is spent monitoring the line of contact between the parties.

In 1997, the Co-chairmanship of the Minsk Group was enlarged to include France and the United States. These co-chairmen elaborated on a new peace initiative based on a two-stage approach. Again, this initiative failed to find consensus among the parties. Since then, the Co-chairmen of the Minsk Conference have continued their efforts without coming closer to any agreement.²⁵

As a small step towards instilling more confidence in the work of the OSCE, it was agreed in 1999 to establish a small OSCE presence both in the Armenian capital of Yerevan and in the capital of Azerbaijan, Baku. These offices will work to promote the implementation of the OSCE principles and commitments and establish and maintain contact with local authorities, universities, research institutions and non-governmental organisations.

Georgia

The conflicts in Georgia are of a different kind, but they are also fuelled by ardent nationalism and micro-ethnic separatism. Since its independence in 1992, Georgia has been the subject of two cases of such separatism. In 1993, with some Russian support, armed forces of the Abkhazian minority were able to occupy the north-western province of Georgia and to evict the Georgian authorities as well as the local population. The Abkhazians were deported by Stalin in the 1930s and were claiming back their old territory, which in 1993 was mainly populated by Georgians and members of other ethnic groups. The other case is South Ossetia, whose population is looking for closer links with North Ossetia, which is part of Russia. Both Abkhazia and South Ossetia have their own administrative, statelike entities that were created with more or less tacit Russian approval and support (which does not necessarily imply that the Russian government is involved).

An OSCE Mission to Georgia was established in December 1992 with the objective of promoting negotiations between the parties and reaching a peaceful political settlement. The mission's headquarters is in Tbilisi, and since April 1997, there has been a branch office in Tskhinvali, in South Ossetia. The mission has up to 18 members. Besides supporting the authorities in Georgia in their efforts to develop legal and democratic institutions and processes by monitoring elections and advising on the elaboration of a new constitution and legislation in many areas, a great deal of the mission's work relates to the South Ossetian region of the country. The mission has been active in looking for a political settlement to the Georgian-Ossetian conflict. It also monitors the tripartite peacekeeping forces deployed in the region and collects information on the military situation.

The mission is also to follow the conflict in Abkhazia. Here, it supports the United Nations peacemaking efforts in the region. As both sides remained intransigent—fuelled by the brutal way in which the Abkhazians forcefully reclaimed their traditional homeland in 1993—there has been, so far, no way of accommodating the aspirations of the Abkhazians while maintaining the territorial integrity of Georgia. The task of both the mission and the United Nations is made more difficult because of Russian support for the separatists in both Abkhazai and South Ossetia, which would be most likely used to put pressure on Georgian President Eduard Shevardnadze. He has tried to stay outside of Russia's influence and has been seeking to improve relations with the U.S. and Europe.

On 15 December 1999, the OSCE Permanent Council expanded the mandate of the mission to include monitoring the border between Georgia and the Chechen Republic of the Russian Federation. This was done in response to a request from the government of Georgia, which called upon the OSCE to observe and report movements across the border to the Chechen Republic of the Russian Federation. Initially, the OSCE personnel were deployed on a permanent basis at one location on the border, but on 12 April 2000, the OSCE Permanent Council increased the size of the operation to 42 international personnel, in order to boost the OSCE presence to more locations along the 82-kilometre border. The OSCE observers are unarmed.

While the activities of the OSCE Mission in Georgia have been fairly successful in the field of civil society and governance assistance, it has a poor record where its efforts to mediate in the case of Abkhazia and South Ossetia is concerned.

Chechnya

The most depressing story of failure is Chechnya, which is a subject of the Russian Federation. When in 1994, Chechnya declared its independence from Russia and expelled the Russian authorities, Russia responded with an invasion in early 1995. The Russian campaign proved to be poorly prepared and the indiscriminate way of fighting by the Russians provoked world-wide criticisms. On 11 April 1995, the Permanent Council of the OSCE established the OSCE Assistance Group (AG) to Chechnya (Russian Federation), which took up its duties one week later.

The group supported negotiations between Russia and the local authorities and on 30 July 1995 an Agreement on Military Issues calling for an immediate cessation of military hostilities, the release of detained persons and the withdrawal of troops, was concluded. After a renewed round of fighting, the group mediated in direct talks between the parties in May 1996 which resulted in a cease-fire. Soon after, the OSCE played a decisive role in the negotiation and signing of two follow-up protocols concerning a cease-fire and cessation of hostilities, measures to settle the armed conflict, and the setting up of two commissions to locate missing persons and to free forcibly-detained persons. While this work was interrupted by the battle for Grozny in August 1996, the group was instrumental, after these events, in getting the settlement process back on track, acting as a facilitator between Russian and Chechen officials.

As a result, Chechnya got de-facto independence from Russia. The OSCE offered its assistance to the Chechnyan authorities to help build up the state. It was helpful in organising the presidential and parliamentary elections that were held in Chechnya in January 1998. However, things developed for the worst when the central government weakened and tribal forces, religious fundamentalist and criminal elements gained an upper hand in Chechnya. Due to the deteriorating internal security situation, the Assistance Group was withdrawn to Moscow on 16 December 1998. The Assistance Group initially consisted of a team of six members but there are five members currently.

The developments of late 1999 and early 2000 are well known. Russia invaded Chechnya again after a growing number of criminal and terrorist acts were committed in Russia, which were traced back to Chechnya. This time Russia was better prepared and President Vladimir Putin invested all his political capital in a victory in Chechnya. The campaign was fought more recklessly than the one in 1995 and in March 2000, the organised resistance by various Chechnyan militias subsided. However, there is still some kind of guerrilla warfare going on. The work of the Assistance Group has become totally dependent on the co-operation with the Russian authorities. Chechnya

today, in particular, the devastated capital of Grozny, is a symbol of a well-intended mission failing because of intransigent local leaders of micro-ethnic politics and the peculiarities and irrationalities of Russia's domestically-shaped military politics in combination with the influx of criminal and fundamentalist Islamic structures.

OSCE Activities in Central Asia

In Central Asia there are—except for the fundamentalist Islamic fighters in Tajikistan—no interstate conflicts but there are unstable state structures in combination with borders drawn along former Soviet administrative interests but not necessarily along ethnic lines. Hence, assistance in nation-building, democracy and good governance has stood at the centre of the OSCE activities.

Tajikistan

The most difficult case is Tajikistan because it is here that ethnic diversity is being aggravated by religious strife. Tajikistan is being subjected to armed incursions by Islamic mujaheddin coming from Afghanistan, who are supported by sections of the Muslim population. It is the only country in Central Asia with a permanent OSCE mission. This mission was deployed in the capital Dushanbe on 19 February 1994 and it has opened a few more branches in other parts of the country. It has a broad and flexible mandate to support political reconciliation, democracy-building and respect for human rights in Tajikistan. Its main task is to facilitate dialogue and confidence-building between the various regionalist and political forces in the country and to look for means of assisting in the development of legal and democratic institutions and processes. Since 1996, the mission has started to offer assistance and advice to the independent ombudsman institutions.

The mission has devoted most of its work to the improvement of the humanitarian situation, in particular, the promotion of equal rights for all citizens and the improvement of the living conditions of jailed persons. The field offices are engaged in a variety of issues including ownership and occupation of homes and land, fair treatment of prisoners and army draftees, locating missing persons, assisting with the development of the local media, gender issues, human rights education and equal distribution of humanitarian aid by local authorities. Together with the United Nations Mission of Observers in Tajikistan (UNMOT), the mission advises on issues relating to elections.

The mission has also tried to support and to remain involved in the process of national reconciliation. It has been working to facilitate the implementation of the Tajik Peace Agreement in June 1997, and particularly the protocols dealing with political issues, the return of refugees, and military issues. The

mission also plays an active role in monitoring the implementation of the agreement and assists the Commission for National Reconciliation on legal questions. Despite these activities, the main threat to Tajikistan comes from armed incursions from the south and the strongest support the country gets in defending itself against these guerrillas is from Russia, which has stationed troops in Tajikistan. Hence, the effect of the OSCE has been limited so far.

Other Central Asian states

Since the early 1990s, the OSCE has been actively involved in furthering democracy, human rights and the rule of law in four Central Asian states: Uzbekistan, Kazakhstan, Turkmenistan and Kyrgyzstan. In 1995, a Liaison Office in Central Asia (CALO) was established in Tashkent, Uzbekistan. The office was to co-ordinate the activities of the OSCE in these states and to better link the five Central Asian participating states more closely with the OSCE. This was part of the OSCE strategy, initiated in 1992, for the integration of its recently admitted participating states.

The Liaison Office tries to establish and maintain contacts with local universities, research institutions and NGOs. It was instrumental in promoting OSCE principles and commitments and co-operation between countries of the region within the OSCE framework. An important aspect was the organisation of seminars on regional security and confidence-building, drug trafficking and crime prevention, stable and transparent economic legislation to facilitate economic and social transition, regional stability, regional environmental problems and co-operative approaches to solving them, implementation of human rights and sustainable development in the Aral Sea region. It worked in close co-operation with the ODIHR on a number of projects relating to the human dimension, particularly concerns relating to the development of civil society, gender issues, migration and election assistance.

In the late 1990s, there were additional OSCE centres established in Almaty, Kazakhstan (1998), in Bishkek, Kyrgyzstan (1998) and in Ashgabad, Turkmenistan (1999). As a consequence, in 2000 the OSCE Liaison Office in Central Asia was renamed the OSCE Centre in Tashkent. All four centres have similar tasks, that is, co-ordinating the OSCE activities in human rights and legal questions, furthering the development of a civil society and trying to be of help in establishing democracy in these new states. The record of these OSCE activities is mixed. On the one hand, the democratic transition process has been very slow and instead of a democratic process, a one-man or one-party rule has been the result. On the other hand, the result of the various grassroots activities of the OSCE cannot be measured and might have an impact at a later stage.

STRENGTHS AND WEAKNESSES OF THE CSCE/OSCE

Many Asians are curious about the experiences Europe had in the field of co-operative security and with the CSCE/OSCE in particular. As the preceding chapters have shown, the related question of the weaknesses and strengths of CSCE/OSCE can hardly be answered in a general way. Rather, one has to start with acknowledging that during the past 30 years the CSCE/OSCE has assumed different functions under differing conditions. In fact, there were different phases during which the international community used the CSCE/OSCE in various ways. In each period, the demands directed at the CSCE or the OSCE were quite different and so were the chances for success. In this regard, one might discern between five different phases.

