

## The International Socialization of Post-Socialist Countries: The Role of the OSCE and the Council of Europe

### *Introduction*

The literature on the transformation and democratization of post-socialist countries pays little attention to the role of international organizations. However, this lacuna is in the process of being filled by the growing body of research on the international socialization of the former Eastern bloc.<sup>1</sup> Within this specialized subfield, it is generally assumed that international organizations are actively involved in a process aimed at the induction of new members into the ways of behaviour that are preferred in the Western community of values.<sup>2</sup> Yet this promising field of study tends to focus on the “usual suspects”, namely the EU and NATO, while the Council of Europe (CoE) and the OSCE are given short shrift. The implicit assumption of investigations into international socialization in the new Europe is that international organizations only matter as socializing agents if they administer large funds, as does the EU, or if they co-ordinate military capabilities, as does NATO. Yet this is a simplistic view.

In this article, we argue that both the CoE and the OSCE play an important role in the international socialization of Eastern Europe, South-eastern Europe, the Caucasus and, in the case of the OSCE, Central Asia.<sup>3</sup> To begin with, we show that, despite their very different previous institutional trajectories, after 1989 both organizations evolved into important norm entrepreneurs that have assisted the post-socialist countries in remaking themselves in the image of the West. Next, we inquire into the basis of their socializing potential and pinpoint their limitations as socializing agents. In the section that follows, we compare the socializing techniques that the two organizations use to motivate governments to come into compliance with the institutions’ expectations. This brings into focus important differences between the CoE and the OSCE, which we attribute to variations in their institutional structures. Finally, we identify the relative advantages and disad-

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1 Cf. Ronald H. Linden (ed.), *Norms and Nannies: The Impact of International Organizations on the Central and East European States*, Lanham/MD 2002, and the papers prepared for the workshop on “International Institutions and Socialization in the New Europe”, Florence, 22-23 February 2002.

2 This definition of socialization is adapted from James Barnes/Marshall Carter/Max Skidmore, *The World of Politics*, New York 1980, p. 35.

3 Hereinafter this collection of regions shall be referred to as “the East” or “the former Eastern bloc”.

vantages of the two socializing agents, and we consider important synergies and duplications in their socializing activities.

*A Common Organizational Purpose: Promoting Human Security in the East*

During the Cold War, the political purposes of the CoE and the CSCE diverged significantly. The former was created as a defender and promoter of democracy, human rights and the rule of law. As a human rights organization, it contributed significantly to the development of Western European political systems after 1949, notably through the European Convention on Human Rights. The CSCE, on the other hand, was created as a pan-European security institution designed to stabilize Europe's Cold-War order while at the same time making it more humane. The power of the norms of the Helsinki Final Act, in particular Principle VII of the Decalogue, respect for human rights and fundamental freedoms, and Basket III concerning co-operation in humanitarian issues, played an important role in the demise of communism.

Since the collapse of the Eastern bloc and the disintegration of the Soviet Union and Yugoslavia, the CoE and the OSCE have each developed additional organizational tasks, which are directed towards "making order" in the East, as one high-ranking diplomat interviewed by us put it.<sup>4</sup> The Western European human-rights organization expanded eastwards and endowed itself with new structures and programmes to better contribute to the development of liberal and democratic political systems in Eastern Europe, South-eastern Europe and the Caucasus. The Cold War security institution, for its part, refocused its activities on conflict prevention, conflict management and post-conflict rehabilitation in the East, based notably on its human-dimension commitments. The upshot of these adaptation processes was that the CoE and the OSCE found themselves pursuing the same *mission civilisatrice* in the East, even while continuing to pursue their established objectives.<sup>5</sup> What are the principled and causal beliefs around which the CoE and the OSCE's socializing activities in the East converge?

Principled beliefs are normative ideas about what is right and wrong. In the case of the CoE and the OSCE, the constitutive normative belief is that the proper reference point of domestic policies is *human security*. By this term we mean a concern with human life and dignity, including meaningful participation in the life of the community.<sup>6</sup> Human security, therefore, is

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4 Interview with a senior diplomat of an Eastern European state whose duties until earlier this year included covering both the OSCE and the CoE, 3 March 2003.

5 For instance, the OSCE continues to play an important role in arms control – its involvement in the Open Sky Treaty, the CSBM regime and the CFE Treaty come to mind – while the CoE continues to be at the forefront of concretizing and extending European legal norms.

