

## The OSCE, NATO and the EU within the “Network of Interlocking European Security Institutions”: Hierarchization, Flexibilization, Marginalization

Our common security can best be safeguarded through the further development of a network of interlocking institutions and relationships, constituting a comprehensive architecture in which the Alliance, the process of European integration and the CSCE are key elements. (NATO 1991)<sup>1</sup>

The risks and challenges we face today cannot be met by a single State or organization. Over the last decade, we have taken important steps to forge new co-operation between the OSCE and other international organizations. In order to make full use of the resources of the international community, we are committed to even closer co-operation among international organizations. (OSZE 1999)<sup>2</sup>

Has the problem of inter-institutional co-operation between European security organizations been solved? The passages above, by demonstrating that the relevant bodies are aware of the problems that exist and intend to solve them, would support the view that important preconditions have been met that make a solution more likely. However, a less optimistic viewpoint presents itself when we consider that these declarations are principally mere statements of political intent and that they depart substantially from the ways Europe’s many security institutions actually co-operate. The fact that the OSCE aims to develop “political and operational coherence [...] among all the various bodies dealing with security”<sup>3</sup> and the fact that the Heads of State or Government have called on the OSCE to work together with other institutions and organizations “to foster co-ordinated approaches that avoid duplication and ensure efficient use of available resources”<sup>4</sup> rather suggest the

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- 1 Statement issued by the North Atlantic Council Meeting in Ministerial Session in Copenhagen 6-7 June 1991, Partnership with the Countries of Central and Eastern Europe, para. 3, at: <http://www.nato.int/docu/comm/49-95/c910607d.htm>.  
The author would like to thank Mechthilt Kühne, Katrin Münch and Jana McKamey for their assistance in the creation of this paper.
  - 2 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/IFSH (ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 425-443, here: p. 429 (para. 12). All OSCE documents are available online: <http://www.osce.org/docs>.
  - 3 Ibid.
  - 4 Operational Document – the Platform for Co-operative Security, in: *ibid.*, pp. 441-443, here: p. 443.

continued existence of problems that have remained unresolved over the last decade.

Nevertheless, at least the above analysis of the situation made by the OSCE participating States at the 1999 Istanbul Summit coincided with the formulation of a concrete catalogue of instruments and mechanisms – to be further enhanced<sup>5</sup> and complemented with specific forms of co-operation in the field.<sup>6</sup> And, of course, there can be no doubt that inter-institutional co-operation does take place. It does so frequently, in a wide variety of ways and at all levels: from the political leadership right down to the working level. This is documented by the OSCE Secretary General in the Annual Report on Interaction Between Organizations and Institutions in the OSCE Area.<sup>7</sup>

Europe's various regional and subregional security institutions overlap in terms of membership. They also resemble each other in the tasks assigned to them, which we can divide into *policy areas* (politics, economics, security), *general functions* (consultation and dialogue; negotiation, decision making and norm setting; implementation; monitoring and harmonization), and *problem areas* (specific tasks or functions) – see the overview on p. 402. It is therefore certainly possible that where we would hope to see co-operation and the division of responsibility, we will instead find competition and duplication; and that instead of synergy and the rational deployment of resources, we will see inefficiency and waste. Instead of “interlocking institutions”, there are numerous cases where institutional co-operation results in practice in “interlocking institutions”.<sup>8</sup> Nevertheless, given the extent to which institutions do in fact co-operate, it is possible to see the problems that continue to arise as the result of “natural wastage”, i.e. as unavoidable everyday occurrences whose root causes are to be identified and dealt with in each particular case. Four years after the Istanbul Summit, and despite continuing

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5 Cf. *ibid.*, p. 442; in para. 4, the following forms of co-operation are mentioned: “Regular contacts, including meetings; a continuous framework for dialogue; increased transparency and practical co-operation, including the identification of liaison officers or points of contact; cross-representation at appropriate meetings; and other contacts intended to increase understanding of each organization’s conflict prevention tools.”

6 Cf. *ibid.*, pp. 442-443; para. 6 mentions: “regular information exchanges and meetings, joint needs assessment missions, secondment of experts by other organizations to the OSCE, appointment of liaison officers, development of common projects and field operations, and joint training efforts.”

7 Cf. e.g. The Organization for Co-operation and Security in Europe, The Secretary General, Annual Report 2001 on Interaction Between Organizations and Institutions in the OSCE Area (1 November 2000-31 October 2001), at: [http://www.osce.org/docs/english/misc/anrep01e\\_org.pdf](http://www.osce.org/docs/english/misc/anrep01e_org.pdf). On earlier phases of co-operation see e.g.: Ingo Peters, The Relations of the OSCE to Other International Organizations, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 385-399.

8 Cf. Uwe Nerlich, Das Zusammenwirken multilateraler Institutionen: Neue Optionen für kollektive Verteidigung und internationale Friedensmissionen [Co-operation between Multilateral Institutions: New Options for Collective Defence and International Peace Missions], in: Bernard von Plate (ed.), Europa auf dem Wege zur kollektiven Sicherheit? [Europe on the Road to Collective Security?], Baden-Baden 1994, pp. 283-304, here: p. 285, particularly Note 3.

problems in specific cases, practical experience provides a generally positive answer to the original question.