- Between 1973 and 1985

The main purpose of the CSCE was to organise co-existence by devising a joint normative programme for co-operation among the state parties. The purpose was, under the conditions of a bilateral, adversarial system, to further the process of *détente* and to make *détente* more tangible. The CSCE never lived up fully to these expectations. In fact, there were positive developments such as the joint development of a normative basis (the Decalogue) and the CSBM. The main expectation of furthering and guiding the process of *détente*, was not fulfilled. Rather, the CSCE meetings at the time were occasions for constant mutual reproaches and verbal struggles. This was not necessarily the fault of the instrument but a consequence of the structural weakness of the then Communist systems.

- Between early 1986 and late 1989

The CSCE became a forum for the new Soviet leadership to test the reactions of the others to perestroika and other related new concepts of international peace and stability. The West and the neutral states during this period also used the CSCE as a testing ground to see how serious Mikhail Gorbachev was and how far he would go. The main test case was Soviet readiness to accept, during the Stockholm negotiations for a treaty on conventional disarmament, the notions of asymmetric force reductions and of intrusive verification as well as the principle of the inadmissibility of having conventional forces ready to launch a large-scale military attack. The conclusion of the CDE Treaty in early 1989 and the subsequent mandate for a far more radical round of negotiations on conventional arms control were a clear sign that the Soviet Union was on its way to changing its policy radically. The same was true of the Soviet's insistence on controlling the states of Eastern Europe. During this phase, the CSCE proved to be an important instrument in orchestrating mutual

rapprochement and demolishing traditional hurdles in the political as well as in the humanitarian field. Essentially, it was the procedural openness of the CSCE that allowed all sides to use it as a testing ground for new and often bold ideas for a substantial change in Europe.

- From early 1990 until mid-1991
The CSCE became the stage for the eventual and formal termination of East-West confrontation. During this time, the normative structure of a liberal peace order was further developed within the Paris Charter, in particular, the relevance of human and minority rights for international peace. Also, the Conventional Forces in Europe Treaty (CFE) and the Vienna Document on CSBM were negotiated and formally passed at the Paris Summit. Again, due to its structural properties, the CSCE turned out to be the most appropriate instrument to resort to.
- From summer 1991 until end 1995
The CSCE became the OSCE (and a regional arrangement under Chapter VIII of the U.N. Charter) because member states wished to acquire instruments that would contribute to conflict prevention and conflict management in Europe. The instruments developed during that time were meant to have an impact on intra-state conflicts in former Communist-ruled countries, which had difficulties in making the transition to democracy and market economy. They encompassed instruments of structural conflict prevention (assistance in building up democracies as well as in drafting nationality-legislation) and instruments of active conflict mediation. While the instruments of structural conflict prevention had some successes, the impact of the CSCE/OSCE on the conflicts in the Balkans was close to zero.
- From late 1995 until today
The OSCE has developed a certain profile in structural conflict prevention. In particular, it has assumed a high profile in post-conflict reconstruction (Bosnia and Herzegovina, Kosovo, Albania) together with other international institutions. However, the effectiveness of these efforts depends to a large degree upon the larger framework, including the geopolitical conditions. The OSCE had a greater impact only when it was used by the EU states and by the U.S. as an instrument to further their conflict-prevention strategies and only when the influence of these powerful states or grouping of states could be felt. The peculiarities of the OSCE, that is, the resort to silent diplomacy in the human rights field instead of open accusations and the continuing consensus rule, have assumed a certain place within the broader framework of conflict

prevention and post-conflict reconstruction in Europe.

What follows from this is that the OSCE can be successful only where its activities are part of a broader framework of co-operative security, in which different international institutions and organisations have their part and where the role of the OSCE remains confined to the field of soft security. Hard-security organisations, such as NATO, are often needed within this broader framework. In fact, without NATO, soft-security institutions such as the OSCE or the Council of Europe cannot be successful. It is against this backdrop that the possible contribution of the OSCE model for Asian security should be looked at.

Notes

- 1 See Hanne Margret Birckenbach, *Half Full or Half Empty? The OSCE Mission to Estonia and its Balance Sheet 1993–1999* (Flensburg: European Centre for Minority Issues – Working Paper No. 6, February 2000; www.ecmi.de), pp. 7–9.
- 2 Quoted from Birckenbach, *Half Full or Half Empty?* p. 2.
- 3 OSCE Newsletter, September 2000.
- 4 See Undine Bollow, “Die OSZE Missionen in Estland und Lettland” in *Institute for Peace Research and Security Policy at the University of Hamburg* (ed.), *OSZE Jahrbuch 1999* (Baden-Baden: Nomos Publ., 2000) pp. 191–201.
- 5 OSCE Newsletter, 9, 2000.
- 6 Information and figures according to Annual Report 2001 on OSCE Activities, OSCE/SEC/DOC/3/01 from 26 November 2001; text can be found at http://www.osce.org/docs/english/misc/anrep01e_activ.pdf
- 7 F. Stephen Larrabee, “Long Memories and Short Fuses: Change and Instability in the Balkans” in *International Security* Vol. 15 No. 3 (Winter 1990/91), pp. 58–91 (pp. 65–71)
- 8 V.P. Ganon, Jr., “Ethnic Nationalism and International Conflict: The Case of Serbia” in *International Security* Vol. 19 No. 3, Winter 1994/95, pp. 130–166.
- 9 Alice Ackermann and Antonio Pala, “From Peacekeeping to Preventive Deployment: A Study of the United Nations in the Former Yugoslav Republic of Macedonia” in *European Security* No. 5 (1996), pp. 83–97.
- 10 Alice Ackermann, “Die Republik Mazedonien und die OSZE” in *Institute for Peace Research and Security Policy at the University of Hamburg* (ed.), *OSZE Jahrbuch 1997* (Baden Baden, Nomos Publ., 1998), pp. 73–80.
- 11 Ivo Daalder, “Getting to Dayton” in *The Making of America’s Bosnia Policy* (Washington, D.C.: Brookings Institution Press, 2000), p. 156; see also Pauline Neville-Jones, “Dayton, IFOR and Alliance Relations in Bosnia” in *Survival* Vol. 38 No. 4 (Winter 1996–97), pp. 45–65.
- 12 Alex Nitzsche, “Citizens of Bosnia and Herzegovina Vote for Greater Political Pluralism” in *OSCE Newsletter* Vol. 7 No. 5 (May 2000), pp. 4–5.
- 13 See Nicole Renvert, “Begegnungen mit Kroatien” in: *Institute for Peace Research and Security Policy at the University of Hamburg* (ed.), *OSZE Jahrbuch 1999* (Baden Baden: Nomos Publ., 1999), pp. 345–361.
- 14 Daan Everts, “Die OSZE Praesenz in Albanien” in: *Institute for Peace Research and Security Policy at the University of Hamburg* (ed.), *OSZE Jahrbuch 1999* (Baden Baden: Nomos Publ., 1999), pp. 309–323.

- 15 This chapter draws strongly on the paper by Hanns Maull, "The OSCE in the Kosovo Conflict", presented at the CSCAP Workshop on Co-operative Security in Europe and Its Relevance for Asia-Pacific: The OSCE Experience, Singapore 31 May – 2 June 2000; and on Carsten Giersch, *Konfliktregulierung in Jugoslawien 1991–1995, Die Rolle von OSZE, EU, UNO und NATO* (Baden-Baden: Nomos Publ., 1998).
- 16 The developments which led to the war are documented in Tim Judah, *Kosovo – War and Revenge* (New Haven and London: Yale University Press, 2000); see also Marc Weller (ed.), *The Crisis in Kosovo 1989–1999* (London, 1999), Noel Malcolm, *Kosovo: A Short History* (London and New York, 1998); Miranda Vickers, *Between Serb and Albanian: A History of Kosovo* (London, 1998).
- 17 The text of the Rambouillet draft can be found on the Internet: <http://www.alb-net.com/kcc/interim.htm>.
- 18 The Rambouillet draft was rightly criticised for leaving Milosevic with no other options other than losing Kosovo either by peaceful means or by war; International Institute for Strategic Studies (IISS), *Strategic Survey 1999–2000*, London, 1999, S., pp. 119–123.
- 19 Text can be found at cf. <http://www.osce.org/kosovo/overview.htm>
- 20 One author who promulgates this view is former German Brigadier Heinz Loquai, "Kosovo – verpasste Chance fuer eine friedliche Konfliktloesung?" in *Institute for Peace Research and Security Policy at the University of Hamburg* (ed.), *OSZE Jahrbuch 1999* (Baden Baden: Nomos Publ., 1999), pp. 91–103.
- 21 The activities of the Special Co-ordinator for the Stability Pact for South-eastern Europe are reflected in the website <http://www.stabilitypact.org>.
- 22 OSCE Annual Report 2000, part 3.1, text can be found at <http://www.osce.org>
- 23 OSCE Annual Report 2000, part 3.1.
- 24 See "OSCE Advisory and Monitoring Group clarifies activities in Belarus" in OSCE Press Release, 29 January 2001.
- 25 The Minsk Group that is headed by the Co-chairmanship of France, the Russian Federation and the United States. Furthermore, the Minsk Group also includes the following participating states: Norway, Austria, Belarus, Germany, Italy, Sweden, Finland, Turkey as well as Armenia and Azerbaijan.

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THE OSCE AND ASIAN SECURITY

Although the development of the CSCE/OSCE has to be seen against the background of specific developments in Europe, there are ample reasons to ask how applicable is the CSCE/OSCE model to the Asia-Pacific. Most observers agree that there are similarities between both regions. It was no coincidence that in 1994, both the ASEAN and European states made major, and in effect, similar efforts to explore the potential of consensual and co-operative diplomacy in dealing with the new situation that arose after the end of the Cold War. In that same year, ASEAN inaugurated the ASEAN Regional Forum (ARF) and the CSCE transformed itself into the Organisation for Security and Co-operation in Europe. Both organisations grew out of meetings and arrangements and were nothing more than a sequence of conferences. Neither the OSCE nor the ARF claimed to be grounded in international law; any decision was based on the rule of consensus and demanded co-operation among its members. They were, in effect, archetypal, co-operative structures that would be explored further.