6 Cf. United Nations Development Programme (UNDP), Human Development Report 1994, Oxford 1994, p. 22.

about emancipation from oppressive power structures and the promotion of institutions that guarantee civil, political and economic rights. While in some cases the promotion of human security means limiting state power, in others it implies strengthening the capacity of governmental institutions to provide security to the individual and to people collectively. Moreover, as institutions of European international society, the CoE and the OSCE are bound to promote the principle of human security in the context of the territorial integrity and sovereign equality of the members of this society of states.<sup>7</sup>

The CoE's commitment to building human security in the East is, *inter alia*, articulated in the 1993 Vienna Declaration.<sup>8</sup> In it, the heads of state and government of the member states committed the organization to playing a key role in backing the democratic transition and the protection of human rights in the East. And ever since the 1990 Charter of Paris for a New Europe, "respect for human rights and fundamental freedoms, democracy and the rule of law [has been] at the core of the OSCE's comprehensive concept of security".<sup>9</sup> In short, the ideology of both the CoE and the OSCE centres on the principled belief that it is proper for states to put people, their rights and their dignity at the centre of policy. The two organizations elaborated a host of regulatory norms through which the notion of human security is concretized in the form of specific prescriptions and proscriptions for action.

Closely linked to this normative idea are two causal beliefs, i.e. beliefs about cause-effect relationships. The CoE and the OSCE construe disrespect of human security by states not only as an illegitimate violation of citizens' rights, but also as proof of ignorance of how to govern effectively, without creating security risks at the domestic and international level. According to this causal belief, a "free society allowing everyone to fully participate in public life is a safeguard against conflict and instability".<sup>10</sup> In the context of the CoE, the concept of "democratic peace", which was elaborated by the aforementioned Vienna Summit, reflects the belief that there is an inverse correlation between, on the one hand, internal violence and war and, on the other, institutions that guarantee civil, political and economic rights. A second important causal belief is that the promotion of human security in post-socialist countries is a matter for international regulation and co-operation. Decades of communism and the pre-communist histories of the former East-

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7 This pragmatic approach of the two organizations, which seeks to make the human security agenda amenable to state policy-makers, stands in stark contrast to the view of critical scholars who, for normative reasons, oppose the incorporation of human security into state-centric policy frameworks and instead promote the principle of human security as a means to strengthen world society at the expense of international society.

8 Cf. Vienna Summit Declaration, 9 October 1993, available at: <http://cm.coe.int/ta/decl/1993/Vienna%20Summit%20Declaration.htm>.

9 Here quoted from: Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg (ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 425-443, here: p. 431 (para. 19).

10 ODIHR, OSCE Human Dimension Commitments. A Reference Guide, Warsaw 2001, p. xiv.

ern bloc countries have left social and political legacies that often pose serious obstacles to the implementation of the principle of human security. Hence, assistance, encouragement and sometimes pressure by international organizations are required to ensure that domestic reforms bring about the hoped-for changes.

So far we have argued that the CoE and the OSCE seek to socialize states in the former Eastern bloc into adopting policies, laws and institutions that promote the well being of individuals. This raises the question as to the source of the power that enables the two organizations to play this socializing role.

#### *The Basis of the Socializing Potential of the CoE and the OSCE*

A major characteristic of the organizational structure of the CoE and the OSCE is the inability of their organs to draw on significant military or financial capabilities in support of institutional decisions. This lack seems to suggest that the two organizations are structurally incapable of playing a significant role in the international socialization of the East. Mainstream international relations theory supports this perception.

Rationalist-materialist approaches constitute the dominant theoretical approach in international politics. Their defining characteristic is that they reduce politics to the calculable and limit reasons for political action to material factors. Seen through this theoretical prism, the process of international socialization is understood as being triggered by international actors' manipulation of material threats and promises to alter the preferences of target states.<sup>11</sup> Such an understanding inevitably leads to a pessimistic assessment of the socializing potential of the CoE and the OSCE.

Both organizations lack the means to provide strong material incentives to encourage states to alter their policies. This sets them apart from organizations such as the EU and NATO, which can draw on their material resources to socialize countries in the East by offering them the carrot of significant tangible benefits, notably security guarantees and funds. Thus, NATO's socializing potential in applicant countries rests to a large extent on its promise, rendered credible by robust military capabilities, of extending Article 5 protection to them if they comply with NATO principles. As to the EU, it has developed programmes such as PHARE, the Special Accession Programme for Agriculture and Rural Development (SAPARD) and the Instrument for Structural Policies for Pre-Accession (ISPA) to provide substantial pre-accession technical and financial support to candidate countries, and it holds out the promise to them of a larger share of its funds once they have joined the club.