Turning to the institutional development of the various *individual* organizations, a picture emerges that contrasts with the generally positive view presented so far. Organizations do not provide a static foundation for the development of practicable, politically acceptable solutions to the problems of inter-institutional co-operation. Rather, each undergoes its own institutional development processes, and does so at its own pace and by no means always continuously. The member states of Europe's security organizations perceive the problems that face European security policy differently. In most cases, there are also a variety of opinions on how best to respond to collective challenges, i.e. as to which institution(s), resources and instruments are appropriate for the collective resolution of a given problem. Moreover, national governments make decisions on the utilization and development of organizations and institutions according to their own perception of how these bodies serve their goals, values and interests. The network of institutions has therefore developed not simply as a result of the need to find practicable solutions to specific problems, but also through a process of negotiations between states. In this way, responsibilities for policy areas and general functions (associated with specific competencies) for dealing with particular problem areas (specific functions) have come to be assigned to the various institutions (with their overlapping memberships) and have been institutionalized in a range of forms (organs, decision-making procedures, instruments, etc.).<sup>9</sup> This process has multiplied the degree to which institutional categories overlap and has increased the complexity of the relationships between the institutions themselves. And this, in turn, increases the difficulty of achieving the hoped-for inter-institutional co-operation.

Considering the issues in this way leads us to identify two *guiding questions*: What institutional developments do we see within Europe's largest and most important security organizations, the OSCE, NATO and the EU? And what are the overall consequences of these institutional developments for issues related to inter-institutional co-operation – in particular, for the role of the OSCE within Europe's web of interlocking security institutions? The ostensible division of labour between the various security institutions as declaimed in the Charter for European Security and the Platform for Co-operative Security reserves for the OSCE a "key integrating role" as a "flexible coordinating framework to foster co-operation" and states that there is no inten-

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9 On the relationship between institutional form and function, cf.: Helga Haftendorn, *Sicherheitsinstitutionen in den internationalen Beziehungen. Eine Einführung* [Security Institutions in International Relations: An Introduction], in: Helga Haftendorn/Otto Keck (eds), *Kooperation jenseits von Hegemonie und Bedrohung. Sicherheitsinstitutionen in den internationalen Beziehungen* [Co-operation without Hegemony or Threats: Security Institutions in International Relations], Baden-Baden 1997, pp. 11-34.

tion of establishing a “hierarchy of organizations or a permanent division of labour among them”.<sup>10</sup>

This contribution will argue, however, that, in the course of the institutional evolution of the various organizations, the declared allocation of roles has in fact been diametrically reversed: NATO and the EU have gained a position of clear dominance; security organizations have come to enjoy greater political flexibility regarding deployment options and actual deployment; and NATO and the EU have taken on new responsibilities – both formally and in terms of actual operations – while the OSCE has increasingly been restricted to specific operational tasks and marginalized in general.

The following sections outline the results (but not the negotiations that led to them) of the institutional evolution since 1995 of Europe’s three largest security organizations, *viz.* NATO, the EU and the OSCE, in terms of the framework outlined above. The treatment given here makes no claim to being exhaustive.<sup>11</sup>

#### *NATO’s Institutional Development: Enlargement, Out-of-Area Crisis Management and Co-operative Security Functions*

The end of the Cold War and the disintegration of the Soviet Union fundamentally transformed NATO’s security environment and its very *raison d’être*. Despite the elimination of the immediate military threat, numerous security risks remained, so that NATO continued to be an attractive insurance policy for its 16 long-standing members. The new democracies of Central and Eastern Europe (CEE states), in seeking to put in place security mechanisms that would support their newly gained political independence, have also been interested in NATO membership since 1990. Given the USSR’s – and later Russia’s – unfavourable opinion towards the expansion of the Western Alliance<sup>12</sup> – possibly up to its own borders – NATO’s response, while basically positive, remained non-committal: a course of action designed to avoid upsetting Moscow, but seen as a delaying tactic by the new democracies. At first, the only action taken was the institutionalization of political dialogue and security co-operation with CEE states in the form of the

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10 Charter for European Security, cited above (Note 2), p. 429.

11 In the overview table and the text itself, the following official abbreviations for European security organizations are used: Economic Commission for Europe (ECE), Commonwealth of Independent States (CIS), United Nations High Commissioner for Refugees (UNHCR), United Nations Commission on Human Rights (UNCHR), Office for Democratic Institutions and Human Rights (ODIHR), Conflict Prevention Centre (CPC), Forum for Security Co-operation (FSC), Euro-Atlantic Partnership Council (EAPC), Partnership for Peace (PfP), Common Foreign and Security Policy (CFSP), European Security and Defence Policy (ESDP), Western European Union (WEU), Council of the Baltic Sea States (CBSS).

12 Cf. Frank Umbach, Rußland und NATO-Osterweiterung – Integration, Kooperation oder Isolation? [Russia and NATO’s Eastward Enlargement – Integration, Co-operation or Isolation?], in: Osteuropa 4-5/2001, pp. 423-440.