While the ARF has made relatively small progress, the OSCE has proven at least to be more successful and has developed in terms of institutions and instruments.¹ It has become part of a larger European structure that helps to preserve peace and stability. In Asia, a similar development has not set in, however. There is no imminent danger of war and the greatest threat to regional security over the past five years had been the economic crisis of 1997 and 1998.

This difference in success is often explained by the effect of two factors: (a) differences between Asians and Europeans in culture and civilisation and, (b) the peculiarities of the geostrategic situations in both regions.² Both arguments are, in principle, justified; however, they have to be used with many qualifications.

The notion of a basic difference between Europeans and Asians in terms of culture and civilisation has been brought up mainly by Asian authors.³ Yet,

this alleged difference is criticised even by Asian authors.⁴ In fact, it is hard to find differences of a truly fundamental nature between “Asians”, on the one hand, and “Europeans”, on the other, since the differences between them are so small that it would be difficult to establish which attitudes represent European values, and which, Asian. One has to be aware that many values that are being called “Asian” today are the same values that prevailed in Europe in the early 20th century. In fact, both have similar values in society and in economy, but the Europeans today cling more to post-modern values than Asians do—for better or for worse. There are, however, clear differences in the basic elements of an international regional order. In Europe, the notion of a liberal peace is prevalent, where international institutions, democracy and the acceptance of losses of sovereignty are seen as important elements to preserving peace and stability. From a European point of view, most Asian states today, however, cling to a rather traditional concept of international order, where peace is kept by sticking to a strict interpretation of sovereignty, and where a balance of power in combination with free trade is considered to be the best assurance against war and instability. There is nothing specifically Asian about this concept of international order. It is similar to the concept of international order that existed in Europe in the late 19th century, which proved to be able to preserve peace among the major powers—at least for almost a century. Asians also tend to deal with conflicts in a rather tacit manner and are not as open as western societies. There are, thus, marked differences between Asians and Europeans. Some of them may be cultural, but most of them simply express different political options on how to deal with basic challenges to peace and stability in two regions that are not necessarily cradles of peace and stability.

The argument of geostrategic differences is more valid, since it points to more tangible differences between Europe and the Asia-Pacific. It has to do with geography but also with different historical experiences. The Asia-Pacific region is, by far, larger than the continent of Europe. It is mainly a maritime region while Europe, in terms of geopolitics, is a continental region. Most states of the Asia-Pacific are not fully-fledged nations and are rather developing states.⁵ What is important is that the two World Wars were experienced quite differently in both regions and that differing conclusions were drawn. In Europe, World War One, and more so World War Two, are understood as “final wars”, as absurdities whose repetition had to be prevented by a new international order that would avoid the shortcomings of the old peace order of the 19th century. World War One never really happened in Asia-Pacific, while World War Two in Asia-Pacific was rather seen as a Japanese problem. Besides that, World War Two started the process of decolonisation in the Asia-Pacific, since it weakened the European colonial powers. A final, but very important geopolitical difference is the fact that there is no international actor

the size of China in Europe, while the Asia-Pacific has not only to live with one of them, but also with the prospect of another giant of that sort—namely India—reaching into the region.

It is not surprising, therefore, that the issue of the applicability of the European model to the Asia-Pacific has been on the agenda of ASEAN and the ARF, but it has never become the focal point. In fact, the founding of the ARF might be seen as an attempt to test how applicable is the CSCE philosophy in the Asia-Pacific. In particular, the consultative function of the CSCE with the concomitant strict adherence to the principles of sovereignty and consensus held some attraction for most Asians. However, already in the early phases of the ARF it became clear that there was strong resistance to applying individual instruments and procedures of the CSCE or OSCE to the Asia-Pacific.⁶ In particular, expectations with regard to confidence- and security-building measures did not materialise. The reason was not a general rejection of all these European ideas by Asian states closing ranks to defend Asian values, it was mainly because of China's insistence that the instruments of the CSCE/OSCE cannot be applied to the Asia-Pacific. Without China, however, there is no point in constructing any Asian version of the OSCE. However, many smaller and medium-sized Asian states, in particular the member states of ASEAN as well as Japan and South Korea, are not ready to give up the hope that it might be possible, one day, to entangle China in a web of regional arrangements and agreements that would restrain her military room for manoeuvres. Thus, keeping up a dialogue structure such as the ARF is important as a goal in itself, since it might present an opportunity in times of political change in China. As the European experience has shown, it was useful to maintain the CSCE as a dialogue structure even under conditions of the Cold War since better times might come during which these structures might be needed.

Hoping for a change in China's policy, however, should not be the only rationale for debating the applicability of the OSCE to the Asia-Pacific. Indeed, the region has other security problems whose existence is acknowledged among ASEAN-member states and which are reflected in various official documents. Among the most prominent regional security problems are:

- the situation in the Korean Peninsula, which runs through the entire spectrum from peaceful reunification at one end to renewed war, on the other;
- continuing territorial disputes over the South China Sea;
- separatism and ethnic conflicts in a number of countries, in particular in Indonesia but also in Myanmar, Cambodia, Laos, Malaysia and the smaller island states such as Fiji;
- the future role of Japan in the region; and

- the role of the U.S. in the region.

More Asians (especially in ASEAN) tend to view these security problems from the perspective of a comprehensive concept of security, that is, they see a clear relationship between international security on the one hand, and the economic and domestic stability of the individual countries of the region, on the other hand. This was stated in the Declaration of ASEAN Concord on 24 February 1976⁷ and repeated on various occasions, most notably in the ASEAN Vision Paper of December 1997.⁸ It is exactly this broad view of the security challenges in the region that might spark off renewed debate about the CSCE/OSCE as a role model for Asia.

APPLYING FUNCTIONS AND INSTRUMENTS OF THE CSCE/OSCE

To structure such a debate, one has to start with a view of the various functions fulfilled by the CSCE/OSCE during its almost 30 years of existence and whether or not there is a need for comparable functions in the Asia-Pacific. After analysing the functions, a closer look at the various instruments developed by the CSCE/OSCE might be useful.

Comparability of the CSCE/OSCE Functions to the Asia-Pacific

As discussed in the previous chapter, one should distinguish between the five different phases of the CSCE/OSCE, in which different functions gained prominence.⁹

- Between 1973 and 1985: the main function of the CSCE was to organise and further détente and peaceful co-existence.
- Between early 1986 and late 1989: the CSCE became the testing ground for perestroika and where new concepts for organising the international order were debated.
- From early 1990 until mid-1991: the CSCE served as the main stage for orchestrating the transformation from confrontation to co-operation.
- From summer 1991 until end 1995: the CSCE developed the instruments of international mediation, conflict prevention and conflict management.
- Late 1995 till today: the OSCE developed a certain profile in the field of mediation and structural conflict prevention.

Not all the functions developed by the CSCE/OSCE can be applied to the Asia-Pacific without qualifications. On that of organising détente, one might argue that in today's Asia, the basic conflict between Communism and liberal western societies is no more. Only in the Korean Peninsula does the old East-West conflict seem to exist still. Hence, there is little Asians can

learn from the early phases of the CSCE. The most important lesson learned is that it is possible to devise general principles and norms regulating peaceful and normal relations between conflicting states and that it is even possible to reconcile somehow sovereignty rights with individual rights. In addition, the instruments of confidence-building measures devised at the time, served as a model for many new concepts of confidence- and security-building measures. In general, the model of the CSCE might harbour some instruments Asians could turn to, surely in the Korean Peninsula but also beyond that.

Referring to the second function—framework for exploring a change in international regional relations—this is what many hope the ARF might bring about. The situation in the Asia-Pacific today is characterised by a large degree of uncertainty over the future, with the possibility of the region turning increasingly anarchic. Learning from the experience of the OSCE means to test models of co-operative international relations in the region. In particular, it might serve as a model (a) to engage China and (b) to demonstrate to the other states that regional or intra-state security problems are better solved by means of consultation, mediation and assistance in building up democratic and civil societies than by traditional means of power politics. On the third function—organising fundamental international change—it would be too early to propose this as a model for the Asia-Pacific. However, as was argued earlier, it is expedient to keep the structure of the ARF open for such a debate that might come along in the future.

As for the functions that were developed during the past ten years—political mediation, conflict prevention and conflict management—there is something Asians can learn from the European experience. Special attention should be paid to political mechanisms for conflict prevention and management in cases of intra-state conflicts and adopting a balanced approach towards reconciling state sovereignty rights with human rights.

On balance, the CSCE/OSCE experience might suggest the application of its instruments in two areas of Asia-Pacific security:

- developing a code of conduct between sovereign states with the aim of furthering transparency, making the activities of states more accountable and applying measures of constraint in times of crisis; and
- developing a set of instruments that would prevent or allow mediation in conflicts that are basically intra-state in nature but which might have far-reaching regional consequences for peace and stability.

Beyond that, it would be expedient to keep open a general consultative structure that would allow one to address issues of broader and strategic relevance to be debated in case the time is ripe to do so.

Applicability of the CSCE/OSCE Instruments to the Asia-Pacific

Against this backdrop, the following instruments and procedures devised by the CSCE/OSCE deserve most attention:

- the process of norm building;
- the consultative mechanisms;
- confidence- and security-building measures;
- instruments of conflict prevention and conflict management and a certain style of “silent diplomacy” that has become the hallmark of the OSCE;
- regional multilateral arms control and disarmament agreements.

Norm building

Norm building has been one of the most important elements of the CSCE/OSCE process from the very beginning.¹⁰ It is the gradual development of a set of norms based on general principles with the purpose of regulating relations between states in a way that furthers peace and stability and will cover also a broad set of aspects, including human rights and economic co-operation. Building such norms by way of a consensual process has proven to be an extremely useful exercise in Europe and it seems that this is perceived similarly in Asia. The Treaty of Amity and Co-operation in Southeast Asia on 24 February 1976, is a typical example of its kind.¹¹ It covers central principles that are also represented in the CSCE Documents from Helsinki (1975) and Paris (1990). These include the non-use of force in international relations, the right of each state to choose its own political, social and economic system, the necessity to solve disputes by peaceful means only and strengthen co-operation among states and other nations. In 1999, the ASEAN states opened this treaty to other states in an attempt to broaden the adherence to these principles.

