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**OSCE
NEW TASKS AND OPTIONS IN THE
XXI CENTURY**

BY

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Strategic Research Paper

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OSCE

New Tasks and Options in the XXI Century

by

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ABSTRACT

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Significant changes in political, security and economic affairs are taking place in Europe. They will have tremendous influence on the future order in this part of the world. Europe is especially discussing a new cooperative security structure. This study is designed to provide a overview of possible developments of the OSCE, its functions, and consider its future as Europe moves into the XXI Century. It does not deal with the historical and political background of CSCS and OSCE.

1. Introduction

This strategic research paper is designed to provide an overview of possible developments of the OSCE, its functions, and consider its future as Europe moves into the XXI Century. It does not deal with the historical and political background.

Experiences with regional security in Europe cannot easily be generalized because each experience has unique specific circumstances. One such organization, often forgotten due to the importance of other organizations such as NATO and WEU, is the Organization on Security and Cooperation in Europe (OSCE)¹. The OSCE grew out of the Conference on Security and Cooperation in Europe (CSCE). When the CSCE was created, it marked a period of detente in East-West relations. The CSCE survived the deterioration of East-West relations at the end of the seventies and in the early eighties. It also offered the framework for the changes in Central and Eastern Europe which led to the breakdown of the Warsaw Pact and the end of East-West confrontation. However, as the CSCE has never been confined to the bilateral structure of the East-West confrontation. It wasn't ready to provide the framework for European security policy in the post-Cold War phase. The same has been true for the security policy instruments developed in the CSCE/OSCE framework. There is no doubt that the first instruments had been shaped under the specific conditions of the East-West confrontation. The participation of the European Neutral and Non-Aligned (N+NA) states contributed some inputs which were shaped to operate not only in a bipolar framework but could also work in a more complex environment.²

Because of its specific history and concentration on European security, the CSCE/OSCE experience, therefore, cannot be simply transferred to situations on other parts of the world to confront changed geopolitical constellations. It could, however, serve as an example of how the problem of regional security has been addressed in one part of the world and which instruments have been developed as a result.

2. Organization, Characteristics, Development and Structures of the OSCE

The Organization on Security and Cooperation in Europe (OSCE) evolved from the process initiated by the Conference on Security and Cooperation in Europe (CSCE) in 1994. The ideas for a European security conference date back to the fifties and the early sixties when the Soviet Union proposed such conference projects to achieve the West's recognition of the German Democratic Republic. Western proposals were made since the middle of the 1960's for negotiations on force reduction in Europe. During the seventies, two respective conference projects were realized. One was the negotiation on mutual and balanced force reductions (MBFR) which took place in Vienna from 1973 to 1989. The other one was the original Conference on Security and Cooperation in Europe (CSCE) which took place from 1973 to 1975 in Helsinki and Geneva, and was concluded with the Helsinki Final Act of 1975.

Since its establishment, the CSCE framework had a broad design, addressing military, economic and political stability. Its agenda stretched across the entire spectrum of international relations, from basic rules of security³, more specific regulations for military conduct (confidence building measures, CBMs), to economic relations and the human dimension.⁴ It was the only forum explicitly designed for Europe, yet it included European and non-European participants (USA and Canada). Further, it was the only forum encompassing states belonging to the Eastern Western alliances, but also neutral, non-aligned and other countries.

The OSCE differs from other institutions for European security in several respects. The most relevant difference is the fact that, as its original name ("CSCE") suggested, it was not created from the outset as an international organization under international law. It derived from twenty years of conferences and meetings and lead step-by-step to permanent institutions. Therefore, the term "membership" has been

avoided in the CSCE/OSCE. States admitted to the original CSCE or having joined the process at a later stage have been described as "participating states". Secondly, it retained major characteristics of its original scope as a multilateral coalition.

The former CSCE process⁵ grew from a one-time event to a series of conferences and forums. It finally led to the gradual emerging of an organizational structure which was finally ratified and renamed the "Organization of Security and Cooperation in Europe".⁶ Its origin was the CSCE Follow-up meetings in Belgrade (1977-1978), Madrid (1980-1983), Vienna (1986-1989), Helsinki (1992) and Budapest (1994). Out of these meetings grew several specialized conferences on each of the subjects covered by the broad agenda of the CSCE, most notable in the field of military security.⁷ They were the Conference on Confidence and Security Building Measures and Disarmament (CDE) in Stockholm (1984-1986), and the Negotiations on Confidence and Security Building Measures in Vienna (1989-1992). In addition, Negotiations on Conventional Armed Forces in Europe (1989-1990) were held.