North Atlantic Co-operation Council (NACC, founded in December 1991) and the Partnership for Peace programme (PfP, January 1994). These institutions aimed at facilitating political transformation in the post-Communist states and their military apparatuses. Following often heated internal debate, accession talks with Poland, the Czech Republic and Hungary commenced in 1997. These led, at the anniversary summit in Washington in April 1999, to the Alliance's first enlargement following the geopolitical watershed of 1990. Even while it was absorbing this first wave of entrants, NATO remained explicitly open for new members and was holding negotiations with ten further candidates. Of these, seven were invited to join at the Prague summit in 2002 in a process due to be completed by 2004.<sup>13</sup>

In this transformed security environment, NATO's internal reform process led to a reformulation of the "fundamental tasks of the Alliance". While NATO's new strategic concepts from 1990 and 1999 still saw the traditional tasks of deterrence and defence as the Alliance's core functions, the major threats to security were no longer believed to come from direct military confrontation but rather from a range of issues such as migration, terrorism and the proliferation of weapons of mass destruction. Consequently, collective defence was replaced by out-of-area crisis management and co-operative security as the driving force of the Alliance's development.<sup>14</sup>

A key aspect of NATO's new crisis-management functions is the concept of Combined Joint Task Forces (CJTF), which was introduced in 1994. The proposed role of CJTFs was to carry out multinational crisis operations out of the NATO area, initially in partnership with the WEU and other interested states, and later with the EU.<sup>15</sup> The ability to form "coalitions of the willing and the able" to operate out of area improved the Alliance's political flexibility in crisis situations. NATO has gathered practical experience of this in Bosnia, Albania and Kosovo. In Bosnia, as the leading power in the Stabi-

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13 Cf. Karl-Heinz Kamp, Die Fortsetzung der NATO-Osterweiterung: Politische Stabilitätsförderung zulasten militärischer Handlungsfähigkeit? [The Continuation of NATO's Eastward Enlargement: Promoting Political Stability at the expense of Military Maneuverability?], in: *Aus Politik und Zeitgeschichte B 24/2002*, pp. 31-38. The countries invited to join were Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia. Albania, Croatia and Macedonia participated in the NATO Membership Action Plan but were not initially invited to join the organization. Cf. Prague Summit Declaration Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague on 21 November 2002, para. 2, in: NATO Press Release 2002(127), 21 November 2002, at: <http://www.nato.int/docu/pr/2002/p02-127e.htm>.

14 For the political background cf. Helga Haftendorn, Herausforderungen an die europäische Sicherheitsgemeinschaft. Vom Harmel-Bericht zur Erklärung von Rom: Ein neuer Konsens über die künftigen Aufgaben der Allianz? [Challenges for the European Security Community. From the Harmel Report to the Declaration of Rome: A New Consensus on the Future Role of the Alliance?], in: *Schweizer Monatshefte 6/1992*, pp. 473-487; Karl-Heinz Kamp, Das neue Strategische Konzept der NATO [NATO's New Strategic Concept], in: *Aus Politik und Zeitgeschichte B 11/1999*, pp. 19-25.

15 Cf. Rafael Estrella, CJTF and NATO Reform, in: North Atlantic Assembly, Brussels, Defence and Security Committee General Report, AN 230 DSC (96) 8, and Mario da Silva, Implementing the Combined Joint Task Force Concept, in: *NATO review 4/1998*, pp. 16-19.

lization Force (SFOR) – consisting of NATO’s 16 members and 19 other states – NATO played the key role in implementing the Dayton Peace Accords of 1995. This was primarily a matter of providing military security to enable the work of reconstruction, democratization and the holding of elections organized by the OSCE.<sup>16</sup>

In Kosovo and the Yugoslav rump state (Serbia and Montenegro), NATO – under US leadership – prosecuted a “hot” war for the first time in its history. After Belgrade’s defeat, it also assumed leadership of the UN-mandated task of providing military security during reconstruction within the framework of the Kosovo Force (KFOR) multinational peace-enforcement force.<sup>17</sup> In this case, however, the Contact Group – an informal institution, here comprising the USA, Russia, the UK, France, Germany and Italy – played a central role, especially in negotiating and ensuring the implementation of the peace accords.<sup>18</sup> The terrorist attacks on the World Trade Center in New York on 11 September 2001 provided a new litmus test of NATO’s relevance, namely by leading to the historically unexpected situation of Article 5 of the NATO Charter being invoked in support of the USA. Washington was, however, very selective in accepting the assistance offered by allies and the Alliance.<sup>19</sup>

Important preconditions for NATO’s changing role were the rethinking of military strategy (including nuclear strategy), the reduction and restructuring of forces and the adoption of leaner command structures. To this end, new resolutions have been adopted in waves virtually every two years since 1992, without, however, always being implemented in full. The creation of a 21,000-strong, technologically advanced, flexible response force (the NATO Response Force, NRF), was initiated at the urging of the United States in Prague in November 2002, and is to be fully operational by October 2006. The plan is to use the CJTF concept as the basis for creating a permanent response force whose individual components are to be maintained at the national level and which can be deployed “wherever they are needed” upon decision of the North Atlantic Council.<sup>20</sup>

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16 Cf. Sari van Heemskerck Pilis-Duvekot, SFOR: A Transatlantic Coalition for Peace, in: North Atlantic Assembly, Brussels, Defence and Security Committee, October 1997, AP 212 DSC/DC (97) 4.