The difference between Europe and Asia-Pacific is that the norm-building process in Europe since the mid-1970s, has progressed markedly while it has been stuck in the Asia-Pacific. No one is expecting the Asians to repeat the European example. Norm building is not a purpose in itself but has to fulfil certain functions and sometimes, it has been the result of specific circumstances. Hence, the result of norm building both in terms of quality and quantity (as well as the depth of norm building) can be very different. In looking at the European experience, one can see that during the past three decades norm building had served various purposes.

- The further development of general norms, such as the non-use of force in a way that makes these principles more tangible and effective. A typical

example is the de-legitimising of certain kinds of military behaviour such as preparations for a large-scale military offensive, as part of the OSCE process.

- The creation of a catalogue of positive measures defining peaceful and stability-oriented state behaviour and of a criteria to measure individual state's behaviour. This is especially useful in all forms of military-related activities.
- The reconciliation of the wish to maintain state sovereignty with the need to restrain states in their exercise of sovereignty in areas where their extensive use is considered to form a threat to peace and stability. This is the most sensitive element of norm building since it focuses on harnessing state sovereignty and the protection of minority rights and human rights. The Europeans claimed that within the CSCE/OSCE framework, they have managed to develop a set of norms that has been able to do service to both concerns. The starting point was the common perception that violations of human and minority rights in any given country can present a threat to international peace. The Europeans have gone very far in this regard, especially in the Paris Charter of 1990, which has to be understood against the backdrop of the decades-long yearning of the peoples in Eastern Europe for freedom and democracy after they had freed themselves from the yoke of Communism and foreign domination.

It is not the intention of this paper to recommend that the ASEAN states and states participating in the ARF, start similar exercises. It is argued here that (especially within the ARF at least) an attempt should be made to explore the possibility of developing further the principle of the non-use of force in a way that it would address the most difficult security problems in the region, especially the South China Sea dispute, the Korean conflict and the Taiwan conflict. As for the other elements of norm building, at this juncture it might be useful to start a more thorough exchange between the Europeans and the ASEAN states over several issues: the utility and limits in the development of norms that can reconcile state sovereignty; the protection of human rights, especially about harnessing minority rights to the wish to avoid the disintegration of existing states or of changing borderlines.

Consultative mechanisms

On the consultative mechanisms, these have been described in detail in Chapter Three. Among them, the following two have turned out to be the most important.

- The Vienna Mechanism (1989), which provides for the exchange of information on questions relating to the human dimension. It obligates states to respond to requests for information made by other member states on matters relating to human and minority rights.
- The Moscow Mechanism (1991), which gives the option of sending missions consisting experts to assist member states in the resolution of minority-related problems or other problems relating to the human dimension, even if it is against the wish of a member state.

What these two mechanisms have in common is that they try to reconcile the maintenance of state sovereignty on the one hand, with the prevention of the abuse of state sovereignty, on the other. They do not violate sovereignty but they force states to be more transparent and to subject their conduct to some kind of international peer review that is, in a legal sense, non-binding. They also offer the states instruments to overcome intra-state problems relating to minorities and to build up stable democratic institutions. They are relevant to peace and stability since intra-state conflicts often have far-reaching international, or at least, regional consequences. One might argue that the United Nations Security Council (UNSC) has all the whereabouts needed to cope with such problems. However, given the fact that the UNSC has proven to be incapable of dealing with so many regional and intra-state conflicts during the past decades, one might argue that regional mechanisms might be useful in this regard. Hence, it is suggested that the ASEAN states and also members of ARF explore further the possibilities of these two mechanisms.

There are other mechanisms but they have turned out to be of less relevance in Europe but might become subjects of interest to Asians. These are:

- the Berlin Mechanism (1991), which contains measures to be applied in emergency situations;
- the Mechanism for Consultation and Co-operation regarding Unusual Military Activities, which provides for the exchange of information regarding any unusual and unscheduled military activities; and
- the Mechanism for Co-operation with regard to Hazardous Incidents of a Military Nature, which has the purpose of organising co-operation among states in cases of military crises.

These three mechanisms oblige the participating states to avoid using measures that can escalate a crisis. They define the rights and obligations of states in a way that anticipates certain types of international crises and to direct states towards adopting attitudes and actions that would de-escalate a situation. While in today's Europe these measures have less relevance, it might be appropriate for actors in the Asia-Pacific to study thoroughly the utility of such mechanisms within the framework of the ARF.

Confidence- and Security-Building Measures

Since 1994, the applicability of CSBMs has become part of the relevant ARF debates. The second ARF meeting in August 1995, for instance, accepted a paper according to which an evolutionary approach towards confidence-building should be chosen, whereby three steps were envisioned: (a) the promotion of confidence-building, (b) the development of preventive diplomacy, and (c) the elaboration of approaches to conflicts.¹² For the Europeans, this approach looks somewhat strange since it seems to indicate that in the ARF the understanding of the nature of CSBMs is totally different from theirs. Indeed, in Europe CBMs and SBMs are defined in a relatively clear way—as measures through which the absence of certain threats can be demonstrated in a credible way and as measures (CBM) that make the behaviour of governments more accountable and restrained during times of crises (SBM). The ARF debates, however, seem to embrace a broader concept.

Looking at it from an Asian perspective, a broad concept of confidence-building might be reasonable. From a European perspective, it sounds like the watering down of a relatively clear-cut concept. While this European criticism is justified, since a broad understanding of CSBMs runs the risk of them becoming instruments of state peace propaganda, there is, on the other hand, no point in simply copying the European CSBMs in Asia. The set of CSBMs agreed upon in Helsinki, Stockholm and in the various Vienna Documents, are tailor-made for the European situation, which is different in terms of its geopolitical challenges from the situation in the Asia-Pacific. Hence, it is not surprising that most European CSBMs cannot be applied to Asia. However, there might be instances where the basic logic of the European CBMs and SBMs might be used in order to devise “indigenous” CSBMs in Asia.

Since 1994, the ARF has intensified its debates about CBMs by creating a special forum, the ARF Intersessional Support Group (ISG) on Confidence-building Measures. It based its deliberations on the notion that CBMs and preventive diplomacy cannot be separated and since then has begun to define the nature of an evolutionary approach. Confidence-building in the Asia-Pacific is being understood as an important element of an incremental process in which states in the region—including China, the U.S., and Russia—are getting to know each other better and are trying to increase their mutual confidence by rather symbolic CBMs.¹³ Meanwhile, the ISG has agreed on a number of CBMs and has opened up two “baskets” for new proposals: basket one is for CBMs for implementation in the near future and basket two for CBMs that should be dealt with in the mid-term. In a paper issued in 1998, 17 individual CBMs were identified as having been agreed upon within the ISG. Some of them were called “substantive CBMs”; the others were dubbed “organisational CBMs”.¹⁴ The most salient among them were:

- furthering the exchange of security perceptions on a regional, sub-regional and bilateral basis;
- promoting exchanges of military personnel between national defence colleges;
- inter-sessional meetings on the role of defence authorities in disaster relief;
- notification of military exercises and exchanges of observers on a voluntary basis;
- increasing high-level defence contacts;
- submission of annual defence statements or/and of White Papers on national defence policies;
- participating in the United Nations Arms Transfer Register (UNATR) and circulating relevant information among each other;
- participating at major regional and global arms control and disarmament agreements;
- organising seminars to exchange views about the contents of national defence statements or White Papers; and
- creating a list of national contact points for ARF consultations in case of crisis.

This list is not exciting, but in light of the overall circumstances it shows that the ARF-participating states are heading in the right direction and have made some notable progress. If CBMs were instruments for demonstrating in a credible way the absence of certain threats, any confidence-building process in the region has to start with debates on the nature of threats and threat perceptions. In this, the ARF has made real progress, albeit the substantial outcome of these exchanges has not been overly encouraging. In particular, what is missing still is the specific kind of strategic culture that developed in Europe over the past 30 years, according to which the respective security concerns of all states are being taken seriously and are being measured against individual rights. Such a strategic culture is needed in the Asia-Pacific in order to increase awareness that the security concerns of others are legitimate and that democratic governance might have a positive impact on regional security. Hence, it is imperative that such a kind of strategic culture is developing in the Asia-Pacific too. The ARF can do a lot more to organise this process and many individual countries could help to move this process ahead with initiatives.

In addition, everything that enhances transparency in military matters is welcome. Here, one can register some progress as most states, including the major military powers of the region, have started to issue White Papers on their security

and defence policies. However, the differences in terms of transparency, clarity and understanding are marked. While the Defence White Paper of Japan is almost a paragon of transparency and detailed information, the respective Chinese and the Vietnamese White Papers lag far behind by comparison. Here, the ARF could do more by setting up a qualitative criteria that has to be fulfilled by any White Paper on defence.

Another set of CBM that are useful are regular exchanges between national military establishments and co-operation among them, that is, visits, exchange of personnel for the military academies or co-operation in cases of disaster relief or peacekeeping. The ARF list shows that this point is well understood and that some headway has been achieved so far.

The record is poor in terms of early notification of military exercises and the exchange of observers. While it is clear that the European example cannot be repeated in the Asia-Pacific, it would be expedient to make determined efforts—at best on a sub-regional level—to increase the level of transparency in military exercises and movements in the Asia-Pacific.

By and large, there remains a huge agenda for the ARF to work on both in the field of defining the nature of threats as well as devising instruments to further transparency.¹⁵ What has been lacking so far in the Asia-Pacific has been the readiness to envisage security-building measures, that is, measures that could help to avoid the escalation of crises. The first step in this direction was the introduction of the ARF national points of contact, a modest attempt towards the creation of direct communication channels among ARF participants, which could help to avoid wrong perceptions and misunderstandings. Here, a lot of conceptual work lies ahead and the OSCE offers ample examples to look at.

Conflict prevention and conflict management

In the area of CSBM, states participating at the ARF and the OSCE states follow a similar philosophy, but with different results due to differences in the respective regional geostrategic situations. It seems that both are pursuing completely different paths in terms of preventive diplomacy and conflict management. Here, the question is not what the Asia-Pacific (or the ARF) can learn from the OSCE experience, but what the European experience can offer as an adjunct to the approach chosen by the ARF states.