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11 Cf. G. John Ikenberry/Charles A. Kupchan, Socialization and Hegemonic Power, in: *International Organization* 3/1990, pp. 283-315.

Neither the CoE nor the OSCE have as much to offer in this regard as the EU or NATO. Although the CoE provides substantial funds to countries, notably through its Intergovernmental Activities, these funds fall far short of what the EU has to offer.<sup>12</sup> The OSCE is even less well endowed than the CoE, acting more as a catalyst that lobbies “partner organizations” such as the United Nations or individual states to support assistance projects or provide funds to address particular problems. Moreover, in contrast to the EU and NATO, neither the CoE nor the OSCE pursues a strict policy of conditionality, requiring countries to take certain policy actions before they are allowed to join the organization or are provided with material assistance. Thus, the OSCE did not make accession of the successor states of the Soviet Union and the former Yugoslavia conditional on their acting in accordance with the principles laid down in the 1990 Charter of Paris for a New Europe.

The CoE was somewhat less lenient. It did make membership dependent on compliance with the principles laid down in Article 3 of its statute,<sup>13</sup> but in practice it watered down these legal criteria, giving political considerations an important role in its enlargement policy. Finally, while both organizations have the power to suspend the membership of countries that are in flagrant violation of their principles, both are reluctant to do so.<sup>14</sup> The OSCE did so once, when in 1992 it suspended Yugoslavia. The CoE suspended the Yugoslav Parliament’s special-guest status in 1991 and the Belarusian Parliament’s special-guest status in 1997. The point to be made here is that a rationalist-materialist take on international socialization denies any real importance to the CoE and the OSCE. They have a limited capacity to offer material inducements and little political will to use the threat of membership suspension. This double lack renders them impotent socializing agents.

Yet this assessment rests on a one-sided view of the power of international organizations, a view, which fails to take into account the fact that ideational factors such as principled and causal beliefs are autonomous determinants of social life. If we turn from a simple materialist ontology to a more complex one according to which reality is made up of both matter and ideas, we are able to appreciate that even international organizations that have few material capabilities have the potential to be powerful socializing agents. Provided they are accepted as legitimate representatives of a consensual normative order, international organizations can draw on the power of

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12 In 2003, 64 million euros were available for distribution through Intergovernmental Activities.

13 “Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms [...]”, Statute of the Council of Europe, Article 3.

14 This is a point picked up by critics. Cf. Milada Anna Vachudova, *Peaceful Transformations in East-Central Europe*, in: Michael E. Brown (ed.), *The International Dimensions of Internal Conflict*, Cambridge 1996, p. 104.

norms to socialize states.<sup>15</sup> This power derives from the identification of the socializees with the values embodied by the international institutions. Because non-member countries admire and aspire to join the ranks of the organizations' dominant in-group, they grant these organizations the authority to shape the principles upon which their domestic political orders rest. In short, the socializing potential of international organizations that lack material power rests on their normative attractiveness. As both the CoE and the OSCE are legitimate representatives of the Western community of values, both do enjoy significant socializing potential vis-à-vis the East.

While it is important to point out that the CoE and the OSCE are important players in the process of international socialization, we do acknowledge their limitations relative to the EU and NATO. In comparison to the latter, the CoE and the OSCE are clearly "niche" players in the governance of post-socialist countries. To begin with, other things being equal, organizations that have both material and normative power such as the EU and NATO are more powerful socializing agents. Second, the socializing potential of the CoE and the OSCE declines as the political-cultural distance between the values they embody and the countries to be socialized increases. The greater the political-cultural distance, the less likely it is that countries will strongly identify with, and aspire to become a member of, the Western community of values. For instance, in the case of countries like Turkmenistan or Uzbekistan, the dissonance between the norms institutionalized in domestic politics and those advocated by the OSCE is fairly striking. In such cases, the domestic impact of international socializing agents is likely to be very limited unless they have strong material leverage to induce significant domestic changes.

A third and related point is that even in the case of countries that do identify with the Western community of values, socializing potential of the CoE and the OSCE is significantly enhanced by the interlocking nature of international organizations in Europe. To put it in a nutshell, the road to Brussels goes via Strasbourg and Vienna. By providing, or refusing to provide, countries with a clean bill of health on minority rights, human rights and so forth, the CoE and the OSCE can influence their chances of successfully applying to join the EU and NATO, i.e. of gaining access to funds and security guarantees. Hence, the socializing potential of the CoE and the OSCE depends at least in part on that of Europe's most powerful political and military institutions.