17 For a critical view see H. Ivo Daalder/Michael O’Hanlon, Unlearning The Lessons of Kosovo, in: *Foreign Policy* 116/1999, pp. 128-139.

18 Cf. Albrecht Schnabel, Political Cooperation in Retrospect: Contact Group, EU, OSCE, NATO, G-8 and UN Working toward a Kosovo Settlement, in: Kurt R. Spillmann/Jochim Krause (eds.), *Kosovo: Lessons Learned for International Cooperative Security*, Berne et al. loc. 2000, pp. 21-44.

19 Cf. For a positive evaluation of NATO co-operation following 9/11: Philip Gordon, NATO After 11 September, in: *Survival* 4/2001, pp. 89-106.

20 Cf. The Prague Summit Declaration, cited above (Note 13), para. 4; cf. also: Eine neue Gestalt der Nato [A New Shape for NATO], in: *Frankfurter Allgemeine Zeitung*, 20 November 2002. See also the articles cited in Note 14, as well as Karl Feldmeyer, Bei der Suche nach einer neuen Struktur des Nato-Bündnisses geht es vor allem um Einfluß [Influence is the Key as NATO Searches for a New Structure], in: *Frankfurter Allgemeine Zeitung*, 5 August 1999.

NATO's second new "specific function", "partnership, dialogue and co-operation," was intensified in May 1997 by the creation of the Euro-Atlantic Partnership Council (EAPC). This replaced the NACC and, as "the overall framework for political and security-related consultations", incorporated the PfP. From its inception, the NACC's agenda had been focused on soft-security issues and peacekeeping missions in particular. The 1998-2000 Action Plan of the 46 EAPC participant states (the 19 NATO states and 27 partners) now covers not only specifically military issues and questions of military policy, but also many topics that are also found on the OSCE's agenda. In contrast, the PfP programme is largely concerned with questions at the intersection of civil and military matters (e.g. defence planning and budgeting, defence policy and strategy, and democratic control of armed forces and defence structures.)<sup>21</sup>

The establishment of the EAPC saw the creation of both a comprehensive committee structure (on the model of NATO) and operational organs such as the Euro-Atlantic Disaster Response Co-ordination Centre (EADRCC) and the Euro-Atlantic Disaster Response Unit (EADRU). The EAPC has thus become an institution in which consultation and expert meetings take place, decisions are taken and additional operational instruments to implement these decisions have been created.<sup>22</sup> In one respect, there are structural problems to decision making within the EAPC, since NATO decides on its position before meeting its partners and hence comes to the table with a non-negotiable position (19+1). On the other hand, outside the PfP, the EAPC is a very flexible organization, as the Council may either sit in plenary session or with the participation of only those member states interested in a particular topic or participating in peace-support missions. Here, once more, coalitions of the willing can ensure that progress is not blocked by one or more "unwilling" states.

In the field of co-operative security, NATO is also engaged in activities relating to Russia, the Ukraine, the Mediterranean states (Mediterranean Dialogue) and South-eastern Europe (South East Europe Initiative).<sup>23</sup> The

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21 The activities of the EAPC encompass: policy planning, arms control, disarmament and non-proliferation issues, implementation of arms control agreements, international terrorism, peacekeeping, defence-economy issues, science, challenges of modern societies, information, and civil emergency planning and disaster preparedness; cf. Action Plan of the Euro-Atlantic Partnership Council for 1998-2000, NATO Press Release (98)2. Supplementary agenda items that do not appear in the official Action Plan include conflict prevention, confidence-building measures, defence-related environmental issues, Bosnia, Kosovo, SFOR, regional security co-operation in South-eastern Europe and the Caucasus, a framework for co-operation on humanitarian demining and an *ad hoc* group working on control of transfer of small-arms; cf. NATO Parliamentary Assembly, Political Committee, A Better Peace: The Co-operation and Collective Security Fusion of OSCE and NATO in the New Europe, in: Report AS 278 PC/TER (99)2, Brussels 1999, paras. 35 and 36, at: <http://www.nato-pa.int/archivedpub/comrep/1999/as278pcter-e.asp>.

22 Cf. *ibid.*, paras. 35, 38 and 45. It is a sign of the growing political importance of the EAPC/PfP that almost all partners have upgraded their "liaison" offices at NATO headquarters to diplomatic missions. Cf. *ibid.*, para. 36.

23 Cf. <http://www.nato.int/pfp/partners.htm>.

“Founding Act on Mutual Relations, Co-operation and Security between the North Atlantic Treaty Organization and the Russian Federation”, signed in Paris in May 1997, was important not least because it made the start of accession negotiations with Poland, the Czech Republic and Hungary more palatable to Russia. A Permanent Joint Council for consultation, co-ordination and joint decision making and action on security questions of mutual interest was established. Nevertheless, the actual significance of this body did not live up to expectations,<sup>24</sup> in particular because Russia was constantly confronted with a fixed position on the part of NATO (19+1 format), which left Moscow no room for manoeuvre when negotiating. Co-operation with Moscow on security policy issues has grown in significance for the USA and Western Europe following 11 September 2001 and the creation of the anti-terrorism coalition. Both sides therefore became interested in reforming the institutional framework within which this co-operation takes place. To this end, the NATO-Russia Council was established in May 2002, allowing individual NATO members and Russia to meet on a consensual basis and “as equal partners” for consultation, decision making and operational co-operation on security issues of mutual interest.