3. The Role of the OSCE in the European Institutional System⁸

Several models have been proposed to improve the division of labor among the various institutions operating in Europe in order to "interconnect" them more effectively:

- One of the models advocates a clear cut sharing of tasks between institutions with a large membership and a reputation for impartiality (UN and the OSCE), and those with limited membership and a more pronounced operational propensity (NATO and the Western European Union). The former would play a legitimizing role for the operations carried out by the latter.⁹ Available experience in Bosnia shows that this model cannot be applied to all cases. On the one hand, both the UN and the OSCE have taken

over a growing operational role in the prevention and management of crises. On the other hand, however, several political and practical obstacles still stand in the way of the use of NATO and WEU in some operational roles. As a matter of fact, NATO, the WEU and even the EU are currently performing some missions under the aegis of the UN or the OSCE.

- Another model assigns the OSCE general coordination and supervision of the activities carried out by all European institutions. This means the creation of an Executive Committee modeled on the UN Security Council. This proposal is strongly supported by the Russians, who are interested in preventing the enlargement of Western institutions (especially NATO) and in obtaining legitimation for the Commonwealth of Independent States (CIS). This model needs to consider the different views of their members:

- **Russia** sees the OSCE as an instrument for obtaining recognition of its predominant role in the CIS area. However, it is reluctant to carry out this role according to OSCE rules.

- **Western countries** are not against Russia playing a stabilizing role in the CIS area, but they are unwilling to give Moscow **carte blanche** to carry out actions which violate international rules. In general, acceptance of a Russian sphere of influence in the CIS area could seriously compromise some fundamental principles of the OSCE, such as the indivisibility of security and the equality of rights and obligations among the participating states.

- The **US** is firmly opposed to the idea of putting the OSCE in charge of overall coordination of the European institutional system for fear, among other things, that NATO's freedom of action could be jeopardized.

- Some analysts argue that even partial acceptance of the Russian proposal concerning the OSCE could make the enlargement of NATO more easily acceptable to Moscow¹⁰. If this should amount to assigning Russia a special status within the OSCE, it would involve the risk of altering the organization's basic features and compromising its specific role. Consultations with Moscow could be developed in other institutional frameworks such as the North Atlantic Cooperation Council (NACC),¹¹ or through new institutional mechanisms.

- The US administration has recently demonstrated a more positive assessment of the OSCE's activities and potential than in the past, emphasizing its contribution to early warning and crisis prevention.¹² However, the US maintains a minimal concept of the OSCE's role, as shown by its low profile participation in the Budapest Conference.

- A joint Dutch-German proposal provides at the Budapest Conference was inspired by their similar view on the relationship between the UN and the OSCE. It called for full utilization of the OSCE as an instrument for dealing with the early stages of tensions and conflicts in Europe. According to the proposal, the OSCE should refer a matter to the UN Security Council in case CSCE efforts are frustrated and enforcement action is required.¹⁴ This approach, known as "CSCE first", failed to obtain the necessary consensus in Budapest because of last-minute contrasts which nevertheless appear to overcome. It can thus be repropose at the future meetings with reasonable prospects of success.

In an articulated European institutional system, it is difficult to conceive of the supremacy of any single institution over the others or of the establishment of the hierarchical relations among them. What is needed is clearer functional differentiation and more effective coordination. To this end, the OSCE should be assigned a special, if not exclusive, role in its own fields of specification in the security field.

In any case, a strengthening of the mechanisms for cooperation with the UN is of crucial importance for the future of the OSCE. Experience in the geographic areas in which both institutions have been involved has shown that these mechanisms are still in a very early stage. The general goal should be implementation of the decision taken in Helsinki (1992) to transform the pan-European organization into a "regional arrangement" pursuant to Chapter VIII of the UN Charter.

Specific agreements with other Euro-Atlantic organizations are also needed. NATO and the WEU have long declared their readiness to act under the aegis of the OSCE. EU, whose driving role within the pan-European organization was evident in all crucial phases of the political debate that took place during the Italian Chairmanship must also be involved. The purpose of those agreements should be to ensure a continuum in the action of the various institutions, especially in the security field, making the most of their respective specialized functions.