In the next section, we turn from inquiring into the socializing potential of the CoE and the OSCE to exploring how they operationalize their normative power in their efforts to socialize the East.

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15 Cf. Frank Schimmelfennig, Introduction: The Impact of International Organizations on the Central and Eastern European States – Conceptual and Theoretical Issues, in: Linden, cited above (Note 1), p. 14.

In the wake of the end of the Cold War, the two organizations adapted their organizational structures in order to develop their role as socializing agents. On the one hand, they expanded their programmatic activities in new directions in order to instil a principled commitment to human security as the domestic foundation of social and political life in the former Eastern bloc. On the other hand, they enhanced their active role by upgrading the competences of existing organs, creating new organs or setting up independent bodies outside any existing organizational framework. Thus, the CoE upgraded its human rights machinery by, for example, making the enforcement of the rights laid down in the European Convention on Human Rights the sole responsibility of the European Court of Human Rights. It also set up the European Commission for Democracy through Law (Venice Commission) as an independent consultative body outside the CoE framework to provide the countries of the former Eastern bloc with expertise in making and reforming constitutions. Likewise, the OSCE enhanced its ability to play the role of socializing agent by, for instance, creating the office of the High Commissioner on National Minorities, a political body mandated to intervene as an independent third party in situations having the potential to create inter-ethnic conflicts.

States that lack the ability to guarantee human security or display a lack of normative commitment to it are the main interlocutors of the two organizations and the main addressees of their programmes and activities. In what follows, we shall argue that there are important differences in how the two organizations go about the socialization of former Eastern bloc countries. These differences can be attributed to their different organizational structures.

Drawing on non-materialist theories of international socialization, we argue that international organizations such as the CoE and the OSCE, which lack material capabilities but operate in a normatively institutionalized environment, can make use of three different socializing techniques: social influence, teaching and intermediation.

Social influence is a technique used by both organizations. It is based on the logic of consequentialism, according to which socializees choose to act in accordance with the expectations of the socializer in order to gain certain non-material advantages. In the case of the CoE and the OSCE, governments that comply with the organizations' requirements gain mainly in terms of legitimacy – a resource that strengthens their domestic political power, enhances their capacity to govern and improves their access to other international organizations such as the EU or NATO.<sup>16</sup> Conversely, if they fail to act in line with what is expected of them, they are subjected to the calculated administration of shame. Social influence is primarily operationalized in the

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16 Cf. Frank Schimmelfennig, *International Socialization in the New Europe: Rational Action in an Institutional Environment*, in: *European Journal of International Relations* 1/2000, pp. 116-119.

public-reporting activities of the two organizations. In these reports, countries are evaluated in terms of institutionally established norms, their plus and minus points are publicized and they are hierarchized in relation to each other. Those that are praised gain legitimacy, those that are identified as violating – or not paying sufficient attention to – human security are publicly shamed.

As to the socializing techniques of teaching and intermediation, the CoE places more emphasis on the former, while the OSCE pays more attention to the latter. This difference can be attributed to variations in the organizational structures of the two institutions.

Teaching is based on the logic of appropriateness, according to which socializees act in accordance with the expectations of the socializer because they think it is the right thing to do.<sup>17</sup> The CoE seeks to inculcate formalized norms in the East on the basis of well-defined lesson plans, the content of which is given. There are a number of organizational features that predispose the CoE to play this role. To begin with, unlike the OSCE, it is based on a constituent treaty. The numerous conventions concluded within its scope over the years form a solid legal regime. Moreover, certain “hard law” provisions of the CoE create obligations for member states that are subject to enforcement by the European Court of Human Rights. The point to be made here is that the CoE elaborated in precise legal terms a host of regulatory norms through which the notion of human security is given precision. In its outreach activities to the East, it seeks to socialize states into adopting these norms, which equip them to become full-fledged members of the contemporary West.

The CoE organizes numerous seminars and workshops, in which it teaches post-socialist countries clearly defined elements of a standardized model of European statehood founded on the principle of human security. The key elements of this model are legal in nature and non-negotiable, i.e. the CoE does not enter into any argument about their normative rightness or applicability to particular countries. Rather, it makes membership conditional on efforts to adopt and institutionalize the model. What is negotiable, however, is the precise extent of the institutionalization required before membership is granted. Consequently, political considerations played an important role in the enlargement of the CoE, for instance in the case of Russia.