In summary, NATO’s institutional development has been characterized, first, by significant growth in the membership of both the Alliance itself (from 16 to 19 and finally to 26), and the PfP and EAPC, each of which involves 46 states. Second, in problem areas and specific functions, the Alliance’s traditional role of collective defence has shrunk in importance as the significance of co-operative security and out-of-area crisis management have grown. Third, increasing flexibility of decision making and operational co-operation via CJTF, EAPC and the NRF initiative – to the extent that the latter becomes a reality – appears to be a politically and functionally important institutional development – one with a major impact on NATO’s ability to act, and on the Alliance’s relative importance in Europe’s network of interlocking security institutions.

*The Institutional Development of the European Union: New Security Dimensions Arising from “Enlargement and Deepening”*<sup>25</sup>

For the European Union and its members, the revolutions of 1989/1990 also created a new set of challenges associated with the need for institutional re-

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24 Cf. Founding Act on Mutual Relations, Co-operation and Security between the North Atlantic Treaty Organization and the Russian Federation, 27 May 1997, at: <http://www.nato.int/docu/basicxt/fndact-a.htm>. NATO concluded a comparable consultation and co-operation agreement with Ukraine, see: Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine, 9 July 1997, at: <http://www.nato.int/docu/basicxt/ukrchrt.htm>.

25 Discussions on the possible expansion of the CFSP/ESDP in the scope of the European Convention are not considered here as the relevant resolutions and proposals are not yet available as of August 2003.

form. Although the desire of CEE countries to “return to Europe” through integration in the European Community was met with the Community’s established range of economic policy instruments within the framework of economic and financial aid for reconstruction and development (e.g. the PHARE programme), a response on the political level was slow in coming. By the time “Europe Agreements” – linked to democratization measures and explicitly mentioning the possibility of accession to the EC/EU – were negotiated with twelve countries (Estonia, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Hungary, Slovenia, Romania, Bulgaria, Malta and Cyprus) and Agreements on Partnership and Co-operation signed with the successor states of the Soviet Union, two things had become clear: on the one hand, the all-encompassing economic and political nature of the EU’s engagement, and on the other, the restriction of candidature to the CEE and the Baltic states.<sup>26</sup> The initial accession of the three previously neutral states, Austria, Sweden and Finland, on 1 January 1995 was accomplished with little difficulty. Negotiations with the new democracies, ten of which received a concrete offer of membership at the Copenhagen European Council in December 2002 (with entry provisionally set for 2004) proved harder. Discussions with Romania and Bulgaria are ongoing and with Turkey they are only due to start in 2005. Consequently, the EU will have a maximum of 25 members in 2004.<sup>27</sup>

Extensive enlargements to the EU’s responsibilities in the policy area of “security policy” were made step by step by the Treaties of Maastricht (1993), Amsterdam (1997) and Nice (2001). The Common Foreign and Security Policy (CFSP), introduced in 1993, was expanded with the addition of the Petersberg Tasks in 1997<sup>28</sup> (covering humanitarian tasks and rescue operations, peacekeeping operations and enforcement operations in the course of crisis management, including peace-enforcement measures). Common defence, however, remained outside the scope of the CFSP. The “gradual definition of a common defence policy that may lead to common de-

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26 Cf. Jackie Gower, *EU Policy to Central and Eastern Europe*, in: Karen Henderson (ed.), *Back to Europe*, London 1999, pp. 3-22.

27 Cf. Daniel Brössler, *Schmerzen des Wachstums. Die Beitrittsgespräche gehen in die heiße Phase und werden durch Themen wie Landwirtschaft und Finanzen immer schwieriger* [Growing Pains: Accession Negotiations are Entering a Critical Phase and are Becoming Harder Thanks to Topics such as Agriculture and Financial Affairs], in: *Süddeutsche Zeitung*, 3-4 August 2002; Christian Wernicke, *Von Kopenhagen nach Kopenhagen* [From Copenhagen to Copenhagen], in: *Süddeutsche Zeitung*, 11 December 2002.

28 Cf. Elfriede Regelsberger/Mathias Jopp, *Und sie bewegt sich doch! Die Gemeinsame Außen- und Sicherheitspolitik nach den Bestimmungen des Amsterdamer Vertrags* [And Yet It Does Move! The Common Foreign and Security Policy According to the Provisions of the Treaty of Amsterdam], in: *integration 4/1997*, pp. 255-263. Melanie Piepenschneider, *Die Positionen der Mitgliedstaaten und EU-Organe im Überblick. Standpunkte, Spielmaterial, Sprengsätze* [An Overview of the Positions of Member States and EU Organs. Viewpoints, Bargaining Chips, Explosive Issues], in: Mathias Jopp/Otto Schmuck (eds), *Die Reform der Europäischen Union. Analysen – Positionen – Dokumente zur Regierungskonferenz 1996/97* [The Reform of the European Union. Analyses – Viewpoints – Documents on the Intergovernmental Conference 1996/1997], Bonn 1996, pp. 75-100.

fence” – if the European Council were to adopt such a policy – remained a distant prospect.