The differences between the ARF approach and the OSCE approach become obvious in comparing the eight principles of preventive diplomacy that the ARF states accepted during their seventh Ministerial Meeting in July 2000.¹⁶

- Preventive diplomacy, according to the ARF concept, is about diplomacy only, that is, negotiation, enquiry, mediation and conciliation. The OSCE concept is broader since it covers also support for democratic institutions, civil society and the monitoring of human rights; it tries to address the deeper sources of tensions.
- The ARF concept is explicitly non-coercive in nature. Military action or the use of force is not part of preventive diplomacy. While the OSCE has no ambitions in the field of coercive diplomacy, it is part of a broader European security order in which NATO and to a certain degree, the European Union, are seen as instruments of intervention under exceptional circumstances.
- Preventive diplomacy should be timely. Measures should be employed as early as possible. This is the only area where there are no disputes between the European approach and the ARF approach.
- Preventive diplomacy, according to the ARF concept, requires trust and confidence and has to be conducted on the basis of neutrality, justice and impartiality. In principle, the OSCE approach is not totally different from this logic with special reference to the latter part of the statement. However, no one would, within the OSCE, exclude preventive diplomacy in cases where mutual trust and confidence do not exist. On the contrary, most Europeans would subscribe to the notion that often preventive diplomacy has to start when trust and confidence do not exist between the parties in conflict.
- In the ARF logic, preventive diplomacy should operate on the basis of consultation and consensus only. Efforts towards preventive diplomacy can be carried out only through consensus after careful and extensive consultations among ARF members. While this might be the preferred way for preventive diplomacy, experience has shown that such an approach is often unworkable and subject to interference by any non bona-fide actor. Hence, the OSCE Moscow Mechanism explicitly offers the possibility of initiating preventive or mediating missions without the consent of every party involved (“consensus minus one”).
- According to the ARF principles, preventive diplomacy is voluntary and is to be deployed only at the request of all parties directly involved in the dispute. Again, this might be the preferred *modus operandi* of the OSCE, but past experience has demonstrated that international pressure on one of the parties in the conflict is needed sometimes to acquire the necessary consent.
- Preventive diplomacy, according to the ARF concept, applies only to conflicts between and among states. Here is the most fundamental

difference to the OSCE approach. Most members of the OSCE today agree that the main threats to security in Europe lie within existing states. Either states have internal conflicts—mostly with an ethnic background, but usually fed by poor economic conditions and weak political institutions—or they tend to export their internal contradictions and failed transformation to belligerent and nationalistic foreign-policy attitudes that might translate directly into interstate conflicts. Thus, the main thrust of preventive diplomacy for the OSCE is “structural conflict prevention”, that is, assistance in building up democratic institutions and human rights watch groups, in the establishment of a dialogue between government and civil society, and in the creation of conditions under which minorities could acquire their rights without putting into question existing state borders.

- According to the ARF concept, preventive diplomacy is conducted in accordance with universally-recognised basic principles of international law and interstate relations. The U.N. Charter, the Five Principles of Peaceful Co-existence and the Treaty of Amity and Co-operation in Southeast Asia are quoted as the main reference sources. In principle, the OSCE states would agree with such a formula except that the Five Principles of Peaceful Co-Existence and the Treaty of Amity and Co-operation in Southeast Asia are not part of the normative framework Europeans are used to. Rather, they have a whole body of CSCE/OSCE documents they would like to refer to, which give less relevance to the strict observance of state sovereignty.

Another difference between the ARF approach and that of the OSCE is that the former confines its activities to only preventive diplomacy (rather narrowly defined).¹⁷ The OSCE has a broader, more pragmatic approach that is open to “conflict management” and “post-conflict reconstruction”, which have become of utmost importance after the Balkans wars. Today, most of the resources of the OSCE are spent on post-conflict reconstruction, a term that is conspicuously missing in the relevant definition of the above-mentioned ARF paper.

A further difference relates to the readiness to create international institutions and organisations for the purpose of preventive diplomacy. While the OSCE and other European security institutions have gone through a fundamental process of institutionalisation since the early 1990s, most member states of the ARF do not like institutionalisation at all and prefer the most noncommittal way of dealing with international disputes.

It is not the purpose of this paper to convince the ARF members of the greater virtue of the OSCE approach. As was mentioned earlier, the geostrategic

conditions of the Asia-Pacific and of Europe are quite different and do not allow a simple strategy of copying the other's most preferred model. However, there are a couple of questions relating to the ARF approach that deserve closer attention.

First of all, it is highly questionable whether the ARF is well advised in confining preventive diplomacy to interstate conflicts only. While it is adequate to state that the greatest conflict potential in the Asia-Pacific is with interstate relations and that a lot of uncertainty over big-power relations is at the heart of most security concerns, nonetheless, it is true that there are intra-state conflicts either with an ethnic background or somehow related to poor governance, or to an incomplete process of economic or political transformation. Some of these conflicts have the potential of destabilising a whole sub-region at least. Hence, it seems justifiable to ask whether the OSCE has some instruments available that might be helpful in this regard. In fact, one of the strengths of the OSCE is that it has been able to devise tools of silent diplomacy whereby internal problems of political and economic transformation—mainly in former Communist-ruled or authoritarian states—could be addressed. The purpose is to assist—in co-operation with other relevant international bodies—in the transformation or restructuring of societies that have been disrupted for various reasons.¹⁸ Often, the institutions of the ODIHR and HCNM as well as the Long-term Missions of the OSCE have been useful tools for organising necessary agreement on the path the process of political transformation should take and have been important in marshalling international support too. These activities, however, can be successful only as long as a group of powerful and economically-strong states actively supports that kind of diplomacy.

The second question relates to post-conflict reconstruction. It is hard to understand why the ARF concepts exclude post-conflict reconstruction. As the examples of Bosnia-Herzegovina and Kosovo have shown, post-conflict reconstruction is the crucial element in preventing the rekindling of a bloody conflict that could have been quenched. There are cases in the Asia-Pacific where there is a strong need for effective post-conflict reconstruction such as in East Timor, Cambodia or Laos. As the above-mentioned cases in the Balkans demonstrate clearly, post-conflict reconstruction has to involve a lot of regional and global institutions, both governmental and non-governmental. In Bosnia-Herzegovina, their work is being co-ordinated by a High Representative, in Kosovo it is a special envoy of the U.N. In any case, it is of crucial importance that regional security institutions take either a lead or are at least ready to shoulder a major part of the responsibility for rebuilding a war-torn society. Thus, it is recommended that the ARF (but also ASEAN) take up this issue and try to engage themselves in post-conflict reconstruction efforts.

Another question concerns the sceptical, sometimes negative attitude Asians have developed towards institutionalisation. The creation of international institutions is generally seen in the Asia-Pacific as unnecessarily impinging upon state sovereignty. It is also often argued that creating new international institutions is a waste of resources. Most of these arguments overlook the difference between international institutions and organisations. The term “international institutions” is normally used to describe different kinds of international arrangements that have some enduring impact on the way states behave. In that regard, international regimes, international agreements as well as international organisations can be covered under the title. “International organisations” is a narrower concept denoting organisational structures that exist legally and physically (in terms of buildings, offices and human beings working for the respective international organisation).¹⁹ Often, those who are sceptical of international institutionalisation are actually referring to international organisations. Similar scepticism is also shared in Europe where the earlier enthusiasm for international organisations has faded. Again, the OSCE has taken a pragmatic approach. It has proceeded on the assumption that in order to have any impact in conflict prevention and conflict management, the organisation needs some instruments, but these are to be kept small and informal. Both the ODIHR and the office of the HCNM have a staff of about 30. The organisational structure of the OSCE Secretariat is also very small. In order to cope with major challenges, the OSCE has resorted to hiring ad-hoc experts, often based on rosters provided by national authorities. Consequently, the OSCE has a basic organisational structure to rely on, but beyond that its work is predominantly the result of improvisations and is supposed to be limited in terms of duration.

Within the ARF, there are indications that the traditional disdain for the creation of international institutions is fading slowly. During the past few years, two measures have been agreed upon that would constitute the initial elements of institutionalisation. Modelled in part after the OSCE, one is the enhanced status given to the ARF chairperson by attaching several permanent functions to him or her, and who would serve as a conduit for information-sharing in-between ARF meetings. The other element is the recent establishment of an ARF register of experts and eminent persons.²⁰ These are interesting and encouraging developments but further steps need to be taken in that direction. It might be advisable, for instance, to ponder the possibility of giving the chairperson the right to offer good services to the parties in a dispute or to send expert missions for fact-finding purposes. It might be useful also to think about an Asian counterpart to the High Commissioner on National Minorities. Would it not be expedient to have a senior Asian politician of repute available,

who could, in case of ethnically-motivated intra-state conflicts, serve as a mediator? His task would be similar to the HCNM, that is, to help negotiate in a tacit manner, agreements between the conflicting parties that, on the one hand, would help keep the respective states intact, but on the other, would give some room for self-determination to national minorities or ethnic groups who would like to preserve their sense of cultural independence.

It might be too early to suggest the establishment of an ARF counterpart for the Office for Democratic Institutions and Human Rights. In fact, it might even be counter productive to do so. However, there is some need both within ASEAN and the wider forum of the ARF to debate issues of governance and the democratic responsibility of political decision-makers. There is no point in proposing that Asian countries follow any given western model of democracy. Still, most Asia-Pacific states are in the process of rapid economic and social change, with a growing number of citizens becoming more self-assertive and eager to participate in the political life of their country. This is a normal by-product of the modernisation process and in democracy theory is seen as indicative of the beginning of a transition towards polyarchic forms of leadership.²¹ It would be advisable for most Asian states to use the ARF as a forum to debate issues on political transformation under conditions of rapid economic and societal change, and to evaluate the different elements of strategies of broader participation in political life. The OSCE hardly gives any indication of how to proceed, except the possibility of asking eminent persons and experts to serve as advisors or reference persons in individual countries—again a form of silent diplomacy. This would be a useful alternative to the “traditional” handling of human rights concerns in international affairs, which is often confined to public criticism of the human rights record of individual governments. What is often overlooked is the fact that the existence of the ODIHR or of other OSCE elements of silent diplomacy often take the steam out of human rights policy and allow for pragmatic solutions.