Besides seminars and workshops, another notable part of the CoE’s “pedagogical work” is the confidential monitoring procedure of the Committee of Ministers.<sup>18</sup> This can be compared to an examination, in which pupils’ shortcomings are identified and lesson plans to improve performance are developed. These exams, which are held *in camera* to encourage a constructive dialogue, are organized three or more times per year by the Ministers’ Deputies at A level, with only a few CoE staff, experts and senior national

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17 Cf. Martha Finnemore, *National Interests in International Society*, Ithaca/NY 1996.

18 Cf. Monitoring Department of the Directorate of Strategic Planning 2003, *Monitor/Inf* (2003)1, *Monitor/Inf* (2003)1 add., *Monitor/Inf* (2003)2, *Monitor/Inf* (2003)3.

officials present.<sup>19</sup> The participants conduct frank reviews of states' compliance records based on a checklist of ten "themes", which include the functioning of the judicial system, local democracy and capital punishment.<sup>20</sup> Staying with the classroom metaphor, the goal of the exercise is not to downgrade pupils but to assist them in identifying those areas in which they have to work harder to reach CoE standards and in developing strategies to accomplish this goal.<sup>21</sup> The concluding document will tend to include a chart singling out the weaknesses in a given area and a chart singling out positive developments, and to end on an encouraging note asking the Secretariat to assist the member state in implementing appropriate measures.

A further significant component of the CoE's teaching activities is the Demosthenes Programme through which the organization transfers its expertise in building a democratic society to the post-socialist states. Within the scope of this programme, the Demo-Droit project focuses on issues including the independence of the judiciary and the reform of criminal codes and codes of criminal procedures. The Themis Plan concerns the training of police officers, judges, prosecutors and other relevant personnel. Whatever their specific content, all of the lesson plans of the Demosthenes Programme are aimed at ensuring that states conform to the standards laid down in the European Convention on Human Rights.

Although the OSCE also engages in educational activities, for instance, in seminars organized by ODIHR, its strength is another socializing technique: normative intermediation.<sup>22</sup> This technique is based on the logic of argumentation, according to which socialization is a co-operative process of establishing consensus, a process in which no participant claims a monopoly on correct interpretations. Argumentation is premised not on a teacher-pupil relationship but on a partnership among equals. Thus, an OSCE body such as the High Commissioner on National Minorities does not seek to provide standardized lessons on how to prevent inter-ethnic conflict. Rather, the Commissioner listens to what the parties to the conflict have to say and makes suggestions on how they can go beyond their own standpoints so as to reach a consensus.

Hence, intermediation differs from teaching. It is an open-ended process based on reciprocal perspective taking rather than a mimetic process in which Eastern countries learn to imitate the structures of Western democracies. If successful, a policy-dialogue of this kind leads to the creation of a country-specific common understanding among the international and (sub)national interlocutors about how best to go about promoting human security in any

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19 Cf. Procedure for Implementation of the Declaration of 10 November 1994 on compliance with commitments accepted by Member States of the Council of Europe. The Procedure was adopted by the Committee of Ministers on 20 April 1995.

20 Each round of the confidential monitoring procedure is devoted to one of the ten themes.

21 The CoE carries out similar exam-type, educational activities in the form of its regular monitoring and specific post-accession monitoring activities.

22 Cf. Steven R. Ratner, Does International Law Matter in Preventing Ethnic Conflict?, in: *New York University Journal of International Law and Politics* 3/2000, pp. 591-698.

given context. While this does not mean that an organ such as the High Commissioner is ready to question the normative validity of ethnic minority-related OSCE norms, it does mean that it is ready to be persuaded by good arguments as to why norms have to be adapted to situational exigencies on the ground. To understand why intermediation plays a greater role than teaching in the socializing practices of the OSCE, we have to look at its organizational structure.

The OSCE lacks a “hard” legal foundation and relies on diplomatic rather than judicial enforcement of its regulatory norms. The “soft law” regime established by its documents is less solid and formalized and more flexible than the legal regime established by the CoE. Hence, structurally, the OSCE is better equipped to engage in the give and take of intermediation than in the teaching of standardized elements of appropriate statehood.