The EU announced a new departure at the European Council meetings in Cologne (June 1999) and Helsinki (December 1999) by establishing a European Security and Defence Policy (ESDP) within the CFSP. The impetus for this move was provided by the EU’s negative experiences of its own capabilities in Bosnia and Kosovo. This had already led to the Anglo-French Saint Malo initiative for the strengthening of the CFSP. The British and French governments stressed here that the European Union “[...] needs to be in a position to play its full role on the international stage” and that this requires a “capacity for autonomous action” and “credible military forces” on an “intergovernmental basis” in order to be able to react to international crises. The initiative stressed that the required structures were to be established without unnecessary duplication and envisaged the use of national and multinational European resources outside NATO – although NATO was to remain the “foundation of the collective defence of its members”.<sup>29</sup> These principles and goals were adopted by the other member states at Cologne and Helsinki. The military capacities required to implement the Petersberg Tasks are to be created by 2003: A crisis-response force of 60,000 soldiers should be available within 60 days for a deployment period of twelve months (“headline goals”). An important point to note is that the EU crisis-response force is only to be deployed when NATO as a whole is not engaged. In practice this translates into a right of first refusal for the Alliance.<sup>30</sup>

At subsequent European Council meetings, it was agreed to add a civilian component to the EU’s military crisis-management capabilities. To this end, 5,000 police officers are to be made available, as well as pools of experts to support the establishment of administrative and judicial apparatuses.<sup>31</sup> These plans backed up the European Commission’s April 2001 document on conflict prevention. This argues explicitly for an “integrated approach”,

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29 Franco-British Summit Meeting of the Heads of State and Government on 4 December 1998 in St. Malo, Joint Declaration on European Defence, at: <http://www.iss-eu.org/chaillet/chai47e.html>. This document was a compromise in which the emphasis on the autonomy of the EU and the CFSP from NATO was closer to the French position, while the stress laid on the links between the EU and NATO, and particularly the statement that this option is only to be exercised when “the Alliance as a whole is not engaged”, represented more the British view. Cf. Jolyon Howorth, Britain, France and the European Defence Initiative, in: *Survival* 2/2000, pp. 33-55, here: p. 44.

30 Annex III to the Presidency Conclusions: Cologne European Council, 3 and 4 June 1999: “[...] the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO”, at: [http://europa.eu.int/council/off/conclu/june99/annexe\\_en.htm#a3](http://europa.eu.int/council/off/conclu/june99/annexe_en.htm#a3). Cf. also: The Presidency Conclusions, Helsinki European Council, 10 and 11 December 1999: “The European Council underlines its determination to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises”, at: [http://europa.eu.int/comm/external\\_relations/esdp/chrono.htm](http://europa.eu.int/comm/external_relations/esdp/chrono.htm).

31 Cf. Annex VI to the Presidency Conclusions, Feira European Council, 19 and 20 June 2000, and the Presidency Conclusions, Gothenburg European Council, 15 and 16 June, 2001, Section V.

which will enable the creation of “structural stability” and will attack the root causes of conflicts by, for example, promoting economic development, democracy, respect for human rights and viable political structures.<sup>32</sup>

One problem for the practical relevance of the EU in these new problem areas is posed by the levels of military and civilian resources currently available for crisis-management operations. Insufficient capacity in the defence sector and defence budgets that continue to stagnate or shrink seriously limit the capability of most EU states to go beyond autonomous decision making and actually take autonomous action. One important step towards making up the deficit was the resolution of Greece and Turkey’s deadlock over the question of whether, and under what conditions, the EU can make use of NATO resources. Another is the growing awareness of the problem among European governments, which makes it conceivable that – even if more funds are not made available for procurement – at least the funds that are available may be used more efficiently.<sup>33</sup>

By requiring the Council and the Commission to pursue a mutually coherent policy in their various areas of responsibility (CFSP; external trade and development policy, respectively), the Treaty of Amsterdam also played an important role in ensuring the ability of the EU to act effectively. It also formally (i.e. contractually) brought together the intergovernmental and supranational dimensions of this policy area within a “unified institutional framework”. The instrument of “Common Strategies” allows the European Council to define fundamental positions and policies within the EU on the basis of consensus. These can then be used as the basis for adopting “Common Positions” and pursuing “Joint Actions”. While Council resolutions must be passed unanimously, a qualified majority suffices to pass measures needed for their execution or implementation. Although the Luxembourg compromise (1966) does allow a member state to use a veto in matters of vital national interest, abstaining can no longer delay the adoption or implementation of a resolution (“constructive abstention”). By making decision making more flexible, these measures could certainly have a positive effect on the EU’s ability to take action. Similar prospects are also raised by the extension of the instrument of “enhanced co-operation” to the CFSP, as laid down in the Treaty of Nice (December 2001). However, the Treaty does not alter the requirement that consensus is reached for measures related to military and defence policy, i.e. the ESDP. Consequently, although a step has

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32 Cf. European Commission, Communication from the Commission on Conflict Prevention, COM (2001) 211 final, Brussels, p. 10.