Regional multilateral arms control and disarmament

The CSCSE/OSCE has been a major forum for negotiating crucial arms control agreements in Europe in the field of conventional weapons. There is no point in emulating the CSCE experience in Asia, but ASEAN, too, has tried its hand at regional, multilateral arms control and disarmament and is determined to continue. The most tangible result so far was the Bangkok Treaty of 15 December 1995 on the Creation of a Zone Free of Nuclear Weapons in Southeast Asia.²² This treaty was, to a certain degree, a disappointment since it was impossible to get the acceptance of all nuclear power states for the relevant protocol defining their duties under that instrument. Partly, this was the fault of the ASEAN states, which had put a provision into the treaty

that was not compatible with the United Nations Convention on the Law of the Sea. Further, this provision angered China because it was directed against her claim that the South China Sea is part of her national territorial waters.

There is nothing within the current OSCE structure that would suggest it could be repeated by the ASEAN or the ARF states. Both can have an impact on regional disarmament but this should be done with due respect to regional peculiarities.

CONCLUDING REMARKS

The OSCE is an example of a co-operative security institution with a relatively successful record. The success of the OSCE has to do with the fact that it is part of a larger framework of co-operative security, which is masterminded by a coalition of European states and the U.S. and which encompasses quite different institutions and organisations of military security and economic co-operation. Hence, the question of the applicability of the OSCE instruments to the Asia-Pacific has to be approached in a cautious and modest way. As this book tries to make clear, the OSCE and its instruments can be understood only against the backdrop of European history. It has devised certain instruments that are unique and do not necessarily offer themselves for repetition. However, since the ASEAN states have embarked on a policy of regional multilateralism and extended a co-operative security dialogue to the whole of the Asia-Pacific, the question of the applicability of the procedures and instruments of the OSCE to Asia is a valid one.

There are no clear and definite answers to this question since the CSCE/OSCE has changed its functions more than once during nearly 30 years of its existence. However, it is apparent that the CSCE/OSCE has had some influence in the way the ASEAN Regional Forum has been organised from the beginning. This relates in particular to the consensual and principally non-committal way of arriving at decisions. In fact, institutions such as the CSCE/OSCE or the ARF have the advantage of being so flexible that they can form a channel of communication—and of agreement on many things—even in rough international climates. Further, they have the potential for serving as a focal point for creating a co-operatively-organised regional order. Since the basic ideas about an international order differ so much between Asians and Europeans, there is little that can be used by the Asia-Pacific states.

As this book has shown, there is much the ARF can learn from the OSCE experience, both in terms of its successes and failures. The ARF debate about confidence-building measures reflects that they are feasible to a certain extent. Similar things might happen in the field of conflict prevention. The ARF does not have to accept the OSCE philosophy of dealing with conflicts in East Asia,

but it would be a promising undertaking for the ARF to take a closer look at the OSCE experience in dealing with both international and intra-state conflicts (especially those with an ethnic dimension). It should test seriously the possibility of adopting some elements of silent diplomacy that have turned out to be successful, even under difficult conditions.

Notes

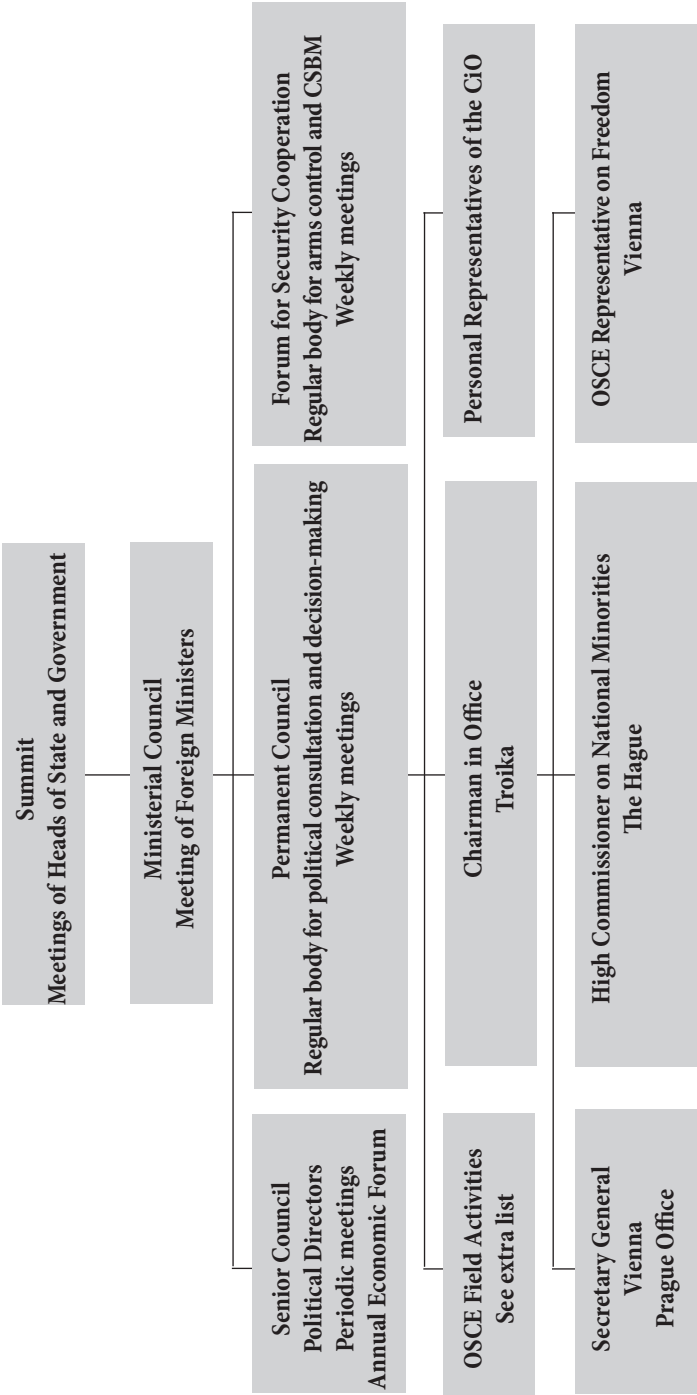
- 1 See Stuart Harris and Simon Nuttal, "The Multilateralist Record in Asia and Europe" in Council for Asia-Europe Co-operation (ed.), *Strengthening International Order – The Role of Asia-Europe Co-operation. A CAEC Task Force Report* (Tokyo: Japan Center for International Exchange, 2000) pp. 66–97.
- 2 See Nikolaus Busse and Hanns Maull, "Enhancing Security in the Asia-Pacific. European Lessons for the ASEAN Regional Forum" in *Internationale Politik und Gesellschaft* (Bonn: Friedrich-Ebert Foundation, 1999) No. 3, pp. 227–236.
- 3 Most outspoken was Kishore Mahbubani, "Dangers of Decadence – What the Rest Can Teach the West" in *Foreign Affairs* Vol. 72 No. 4 (September/October 1993), pp. 10–14.
- 4 See Carolina Hernandez, "Values and Civilisations" in Hanns Maull, Gerald Segal and Jusuf Wanandi (eds.), *Europe and the Asia-Pacific* (London and New York: Routledge, 1998), pp. 32–41.
- 5 See Mohammed Ayoob, *The Third World Security Predicament. Peace Making, Regional Conflict and the International System* (Boulder, Col.: Lynne Rienner, 1995).
- 6 See Michael Leifer, *The ASEAN Regional Forum. Extending ASEAN's Model of Regional Security* (London: IISS Adelphi Paper 302, July 1996), pp. 32–35; see also Patrick Uhe, *Eine KSZE für Asien?* (Hamburg and Muenster: Lit Verlag, 1996).
- 7 Text can be found in <http://www.aseansec.org/summit/concord.htm>.
- 8 Text can be found in <http://www.aseansec.org/summit/vision97.htm>.
- 9 See Joachim Krause, "An Asian OSCE?" in *Internationale Politik – Transatlantic Edition*, Vol.2 No. 2 (Fall 2001), pp. 72–78.
- 10 Gregory Flynn and Henry Farrell, "Piecing Together the Democratic Peace: The CSCE, Norms, and the 'Construction' of Security in Post Cold War Europe" in *International Organisation* Vol. 53 No. 3 (Summer 1999), pp. 505–535.
- 11 Text can be found in <http://www.aseansec.org/summit/amity76.htm>
- 12 The ASEAN Regional Forum: A Concept Paper, text can be found in http://www.aseansec.org/politics/arf_ch2c.htm.

- 13 Typical of this attitude are the following excerpts from the Chairman's Statement summarising the Seventh Meeting of the ASEAN Regional Forum in Bangkok, Thailand, 27 July 2000: "5. The Ministers reaffirmed that as it moves forward, the ARF should continue to develop at a pace comfortable to all participants, decisions be made by consensus and confidence-building remains key to the process..." and "35. The Ministers underscored the significance of confidence-building as a foundation and the primary focus of the ARF process. They agreed that while moving towards preventive diplomacy, the ARF should continue to strengthen its confidence-building process so as to ensure effective implementation of CBM which would meaningfully augment the comfort level, trust and understanding as well as co-operation among the ARF participants...", text can be found in http://www.aseansec.org/politics/pol_arf7.htm.
- 14 Distillation of Agreed CBM from the First up to the Fourth ARF, undated paper, early 1998, text can be found in: <http://www.aseansec.org/politics/arf5xe.htm>.
- 15 See also Benjamin L. Self and Yuki Tatsumi (eds.) *Confidence-building Measures and Security Issues in Northeast Asia* (Washington, D.C.: The Henry L. Stimson Center, Report No. 33, February 2000); Ranjeet K. Singh (ed.), *Investigating Confidence-Building Measures in the Asia-Pacific* (Washington, D.C.: The Henry L. Stimson Center, Report No. 28, May 1999).
- 16 *Concept and Principles of Preventive Diplomacy*, Seventh ASEAN Regional Forum Ministerial Meeting, Bangkok, Thailand, 27 July 2000; text in: <http://www.aseansec.org/politics/arf7c.htm>.
- 17 The ARF definition of preventive diplomacy is "...preventive diplomacy is consensual diplomatic and political action taken by sovereign states with the consent of all directly involved parties: (1) to help prevent disputes and conflicts from arising between states that could potentially pose a threat to regional peace and stability; (2) to help prevent such disputes and conflicts from escalating into armed confrontation; and (3) to help minimise the impact of such disputes and conflicts on the region" (*Concept and Principles of Preventive Diplomacy*, op. cit., paragraph 7).
- 18 See Diana Chigas, with Elizabeth McClintock and Christophe Kamp, "Preventive Diplomacy and the Organisation for Security and Co-operation in Europe: Creating Incentives for Dialogue and Co-operation" in: Abram Chayes and Antonia Handler Chayes (eds.), *Preventing Conflict in the Post-Communist World. Mobilising International and Regional Organisations* (Washington, D.C.: The Brookings Institution, 1996) pp. 25–97.
- 19 This description concerns only governmental international organisations, not non-governmental organisations (NGOs).