To illustrate this point, we can briefly look at the example of the High Commissioner on National Minorities. The office of the High Commissioner is a political body mandated to intervene as an independent third party in situations having the potential to create inter-ethnic conflicts. It thus engages in preventive diplomacy. One of the High Commissioner’s tasks is to visit countries suffering from heightened ethnic tensions to hear first-hand accounts of the problems and to meet in person with the main players. He also frequently plays a mediating role during visits by proposing or organizing round tables, seminars or conferences with a view to involving parties in dialogue, encouraging patterns of co-operation and modifying perceptions and feelings of suspicion. By drawing the parties to the conflict into a process of argumentation and persuasion, the High Commissioner seeks to contribute to the creation of a “community of communication” with a view to facilitating the emergence of an argumentative consensus on how to implement the principle of human security in the country in question.<sup>23</sup> Because the High Commissioner does not act as a teacher with ready-made lesson plans but as a partner who makes an effort to take on board the viewpoints of the parties to the conflict, his interventions vary significantly from one country to the next. For instance, in the Former Yugoslav Republic of Macedonia, the long-serving OSCE High Commissioner on National Minorities Max van der Stoep called for and actively participated in facilitating the creation of an Albanian-language university in Tetovo, while in Estonia he did little to prevent the closure of Russian-language schools and institutions. The point to be made here is that this difference is accounted for not by a lack of principled commitment to OSCE norms on the part of the Commissioner, as some critics argue,<sup>24</sup> but because his office, just like the OSCE *in toto*, is structurally predisposed to favour the use of the socializing technique of intermediation.

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23 Cf. Thomas Risse, “Let’s Argue!”: Communicative Action in World Politics, in: *International Organization* 1/2000, pp. 1-39.

24 For a critique of this “inconsistency”, see Will Kymlicka, Reply and Conclusion, in: Will Kymlicka/Magda Opalski (eds), *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, Oxford 2001, p. 378.

Europe's most important international socializing agents are the EU and NATO. They can draw on both material and normative power to induct Eastern European states into Western ways of behaviour. Yet the CoE and the OSCE are important niche players in the international governance of post-socialist space, not least because their larger membership gives them a comparative advantage over the EU and NATO. The OSCE is the only transatlantic organization that incorporates the Central Asian states. This enables it to "play the role of a bridge, which makes these states not only known, but also to some extent controllable".<sup>25</sup> The CoE, too, is increasingly playing the role of a bridge, linking the EU to non-EU states such as Moldova, Ukraine and Russia.<sup>26</sup> Hence, both the CoE and the OSCE play an important role in the socialization of the wider Europe, i.e. in promoting stability and security in countries that in the foreseeable future will join neither the EU nor NATO.

While the OSCE trumps the CoE in terms of the geographical scope of its socializing activities, it is less clear which organization has the upper hand in terms of the impact of socialization. On the one hand, the CoE is arguably better than the OSCE in macro-political restructuring, notably in institution building in the areas of law, human rights and democracy. As one member of the Committee of Ministers' Deputies – the CoE's main day-to-day decision-making body – told us, the organization is "the best mechanism for the creation of modern democratic societies"<sup>27</sup> in the wider Europe. Its strong human rights monitoring capacity and its precise lesson plans make it an excellent democracy and human-rights development agency that assists states in fine-tuning their politico-legal systems "in order to reach the maximum efficiency"<sup>28</sup> and, we might add, the highest normative standards. For instance, on an issue such as the death penalty, the "OSCE is far more passive", which exemplifies the fact that in general its "approach towards human rights is a bit selective"<sup>29</sup> because it looks at them through a security prism. The fact that the OSCE's norms are less stringent than those of the CoE also goes some way towards explaining why "states squeak louder when reprimanded by the CoE".<sup>30</sup>

On the other hand, the CoE is seen by some as "too theoretical and too much divorced from the realities on the ground"<sup>31</sup> when compared to the OSCE. Its extensive field presence enables the OSCE to "apply its standards

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25 Interview with a senior diplomat, cited above (Note 4).

26 Cf. interview with the ambassador to the CoE of an Eastern European country, 28 February 2003.

27 Ibid.

28 Ibid.

29 Ibid.

30 Interview with a senior official of the Multilateral Department of the Foreign Ministry of an Eastern European state, 21 March 2003.

31 Interview with the Deputy Minister of Foreign Affairs of an Eastern European state, 18 March 2003.

directly” and gives it an advantage notably in building local institutions and in constructing individuals’ subjectivities through a host of small-scale projects aimed at empowering people.<sup>32</sup> For instance, in 1999, ODIHR established the “Grassroots Democracy Projects” initiative to encourage the development and implementation of local efforts to promote human rights and democracy through micro-projects. By strengthening grassroots actors and NGOs, the OSCE helps to avoid creating “Potemkin-village organizational structures”, i.e. formal political institutions that conform to the expectations of international socializing agents but make little difference on the ground.<sup>33</sup> By organizing or supporting training in network building, legal-literacy projects, advocacy training and so forth, the OSCE’s field actors help constitute politically active and socially responsible civil-society actors without whom democracy, including human-rights institutions, could not function. In short, the OSCE has a comparative advantage over the CoE in mediating the articulation of international norms such as the rule of law with politico-cultural practices at the local level. It thus ensures that international socialization does not lead to symbolic politics in which countries merely create the appearance of democratic change by engaging in extensive macro-political re-engineering without actually changing existing political practices.