33 Cf. Christian Wernicke, *Krisentruppe nimmt Gestalt an* [Rapid Response Force Takes Shape], in: *Süddeutsche Zeitung*, 14-15 December 2002; Katia Vlachos-Dengler, *Getting there: building strategic mobility into ESDP*, Paris 2002, Institute for Security Studies, Occasional Papers 38/2002; François Heisbourg, *European Defence: Making it work*, Paris 2000, in: Institute for Security Studies, Chaillot Papers 42/2000.

been taken towards greater flexibility, this is unlikely to have an effect on operational effectiveness in practice.<sup>34</sup>

The profile and the efficiency of the CFSP were improved by the creation under the Treaty of Amsterdam of the position of Secretary-General of the Council of the European Union, who is simultaneously the High Representative for the CFSP. Although his responsibilities are formally limited to assisting the Council and he is by no means an “EU foreign minister”, the first holder of the post, the former NATO Secretary General Javier Solana has undoubtedly made a major contribution to the effectiveness of the CFSP since taking office in 1999. The Secretary-General is one third of the newly established Troika, alongside the holder of the rotating EU Presidency, and the External Relations Commissioner of the EU and also heads the new Strategic Planning and Early Warning Unit. Overall, the institutional basis of the CFSP has been reinforced, but without establishing a single foreign and security policy for the EU. The introduction of the ESDP involved the creation of a new committee structure (Political and Security Committee, Military Committee, Military Staff, Committee for the Civilian Aspects of Crisis Management, etc.).<sup>35</sup>

The EC/EU has traditionally used economic and diplomatic means to carry out or support preventive crisis management and post-conflict reconstruction – acting either directly itself or indirectly via the Commission. This is certainly true of First Pillar activities, such as sanctions and aid programmes.<sup>36</sup> As early as 1993, in preparation for enlargement, the EU’s then twelve member states created the Pact on Stability in Europe. This brought together the provisions of many interrelated international treaties – bilateral and multilateral – concerned with good relations between neighbouring states and including issues such as minorities and borders. Once more, only the CEE and Baltic states were initially invited to take part in the negotiations, while the other CSCE countries participated as observers to be admitted to the negotiations at a later date. The result was a comprehensive package of treaties, which the OSCE was handed responsibility for monitoring in 1995.<sup>37</sup>

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34 Cf. Elfriede Regelsberger, *Die Gemeinsame Außen- und Sicherheitspolitik nach „Nizza“ – begrenzter Reformeifer und außervertragliche Dynamik* [The Common Foreign and Security Policy after “Nice” – Limited Enthusiasm for Reform and Extra-Contractual Dynamism], in: *Integration* 2/2001, pp. 156-166, here: pp. 159-161; Antonio Missiroli, *CFSP, Defence and Flexibility*, Paris 2000, Institute for Security Studies, Chaillot Papers 38/2000.

35 Cf. Jolyon Howorth, *European Defence and the Changing Politics of the EU: Hanging Together or Hanging Separately?*, in: *Journal of Common Market Studies* 4/2001, pp. 765-789, here: p. 770.

36 On the contribution made by the EU to the OSCE budget and to individual OSCE activities see: Günter Burghardt, *Early Warning and Conflict Prevention as Tasks of the European Union and EU-OSCE Co-operation*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 421-428, here: pp. 426-428.

37 Cf. European Union, *Pact on Stability in Europe*, adopted on 20 March 1995 by the 52 States of the OSCE at the Concluding Conference on the Stability Pact in Paris; Florence Benoit-Rohmer/Hilde Hardemann, *The Pact on Stability in Europe: A Joint Action of the*

The Stability Pact for South Eastern Europe, initiated by the EU at the 1999 Cologne Summit, follows the same pattern. Under its provisions, more than 40 states take part in three “Working Tables” (Democratization and Human Rights; Economic Reconstruction, Co-operation and Development; Security Issues). The Pact is an instrument for co-ordination and does not itself implement projects developed under its aegis.<sup>38</sup> Examples of civilian crisis management operations carried out by the EU include the administration of Mostar (Bosnia-Herzegovina) from 1993 to 1996, and the assumption of the tasks of the UN’s International Police Task Force (IPTF) by the EU Police Mission (EUPM) in Bosnia and Herzegovina in January 2003.<sup>39</sup> The EU’s replacement of NATO as the body responsible for ensuring stability in Macedonia could pose the first real test for the Union’s military components and structures. The EU replaced NATO on 31 March 2003.<sup>40</sup>

In summary, the EU’s institutional development has been characterized, first, by an ongoing process of growth, which will see it expand to include as many as 25 member states by 2004. Second, there has been an enlargement of responsibilities in the policy area of “security policy” and the extension of specific functions in the problem area of military and civilian crisis management. Third, the issue of whether the necessary capacities for these activities exist remains problematic. Fourth, it is remarkable that, although this area of EU policy remains an intergovernmental matter, the new instruments and related decision-making procedures fundamentally enhance the Union’s decision-making and operational capabilities, and include the powerful capabilities of the Commission.