- 20 Chairman's statement after the Seventh Meeting of the ASEAN Regional Forum, Bangkok, Thailand, 27 July 2000, paragraphs 6 and 7.
- 21 See Robert A. Dahl, *Polyarchy — Participation and Opposition* (New York and London: Yale University Press, 1971)
- 22 Text can be found in http://www.aseansec.org/politics/pol_agr7.htm.

ANNEX – OSCE STRUCTURES AND INSTITUTIONS

OSCE Structures and Institutions



AFTERWORD

LEARNING FROM THE OSCE EXPERIENCE

BY
KWA CHONG GUAN

The OSCE and the ARF: Similar Beginnings

In hindsight, it is now apparent that when we in the Asia-Pacific were convening in Bangkok in July 1994 to inaugurate the ASEAN Regional Forum (ARF), an equally, if not more momentous event was occurring in Budapest where our European colleagues were planning to transform their Conference for Security and Co-operation in Europe (CSCE) into an Organisation for Security and Co-operation in Europe (OSCE). In retrospect, the origins of both organisations were arguably similar.

Both grew out of earlier meetings and arrangements: the ARF grew out of the annual post-Ministerial Conferences (ASEAN-PMC) convened by ASEAN with its dialogue partners while the OSCE grew out of the CSCE established in 1975. Both the ASEAN-PMC and the CSCE were in effect nothing more than a series of meetings; or one long meeting over several sessions which break out into smaller workshops, seminars and discussions. Neither the ASEAN-PMC nor the CSCE claimed to be grounded in international law and its obligations. Neither the ASEAN-PMC nor the CSCE had any competence, especially legal competence, to influence and shape the decisions and actions of its members and other institutions. Any decision to act was arrived at through consensus and co-operation of members. Both the ASEAN-PMC and the CSCE were in effect archetypal co-operative structures. Both depended upon co-operation of their members for their progress. Neither had a secretariat nor any material resources to do much. Both were dependent upon members to provide the means to action.

However, where the ASEAN Regional Forum which evolved out of the ASEAN Post-Ministerial Conferences remains totally dependent upon members conforming to and acting within norms and principles that they had earlier defined and agreed to, the CSCE evolved into a formal international organisation with a Secretariat in Vienna and the capacity to engage in

conflict resolution by assisting in the negotiation of ceasefires and conducting peacekeeping operations in parts of the former Soviet Union. In contrast, the ARF has not moved to discuss, much less defuse any of the flashpoints and hotspots for violent conflict in the Asia-Pacific. Where both the AFR and the old CSCE have been criticised for being nothing more than an ineffectual talk shop, a process without an end for Foreign Ministers and their officials to justify their existence, the CSCE as the OSCE has risen to tackling the challenges of post-Cold War European security such as the collapse of Yugoslavia.

The origins of both the ARF and the OSCE today are therefore similar, and their evolution has been broadly similar. But the similarities end there. The ARF today remains, like the CSCE in its early years, a series of meetings and conferences. But the CSCE has gone on to develop a series of permanent institutions from 1989 and on 1 January 1995 became an Organisation. The Conference for Security Co-operation in the Asia Pacific Working Group on Confidence & Security Building Measures convened a Workshop on 31 May – 1 June 2000 to hear about the workings of the OSCE and explore whether there are any lessons for us in the Asia-Pacific.

Why Should the ARF Learn from the OSCE?

Three factors will, I want to argue, shape any lessons we want to draw about the relevance and applicability of the OSCE experience and its instruments to the Asia-Pacific.

The first factor is essentially an argument about a time lag between European and Asian historical development. The argument is that we are today living with a Europe defined by a network of democratic political institutions built on a common social and cultural bedrock reinforced by a dense network of institutional, cultural and social linkages which the OSCE draws upon. In contrast, Asia does not have any of these traits and, in Aron Friedberg's¹ phrase, is "ripe for rivalry". "Europe's past," as Aaron Friedberg has argued, "could be Asia's future." The challenge for the ARF then is whether it can rise to the challenge of preventing Asia having to live in Europe's past by learning from the OSCE and transmitting these lessons from the OSCE to Asia.

There are, however, three interlinked assumptions underlying this time lag argument. The first, and fundamental, assumption about this time lag argument is that there is a broadly similar evolution of regional arrangements for conflict prevention and resolution as understood in Chapter VIII of the U.N. Charter. This assumption is a variation of the infamous "end of History" argument popularised by Francis Fukuyama. So the fact that ASEAN, which

predates the CSCE by a full decade, did not evolve as the CSCE did, and develop more concrete instruments of conflict prevention and resolution, other than the Treaty of Amity and Co-operation, is perceived a weakness, if not failure, of ASEAN. ASEAN's claims to have developed its own style and *modus operandi*, which it argues has applicability to the wider Asia-Pacific region is questioned. This much-vaunted "ASEAN way" has not resolved any of the region's conflicts. At best, this ASEAN way has diffused the tension and enabled conflicting parties to live with each other. It is a way that has questionable application to other areas in the Asia-Pacific, especially the Korean peninsula. The argument is that the ARF will have to evolve OSCE-type instruments for the de-escalation of strategic rivalry and protracted conflicts if it is to remain relevant and survive.

The second assumption is that Europe has a head start, and will continue to lead not only Asia but much of the rest of the world in developing new frameworks and institutions about how to order our lives. The nation-state that governs much of lives today may have evolved out of arrangements made at Westphalia some 350 years ago, and today it is the West Europeans who are leading the world in revising this Westphalia legacy in their development of a European Union. The implication of this time lag argument is that it is not simply an issue of when to transplant one or more OSCE type-instruments into the ARF, but that Europe is establishing new norms of security co-operation with which we in Asia and other regions of the world will have to come to terms. Most of us in Asia are living within the Modern World regulated by the classical Westphalian nation-state within a United Nations community of states. Some of us in Asia are still living within a Pre-modern World of authoritarian and weak states. Today, it is Europe that is leading, or pulling, us into a Post-modern World order. Where the Modern World was born with the Peace of Westphalia, the Post-modern world order begins with the Treaty of Rome and is consolidated in the Treaty on Conventional Forces in Europe. Both these treaties are argued to be conscious and successful attempts to go beyond the anarchic balance of power between nation-states and their destructive nationalisms.

The third assumption underlying this time lag argument is that time may not be on Asia's side in its development of alternatives to OSCE-type instruments to prevent and resolve its conflicts. Europe had the luxury of time to slowly evolve its institutions. The beginning of the CSCE was not 1975, but the 1966 Warsaw Pact's proposal for a European Security Conference. Perhaps the beginnings of the CSCE can be pushed back to Nikita Khrushchev's mid-1950 proposals for a security dialogue. But Asia may not have similar time frames to evolve its security arrangements. Asia may have progressed from the water buffalo to the integrated circuit in a generation and created an "East Asian

Miracle”. However, Asia’s political and security development and arrangements have not kept pace with its economic development. Asia is assessed to be still in a phase of nationalistic development that is not conducive to security co-operation and accommodation. Asia will have to search for a “shortcut” for its security co-operation if this time gap between its political and economic and technological development is not to widen and create security problems. The OSCE way is therefore the “shortcut” that Asia should go on.

The challenge for us in Asia is whether we accept these three essentially Eurocentric assumptions about our world.² A number of Asian leaders, notably the former Malaysian Deputy Prime Minister Anwar Ibrahim,³ have envisioned an “Asian Renaissance” leading a new world order. For many others, a rising China as a central feature of a new world order challenges European (and American) assumptions of their model of the world. Therefore, to the extent that we accept these three Eurocentric assumptions about our world, then we also accept their post-colonial implications and try to learn from the OSCE how to restructure our security. But to the extent that we are uncomfortable with these assumptions, then we need to craft a response to the OSCE challenge for a post-modern world order. The second and third factors I now define are about our response to the relevance and applicability of the OSCE experience and its instruments to our world.

Practising Security the ASEAN Way

The second factor that shapes our thinking about the relevance of the OSCE experience to our part of the world is the cultural argument based on the old distinction that the East is the East and the West is the West. Much of the norms and practices of the ASEAN Way can be traced back to the proposals made at the 1955 Asia-African Conference at Bandung and earlier. The Asian way to peace⁴ we have been developing since Bandung is based upon building social relationships of solidarity founded upon affinity, affection or kinship, *gemeinschaft* in the terminology of the sociologist Ferdinand Tönnies, rather than upon contractual relations founded upon a division of labour and responsibilities, or *gesellschaft*. *Gemeinschaft* leads to mutual trust and consensus building, towards *mufakat* as we in ASEAN term it, through a process of *mushawarah* between brothers and friends.

In contrast, *gesellschaft* is supposed to be framed within Cartesian logic of clearly demarcated worlds driven by self-interest that leads to formal contracting and legalisation of international relations. This logic of legalising relations assumes that creation of some kind of organisation within which co-

operation with others and accommodation of their interests can be practised, and its progress monitored and measured according to an agreed set of criteria and rules, is the preferred course of action. States and their governments, if they rationally think through their interest, must conclude that some form of formal arrangements, the legalisation of their agreement to co-operate, is preferable to looser, unspecified arrangements based on gentlemen's agreements. The OSCE is about the legalisation of international relations while the ARF is about institutionalisation of regional security without legalisation.

The ASEAN Way is a more reflective process that recognises the difference of values, norms and practices among nations and therefore emphasises the search for commonalities and understanding of each other, the building of confidence in each other. The ASEAN way prefers to work towards shared objectives through informal incrementalism rather than the drawing up of master plans for the establishment of organisations with carefully worded missions and constitutions. ASEAN incrementalism instead stresses the utility of non-institutional frameworks for discussion, while operational follow-up is entrusted to organisations without elaborate constitutional specifications. Building trust among leaders which will then trickle down to drive the implementation of plans is the preferred approach, in contrast to the Western approach of building up co-operation and understanding from inside a legal framework.