Yet this comparative advantage of the OSCE is somewhat undermined by its low degree of professionalization. While the CoE is supported by a permanent staff of some 1,300 international civil servants, the OSCE has a permanent staff of only around 370. Its field operations, in particular, are plagued by the high-turn over rate of the seconded personnel. Given the importance of a bottom-up approach to promoting politics based on the principle of human security, the OSCE’s role as an international socializing agent would benefit greatly from a higher degree of professionalization.

Given that both the CoE and the OSCE are involved in the socialization of the East, the fixing of the boundaries or jurisdictional limits of one organization vis-à-vis the other must be a real concern to those interested in maximizing organizational effectiveness. Indeed, there is room for further improvement, despite attempts in the past to reduce duplications by forging stronger inter-organizational links by, for example, organizing annual bilateral high-level meetings both in the “2+2” and “3+3” formats, and, in the last three years, within the framework of a Common Catalogue of Co-operation Modalities.<sup>34</sup> There remains, in the words of a senior diplomat working at the CoE, a “huge substantive overlap”<sup>35</sup> between the two organizations. Indeed, in some cases the duplication seems to be increasing. For instance, the CoE

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32 Cf. *ibid.*

33 Cf. Wade Jacoby, *The Reality Behind the Potemkin Harmonization*, in: *East European Constitutional Review* 1-2/1999, p. 3, available at: <http://www.law.nyu.edu/eecr/vol8num1-2/special/priestpen.html>.

34 One of the purposes of the Catalogue, which was signed by the Secretaries General of the two organizations in 2000, is to avoid duplication.

35 Interview with the ambassador of an Eastern European country, cited above (Note 26).

recently launched an initiative aimed at co-ordinating the work of subregional organizations,<sup>36</sup> yet it was the OSCE which came up with the idea and organized “the first ever” meeting on the subject.<sup>37</sup>

Overlap is particularly problematic for small countries that can allocate only limited funds to their foreign ministries. These states complain about the costs of attending meetings of the CoE and the OSCE that deal with the same subjects, such as minorities.<sup>38</sup> In the past, some delegates to the Parliamentary Assembly of the CoE argued that election monitoring should be done primarily by the CoE rather than the OSCE.<sup>39</sup> However, our interviews lead us to believe that this is not considered a serious problem by most countries. For instance, one interviewee told us that joint monitoring “gives a stronger legitimacy to elections”.<sup>40</sup> Some diplomats have expressed concern about institutional overlap, asking, for instance, “do we really need two parliamentary assemblies?”<sup>41</sup> The OSCE Assembly, in particular, does not always get good marks from countries concerned about the costs of duplication. While the CoE Assembly is widely considered to be “very efficient and strong” that of the OSCE is sometimes criticized for being “silent”.<sup>42</sup>

During Lithuania’s recent Chairmanship of the CoE’s Committee of Ministers, an attempt was made to tackle the problem of co-ordination through closer co-operation on the operational level. However, these efforts were seriously hampered by institutional inertia and the competing interests of the CoE Secretariat. A more drastic solution to the problem of overlap was suggested to us by a high-ranking diplomat. He mentioned the possibility of a merger of the two organizations, while highlighting the obstacles to such a demarche, such as differences in membership.<sup>43</sup> A more productive and politically feasible strategy for dealing with the problem is to define more precisely the substantive scope of the activities of the two organizations in the international socialization of the East. To a certain extent this is already happening. For instance, the CoE and the OSCE both deal with trafficking in human beings, but they do so from different perspectives, building on each other’s work and thus producing synergies rather than wasteful duplication.<sup>44</sup>

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36 Cf. Vilnius Declaration on Regional Co-operation and the Consolidation of Democratic Stability in Greater Europe, 2-3 May 2002, at: [http://press.coe.int/cp/2002/245a\(2002\).htm](http://press.coe.int/cp/2002/245a(2002).htm).

37 Our interviewees approached the issue differently: While some saw it as an example of duplication and rivalry between the two organizations, some perceived it as an example of constructive co-operation, in which one organization builds upon the promising initiatives of another.