4. The OSCE in the Concept of "Interlocking Institution"

The CSCE was frequently portrayed as an organization that should maintain and strengthen "stability", and should define the postwar order of Europe. In its early stages, the Eastern representatives emphasized principles such as the inviolability of frontiers (ignoring that even the Helsinki Final Act had explicitly allowed for a peaceful change of frontiers) and the non-interference in internal affairs.¹⁵ In contrast, the original idea in West-Europe (including also the neutral democracies) was to emphasize the human dimension and to enable peaceful change, and thus to subvert the communist system. It is no coincidence that major human rights movements in the former communist countries explicitly referred to the CSCE organization. The CSCE process (facilitating and giving the framework for peaceful change towards democracy and freedom in most of the countries) apparently worked more according to the Western than

the Eastern and other "Socialist" expectations, facilitating and giving the framework for peaceful change towards democracy and freedom in most of these countries. As the CSCE was a forum rather than a rigid international organization, it also could preserve its flexibility and adapt itself to changing circumstances.

Since the CSCE was a forum, not a rigid international organization, it appeared paradoxical, when the idea of a "European architecture" was revived in once it attempted to freeze developments in a sort of rigid structure. The attempt to bring the OSCE in any sort of "architecture" of rigid "stability" would have vindicated the thinking of those who had unsuccessfully tried to push the CSCE into becoming such a rigid structure to preserve the old European order in the name of stability. By doing so, it would have most probably eliminated the dynamism which had characterized the whole CSCE process. On the other hand, the fact that the CSCE has been developed into the OSCE requires a conceptual framework how the character of an organization would determine the OSCE's relation to already existing European/Europe-related organizations and institutions.¹⁶ This appears the more relevant to prevent not only the misperceptions about any sort of "European architecture" and the fears about parallel structures leading to competition with already existing organizations or institutions, or even undermining their existence.

5. New Tasks and Options for the OSCE¹⁷

The conflict spectrum shifted from remote large-scale wars between East and West to an increasing number of low-intensity conflicts with an inherent danger to escalate to larger regional conflicts. The former Yugoslavia is a good example. In response to this development, the OSCE operations of preventing diplomacy have gained increasing relevance and frequency.

As Europe moves toward the XXI Century, OSCE has a number of new roles it could provide as a regional security organization:

a) It could grow into the "European Superstructure".

This option would allow OSCE to evolve into a full-scale international organization under international law, encompassing the whole array of participating states and the whole range of the OSCE agenda. It would, to a certain degree, duplicate already existing European/Europe-related organizations or institutions with regard to the respective baskets of the OSCE. For example, the security dimension (basket 1)^{18 19} could duplicate some functions of the North Atlantic Cooperation Council (NACC), especially with regard to military cooperation. It may even form the framework for a future common defense system of the participating states. The economic dimension (basket 2)²⁰ would, to a certain degree, duplicate the function of existing institutions either in the ECE or in the European Union and the human dimension (basket 3)²¹ would duplicate the functions of the human rights mechanisms according to the European Convention on Human Rights. Further-reaching concepts might even envision incorporating the function of limited collective security as a possible role for a regional organization. Thus, it would also have the task of enforcement against any potential future aggressor within the system.²² An even wider role would lead to incorporation up the function of collective defense against any future potential aggressor from the outside.

Any such full-scale organization would compete with the existing European organizations and institutions due to its comprehensive membership as well as its comprehensive agenda. It does not necessarily mean that it could better contribute than the already existing framework to maintain and promote European security. It still would have to cope with the problems of potentially highly diverse national perceptions

about sources and remedies of conflicts. This fact immobilized the UN Security Council for more than four decades and also inhibited timely action by the European organizations in the Yugoslavian crisis.²³ It should, however, not be rejected as irrelevant for any European "superstructure". Arguments are that these shortcomings could be eliminated by abandoning the consensus rule which allows any state in question to block an adverse decision. It must not be seen as the one and only obstacle for an effective decision-making process. As the example of the UN Security Council has shown, even reducing the number of decision-makers to a smaller group with a qualified majority rule does not always function well. Any similar construction within the OSCE framework would most likely be confronted with similar problems.

b) As a second option, **OSCE could merge into existing European/Europe-related Organizations.**