The ARF and the OSCE: Located in Different Geopolitical Worlds

The third factor that shapes our thinking about the relevance of the European experience for the Asia-Pacific is the different strategic environments within which the ARF and the OSCE operates. The ARF and the OSCE are both post-Cold War attempts to construct a new framework for security. But the Cold War ended rather differently in Europe and in the Asia-Pacific. In Europe none can forget the tension and drama of the breaking up of the Berlin Wall. In contrast, the Cold War passed without too many of us in Asia recognising its significance. This is because we have more memories of other conflicts and rivalries.⁵

In academic terms, the paradigm of realism that defined and structured the Cold War could not explain the end of that Cold War. This failure of realism to explain the end of the world it had created is perceived to have therefore forfeited its right to predict the shape and structure of the new world order that had to be constructed out of the rubble of the Cold War. Realism's rival paradigm, institutionalism in its neo-liberal, internationalist

or multilateral forms, may therefore be a better guide to the future. Both realism and institutionalism agree that a utilitarian and rationalistic State and its actions are central to the structure of the international system, which is basically anarchic. But whereas realism argues that conflict and war are constants in this anarchic system, internationalism argues the contrary that they are variables and anarchy can be ameliorated by co-operative actions. For the institutionalist, governance is the key to unlocking the door to what kind of world we want to live in. Leadership, decision-making processes and political will and intentions will change and shape the international system.

It was into this debate about whether we continue to live in a realist world structured by alliances and balances of power to maximise State security and survival, or can move to a more institutionalised world governed by co-operation and accommodation that both the CSCE/OSCE and the ARF were born into. Both the ARF and the OSCE were founded on the institutionalist hope of co-operation and accommodation in security. Both the ARF and the OSCE were expected to mediate the transformation from the realist world of alliances and coercive diplomacy to an institutionalist world of co-existence and co-operation based on common norms and principles.

In Europe the break-up of the Berlin Wall marked a fundamental shift in how Europeans thought about how they related to each other. The architecture of European security drawn up at the Yalta conference was completely dismantled. Europeans saw the inauguration of a new Europe based on the ideas of market economics contained in Basket II and especially human rights enshrined in Basket III of the old CSCE. The *realpolitik* of how nation-states related to each other framed in Basket I of the CSCE was *passé*. Co-operative activities for common interests and mutual benefits would define the new Europe. But in the Asia-Pacific the strategic environment was quite different.

The 1951 San Francisco Peace Treaty provisions for the ending of World War II in the Pacific and the planning for a new post-war order have not been dismantled. The San Francisco Peace Treaty was drafted as the chill of the Cold War was starting to freeze Asia. The Soviet Union denounced the treaty, pointing out that it was “not a treaty of peace, but a treaty for preparation of a new war in the Far East”. Their proposed amendments and attempts to get China into the negotiations for the Treaty were rejected. They eventually did not sign the Treaty. The network of alliances that the United States went on to conclude with Australia and New Zealand on 1 September 1951; with Japan on 7 and 8 September and with the Philippines after finalising the San Francisco Treaty are still in place. These treaties, together with similar treaties the U.S. concluded with South Korea in 1953, Taiwan in 1954 and Thailand in 1961, effectively defined the Cold War in the Asia-Pacific. These treaties are still in

force today. The U.S. forward-deployed military forces in the region remain. And the U.S. Department of Defence in a series of East Asian Strategy Reports has reaffirmed that this forward deployment of approximately 100,000 troops would remain for the foreseeable future.

Has the Cold War ended in the Asia-Pacific? As a confrontation of conflicting political ideologies, the Cold War has ended. But has the Cold War as a structure of confrontation between major powers ended? In Europe achieving and maintaining a balance among major powers is considered *passé*. The OSCE is concerned with a rather different set of issues and problems. But in the Asia-Pacific we continue to talk of balancing powers.⁶ Many of us perceive the relationship between Beijing, Tokyo and Washington to be crucial to the stability of the region. The realist paradigm continues to shape our vision of the world. How relevant is the OSCE experience after 1994 in helping us in the Asia-Pacific to think through our fundamental problem of how to shape and move the relations between the major powers, principally between a dominant U.S. and an emerging China, to ensure a more peaceful and stable 21st century?⁷ How relevant the OSCE experience and its instruments are for Asia will in large part be dependent upon how well they can be fitted into our evolving understanding and practice of security.⁸

Conclusion: "We Asians" in Relation to Europe and the OSCE

In conclusion, the relevance of the OSCE experience for us in the Asia-Pacific, I argued, will be largely dependent upon how we perceive ourselves. To the extent that we in Asia think ourselves different from Europeans or, for that matter, the rest of the world, then the OSCE experience will be irrelevant for us. We are not on a path of political and historical development parallel to Europe and encountering similar challenges and issues which we can then look to Europe to learn the solutions. We will have to work our own solutions to our own problems. This has been attempted by a number of policy institutions in the Asia-Pacific and their recommendations have been submitted to the ARF.⁹

However, if we reflect upon who we are and change the way we think about ourselves, see similarities rather than differences between us and the rest of the world, then perhaps the OSCE experience may be relevant for us. Much will depend upon how we perceive our relations with Europe and reception of our European heritage.¹⁰ Our attitude towards the OSCE and the lessons we choose to learn from it will in large part be dependent upon the state of our relations with the European Union. As we reflect on the OSCE experience we should perhaps ask whether that OSCE experience was a result of strategic change in Europe that made the European Union or was the OSCE, and its predecessor, a cause of that change? We will draw a rather different set of inferences about

the relevance of the OSCE experience for us if we think that the CSCE/OSCE was a cause of, rather than beneficiary of, inevitable historical change. Was the CSCE's advocacy of market economics, democracy and human rights one of the factors for change in Europe which culminated in the implosion of the old Soviet Union? If we think that the CSCE/OSCE process contributed to changing the security of Europe, then perhaps the ARF process could similarly change the security of the Asia-Pacific.

Notes

- 1 Aron L. Friedberg, "Ripe for rivalry; Prospects for peace in a multipolar Asia" in *International Security* 18/iii (1999–94), pp. 5–33
- 2 See, for example, Wolf Lepenies, *The End of the Cultural Westernisation of the World? Commentary by Wang Gungwu* (Singapore: Goethe Institute & Asia-Europe Foundation, 1998); or more recently, J.M. Blaut's unravelling in his *Eight Eurocentric Historians* (New York: Guilford Press, 2000) of the Eurocentricism underpinning several best-selling global histories, among them, Jared Diamond's *Guns, Germs and Steel: A Short History of Everybody for the Last 13,000 years* or David Laundes' *The Wealth and Poverty of Nations*.
- 3 Anwar Ibrahim, *An Asian Renaissance* (Singapore/Kuala Lumpur: Times Books International, 1996). Note also François Godement, *La renaissance de l'Asie* (Paris: Édn. Odile Jacob, 1996), or James Fallows, *Looking at the Sun; The Rise of the New East Asian Economic and Political System* (New York: Pantheon Books, 1994).
- 4 See M. Haas, *The Asian Way to Peace: A Story of Regional Co-operation* (New York: Praeger, 1989) for an explication and outline of the development of Asian regional co-operation.
- 5 See, for example, Dalchoong Kim and Chung-in Moon (eds.), *History, Cognition and Peace in East Asia* (Seoul: Yonsei University Press, 1997) for an analysis of East Asian memories of peace and conflict in Northeast Asia.
- 6 See, for example, Paul Dibb, *Towards a New Balance of Power in Asia*, Adelphi Paper 295 (London: Oxford University Press for Institute of International Studies, 1995).
- 7 Hence the growing series of titles on China as a "threat" and "engaging" China, for example, J. Shinn (ed.), *Weaving the Net: Conditional Engagement with China* (New York: Council on Foreign Relations, 1996) or A.I. Johnston and R.S. Ross (eds.), *Engaging China: The Management of an Emerging Power* (London: Routledge, 1999).
- 8 On this issue of Asia's security practices and security orders, see especially Muthiah Alagappa (ed.), *Asian Security Practice: Material and Ideational Influences* (Stanford: Stanford University Press, 1998); and Muthiah Alagappa (ed.), *Asian Security Order: Instrumental and Normative Features* (Stanford: Stanford University Press, 2003).

- 9 Both the ASEAN Institutes of Strategic & International Studies and the Council for Security Co-operation in the Asia-Pacific submitted to the ARF in the first half of 2002 their proposals and recommendations for the future of the Forum. The Institute of Defence and Strategic Studies also issued A New Agenda for the ASEAN Regional Forum, Monograph No. 4 (Singapore: Institute of Defence and Strategic Studies, 2002). The IDSS Agenda pointed out that there are at least six areas in which the ARF can learn from the OSCE: (i) establishing a secretariat; (ii) developing fact-finding and good offices missions; (iii) convening meetings to address emergency situations; (iv) widening the range of Confidence Building Measures the Forum could adopt; (v) establishing a Conflict Prevention Centre; and (vi) formulate norms for the protection of minority ethnic groups. See also the recommendations of the Asia-Europe Meeting (ASEM) Vision Group on ARF-OSCE co-operation reported in M. Reiterer, *Asia-Europe: Do They Meet? Reflections on the Asia-Europe Meeting (ASEM)* (Singapore: Asia-Europe Foundation, 2002), p. 126
- 10 S. Chirathivat et al (eds.), *Asia-Europe on the Eve of the 21st Century* (Bangkok/Singapore: Centre for European Studies, Chulalongkorn University and Institute of South East Asian Studies, 2001); and H. Maull et al (eds.), *Europe and the Asia-Pacific* (London: Routledge, 1998) are two compilations of the state of Asia-Europe relations.

The ASEAN Regional Forum (ARF) and the Organisation for Security and Co-operation in Europe (OSCE) were both established in 1994. Their development since 1994 has, however, been very different. The ARF remains an annual meeting supported by more frequent meetings of Senior Officials while the OSCE has grown a secretariat and engages in peacekeeping operations. This monograph describes the development of the OSCE from the earlier Conference on Security and Co-operation in Europe, its expansion in the 1990s and its achievements. The intent of this monograph is to raise and discuss the issue whether this OSCE experience is relevant to the ARF. Are there lessons for the ARF to learn from the OSCE as both institutions move into the 21st century?

About the Author

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