38 Cf. Stuart Croft/John Redmond/G. Wyn Rees/Mark Webber, *The Enlargement of Europe*, Manchester, 1999, p. 156.

39 Cf. *ibid.*

40 Interview with a senior official, cited above (Note 30).

41 Interview with an ambassador of an Eastern European country, cited above (Note 26).

42 Interview with a senior diplomat, cited above (Note 4).

43 Cf. interview with an ambassador of an Eastern European country, cited above (Note 26).

44 Simplifying only slightly, the OSCE focuses on the issue of demand reduction, as the 2002 Porto Declaration on Trafficking in Human Beings suggests, while the CoE focuses its activities on victim assistance and protection and encourages talks on the feasibility of a CoE convention on the subject.

The two organizations also co-ordinate their actions by occasionally following self-imposed geographical limitations. For instance, while both are involved in assisting in the creation and reinforcement of ombudsman institutions, the CoE focuses on Eastern Europe and the OSCE on the Central Asian states. In the Caucasus, they work hand in hand on this issue. Some of our interviewees, however, as if expressing their doubts as to the value of such geographically-based co-ordination of activities, suggested that the CoE consider the possibility of engaging the Central Asian states in some format, for example, by granting them observer status. We also find a geographical division of labour a less satisfactory solution to the problem of duplication than would be a further refinement of the substantive division of labour.

Clearly, synergies are generated by the close co-operation of the two organizations in the field, notably in election monitoring and human-dimension work. They occasionally pool resources to co-organize meetings, workshops and conferences on such issues as the role of the media in conflict situations, the role of education in strengthening civil society or election monitoring. Moreover, many OSCE missions have close contacts with the CoE, drawing on its expertise relating to the rule-of-law and other issues. Thus, in Kosovo the CoE provided the OSCE Mission with experts in the fields of media affairs, police training, democratization, human rights and the rule of law. Close and effective co-operation between OSCE field operations and the CoE, including sometimes the co-ordination of their work programmes, also takes place elsewhere, for example in Bosnia and Herzegovina, Serbia and Montenegro and in the Southern Caucasus. In short, “when it comes to field missions, the co-operation between the two organization has been rather successful”.<sup>45</sup>

Finally, the fact that the CoE can add legal weight to the politically binding commitments of the OSCE also benefits the latter. Yet this aspect should not be exaggerated. As Friedrich Kratochwil argues, the absence of formality of an international commitment such as the Helsinki Final Act matters little in terms of norm compliance since the very fact that states solemnly declare in public their commitment to such a document creates by itself a certain obligatory pull.<sup>46</sup> What this suggests is that the distinction between organizations operating within a legal framework and those operating within a diplomatic framework is, in terms of their impact on countries, less important than often assumed by scholars and practitioners alike. On the other hand, if the legal norms of the CoE are transposed into domestic legislation, they become subject to enforcement by national courts. Undoubtedly, such transposition significantly increases the impact of socialization because

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45 Interview with an ambassador of an Eastern European country, cited above (Note 26).

46 Cf. Friedrich Kratochwil, *Contract and Regimes: Do Issue Specificity and Variations of Formality Matter?*, in: Volker Rittberger (ed.), *Regime Theory and International Relations*, Oxford 1997, p. 88.

it brings into play an effective domestic sanctioning mechanism that ensures that international institutional expectations are met.

### *Conclusion*

In this essay, we have brought into focus one important common purpose of the CoE and the OSCE: the international socialization of Eastern Europe, South-eastern Europe, the Caucasus and, in case of the OSCE, Central Asia. We showed that despite their lack of material resources, both organizations do enjoy significant socializing potential vis-à-vis the countries of these regions. Yet despite their common organizational purpose, the two organizations use different approaches in their efforts to induct the East into Western modes of behaviour. The CoE primarily plays the role of “teacher”, offering ready-made lessons to its “pupils”. The OSCE is more of a normative intermediary, involving itself in a hands-on process of argumentation in dialogue with its partners. We attributed this difference in roles to the different structures of the two organizations. Finally, we evaluated their comparative advantages as socializing agents, and we explored the extent to which the fact that they pursue a common organizational purpose generates duplications and synergies.

In closing, we submit that both the OSCE and the CoE would do well to strengthen their socializing potential by further reducing duplication and raising operational effectiveness through better division of responsibilities. This is all the more important given that, with the eastward enlargement of the EU and NATO, and the efforts on the parts of both organizations to extend their political footprint to a larger “Europe”, one of the key comparative advantages of the OSCE and the CoE – namely the extent of their reach as socializing forces – will be curtailed.