The evident parallelism between existing European/Europe-related organizations and the basket roles of the OSCE may also lead to reverse conclusions. From this perspective, the OSCE would merely serve as a transitional structure to be replaced in the long term by the already existing organizations. It would become superfluous as soon as all participating states had finally joined one or the other organization. One may argue, for example, that the functions of the human dimension may be best served if all participating states had ratified the European Convention on Human Rights and had submitted themselves to the examination of the Strasbourg Commission and Court. If this occurred, the relevant provisions and mechanisms of the OSCE would then become superfluous. Similar considerations were true for all-supporting membership in the EU with regard to the economic dimension and for all-supporting membership in NACC or even in NATO itself for the OSCE's security dimension. The OSCE would then only be a "waiting room" for states going to join, on the long term, existing European/Europe-related organizations.²⁴

There was some logic in continuing the work of already existing organizations and institutions rather than in creating new ones. This approach is not without problems, for members of existing organizations appear quite reluctant to expand their membership. This is particularly true for the EU which only recently admitted the "old" democracies (i.e. Austria, Sweden etc.). It also pertains to NATO which, until now, has been closed for membership despite urgent requests by some of the new democracies. The formation of the North Atlantic Cooperative Council (NACC) and the Partnership for Peace (PfP) program has, to a certain extent, opened the door to broaden the scope, but it is still far from the all-supporting structure which could replace the OSCE in this particular field.

On the surface general membership may be less of a problem for the Council of Europe and, thus, for the human dimension, as soon as states applying for membership proved their adherence to democratic standards.²⁵ Here, however, the problem would emerge with the formal side of a potential membership of the (non-European) USA and Canada, not to speak of the Central Asian States (CIS).

One should also mention the paradoxical discrepancy between the apparent unwillingness to open membership in existing organization, on one hand, and the degree of jealousy and even fear of competition with which the OSCE is sometimes portrayed within some of these organizations on the other hand. It is understandable that these organizations do not want to burden themselves with the unavoidable problems of the formerly Eastern part of Europe. It nevertheless implies that in the foreseeable future they will remain less comprehensive than the OSCE framework and cannot easily replace it. So for the near future the OSCE and the other European organizations (NATO, WEU, EU etc.) will have to co-exist rather than replace each other.

c) If neither of the previous options were found to be acceptable a division of tasks and labor between the OSCE and the other existing Organizations could be considered.

This option for a relationship between the OSCE and the existing organizations means that one element would complement the other rather than compete with it. The solution would attempt to make the best out of the characteristics of each structure without necessarily forcing them into a formalized, rigid "architecture".

For the OSCE, this would sustain, as much as possible, its character as a forum and a flexible organization. Its main purpose would be to negotiate (rather than execute) rules and standards for the policies of the participating States and assist them in fulfilling the obligations which they had agreed to in the negotiations. This would include all issues where the participating States are willing to cooperate, but does not necessarily exclude activities initiated against the will of a State concerned. Its primary function as an instrument of cooperative (rather than collective) security would provide a mechanism for cooperation with another participating State vice coercion against them. This would allow States to extricate themselves from situations which otherwise were likely to escalate into confrontation or even armed conflict.

In this view, the OSCE would not cover the whole range of European security. It would not (and could not) provide for the collective defense of European and other participating states. It would not provide for collective security against an aggressor from within, enforcing it to abstain from aggression, or bear the consequences. These tasks would be left to other regional or global institutions and organizations which appear better structured even though, they are not always better able than the OSCE to achieve timely and adequate decisions.²⁶

6. Conclusions

In conclusion, in an era characterized by unprecedented prospects of cooperation among States, but also by large variety of risks, the consolidation of the OSCE's role as one of the pillars of European security will depend largely on its ability to make full use of its most promising resources:

- The close link between the protection of human rights and the promotion of security.
 - The authority it enjoys by virtue of its norm-setting function and the vast number of participating states.
 - The opportunities it provides for the gradual integration of the newly independent states.
 - The flexibility of its institutional structure and its mechanism.
- The OSCE faces two tasks: 1) retaining its role in traditional fields of intervention and 2) developing new capabilities in other fields of growing importance for the promotion of peace and stability in Europe.
- Significant progress has been made in the consolidation and intensification of the process of political consolidation which forms the core of the OSCE's activity. This ensures permanent political dialogue and also the continual mutual control needed to make commitments credible. Normative activity achieved remarkable new results, including areas which were previously considered the exclusive competence of the states. This growing "**common space**", made possible by the fall of material as well as ideological barriers, is an important token which can also provide a model for non-European countries.
- Of crucial importance is the OSCE's negotiation activity and, more generally, the political impulse and support the organization can give to the achievement of new cooperation agreements among the states at various levels. The OSCE will have a particularly important role to play in the revision of the current

arms control regime. This revision appears urgent in light of the changed geopolitical environment. It will have to ensure the maintenance of an overall military balance in the context of a reinforced system of mutual confidence and transparency. Therefore the OSCE will most probably not replace the existing organizations/institutions. Neither is it likely to be absorbed by them. It is most likely that the OSCE and the other existing European/Europe-related organizations/institutions will co-exist. Therefore, solutions have to be found to avoid duplication of efforts while simultaneously allowing the exploitation of the potential of each for the tasks it appears best suited. OSCE has many aspects to offer the region.²⁷ In adequate dimensions it will best fulfill its function within this division of labours. It is unique in several aspects:

-It has not been founded as an international organization from the outset. But, it has its origins in a loose set of conferences and meetings, geared to setting norms and monitoring their implementing without claiming to enforce them. These conference elements have been maintained even beyond the creation of permanent institutions.

-The OSCE became a typical institution of cooperative security policy. These is closely related to its origins as a conference where cooperation has been equivalent to successful achievement of its objective in norm setting. It also fully corresponds to the functions of a regional arrangement as defined by the UN Charters with its emphasis on cooperative measures. As much as such arrangements may be also utilized by the UN Security Council for enforcement actions under its authority, the enforcement operation in assisting the sanctions imposed against Yugoslavia underline this character.

-For the specific role in conflict prevention, the OSCE offers the cooperative advantage of broad participation. This sets it apart from all the other European institutions which sometimes claim the function of a "regional arrangement" but have, in reality, been limited to Western Europe, and thus confined to a sub-regional role. It has already embarked on a two-pronged approach in addressing both the roots of potential conflicts and the handling of actual emergency situations. The task should first offer chances for participating states to identify future conflicts before they actually break out, and before other instruments of security policy (collective security/collective defence) would have to be employed. By definition, this task could only be carried out when all states involved in, or potentially affected by such a conflict, would have the chance to participate in the common effort of conflict prevention. Second, it requires the participation of all states concerned.

- The OSCE is ideal for the concept of international security policy institutions as such, since their possibilities and shortcomings become clearly visible in the OSCE. International organizations or institutions do not operate independently from their member or participating States, but require the coordination and cooperation of the concerned states to function. The OSCE is particularly unique among international security policy institutions because its cooperative character dominates. This fact is more obvious than in other international bodies which claim the role of an independent actor on the international level but are, in reality, not a lesser degree depending upon the political will of the state acting and cooperating within their framework.²⁸ It would thus not be an advantage to advocate for the OSCE the role of a "full-fledged international organization" as a remedy for its shortcomings, as this step by itself would not improve its operability beyond cooperative security.

- The OSCE will fulfill its function as a "regional arrangement" within the framework of "interlocking institutions" best if it is employed in its proper dimension. Because of its unique feature of the broadest

participation and the agenda within the whole range of European/Europe-related institutions and organizations, its most adequate role will be in areas where a maximum involvement is required. The OSCE would not only give the guidelines and shape the "constitution" of the future Europe but would also contribute to peace and stability by making the conduct of states more predictable. This is even more true in the military field where the OSCE's Forum for Security Cooperation is still the only pan-European forum to negotiate arms control and military stability.

- It would appear most appropriate for the OSCE to retain as much of its character as possible to provide flexibility and to provide instruments of cooperative security. The measure provided by the Helsinki decisions and developed since then (fact-finding and rapporteur missions, monitor missions, good offices, counseling and conciliation, dispute settlement, peacekeeping and missions of preventing diplomacy and crisis management) would readily correspond to this function of cooperative security policy.

- The OSCE will best fit into the concept of "interlocking institutions" if it maintains its character as a flexible forum with broad participation and a broad agenda aimed at cooperative security. In its substance, the security policy within the OSCE should continue to emphasize the "cooperative" element. It would allow predictable conduct via regulations and the highest possible degree of openness and transparency in security policy to identify deviating conduct as early as possible, thus offer preventive "stabilizing" assistance from a third-party side via fact finding, rapporteur mission, good offices, and missions of preventive diplomacy etc.²⁹

It is evident that emphasizing cooperative security would still leave some open gaps, despite the broad range of the OSCE's security policy role.³⁰ It may, however, appear more realistic to concentrate the efforts within the OSCE on those areas where it could contribute to European security in a realistic way

than to raise expectations the OSCE would, in all probability, not be able to fulfill. There will still be a place for other multinational, bilateral or even individual efforts to prevent conflicts and to preserve European stability and security.³¹

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