*The Institutional Development of the OSCE: Consolidation, Specialization and Marginalization*

With the radical transformation of the international political system, the number of states participating in the CSCE/OSCE rose in stages during the first half of the 1990s (from 35) to 55. In contrast to NATO and the EU, the OSCE has since then not faced any further increase in numbers. The only ex-

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Twelve in the Framework of the Common Foreign and Security Policy, in: Helsinki Monitor 4/1994, pp. 38-51.

38 Cf. Hans-Georg Ehrhart, The Stability Pact for South Eastern Europe – Strategic Success or Botched-up Bungle?, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 163-177.

39 See on Mostar: Elfriede Regelsberger/Sven Arnsward, Europäische Außen- und Sicherheitspolitik: Papiertiger oder Ordnungsfaktor? [European Foreign and Security Policy: Paper Tiger or Source of Stability], in: Bundeszentrale für politische Bildung (ed.), Europa an der Schwelle zum 21. Jahrhundert. Reform und Zukunft der Europäischen Union [Europe on the Threshold of the 21st Century. Reform and the Future of the European Union], Bonn 1998, pp. 261-303.

40 Cf. Christian Wernicke, EU-Truppe drängt auf den Balkan [EU Force Heads to the Balkans], in: Süddeutsche Zeitung, 17 December 2002; NATO and the EU – In “Harmony” over Macedonia, in: NATO Notes 2/2003, pp. 2-3.

ception has been Yugoslavia (Serbia and Montenegro), whose participation in the CSCE was suspended in 1992, but which was rehabilitated and restored to active participation in 2000 following the fall of Slobodan Milosevic and the re-establishment of democracy. The OSCE therefore remains the European security organization with the widest coverage in terms of both participants and geographical reach: "Europe from Vancouver to Vladivostok".

Embedded in a comprehensive concept of security, the CSCE/OSCE's traditional policy areas – politics and security (fundamental principles of relations between states; military confidence- and security-building measures); economic relations; and humanitarian matters and human rights issues – remained the Organization's domain following the end of the Cold War. The same is true of the general function of negotiating and setting international norms in these areas, which has been part of the Organization's portfolio since 1975. These have been joined by implementation and monitoring tasks, and there has been more differentiation of specific problem areas and functions: The promotion of democratization processes in OSCE States and the protection of national minorities, as well as work undertaken in the fields of conflict prevention and political crisis management, require on the operational level – above all, monitoring and improving compliance with norms, for instance through observer missions or the holding of seminars.

The institutions and structures of the OSCE and the instruments it uses to perform its new specific functions were largely in place by 1995.<sup>41</sup> Since then, participating States have mostly been content to consolidate the institutions and their operational activities. This has generally been a matter of making organizational changes in the light of practical experience, such as the latest restructuring of the Secretariat in Vienna and the appointment of a Co-ordinator for Economic and Environmental Activities. A new office was also created with the appointment of a Representative on Freedom of the Media, a financial reform process was initiated and a special Contingency Fund was established to enhance the Organization's ability to respond to crises.<sup>42</sup>

The Charter for European Security of 1999 instigated a further round of institutional fine-tuning: A Preparatory Committee was established under the Permanent Council in order to strengthen the political consultation process and increase internal transparency; with the establishment of Rapid Expert Assistance and Co-operation Teams (REACT) within participating States, a new instrument was created that will be at the disposal of the OSCE. To better "plan and deploy field operations, including those involving REACT resources", an Operation Centre with a small staff was established within the Conflict Prevention Centre. In addition, the position of Gender Officer was

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41 Cf. Ingo Peters, *From the CSCE to the OSCE – Institutional Quality and Political Meaning*, in: Ingo Peters (ed.), *New Security Challenges: The Adaptation of International Institutions. Reforming the UN, NATO, EU and CSCE since 1989*, Münster/New York 1996, pp. 85-122.

42 Cf. Secretary General Rationalizes Secretariat, in: *OSCE Newsletter* 11/1998, p. 9.

created, to be based at the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw.<sup>43</sup>

At the operational level, the frequently arduous everyday work of the OSCE in conflict prevention and the promotion of democracy, the rule of law and human rights remains largely unreported.<sup>44</sup> For example, the OSCE Office for Democratic Institutions and Human Rights (frequently in co-operation with the Council of Europe) has been involved in training members of the executive, judicial and legislative branches of government in the new democracies of Central and Eastern Europe. International seminars have been held with the aim of improving participants' theoretical and practical knowledge of forms of democratic political behaviour. Fact-finding and monitoring missions serve to examine standards in political life and can be the basis for suggestions on how to eliminate deficits. The OSCE High Commissioner on National Minorities (HCNM) plays a key role in pursuing these goals and receives considerable recognition. Long-term OSCE missions attempt to head off potential crisis situations and to eliminate deficits in the application of OSCE principles and norms. OSCE field operations in – currently – 17 countries employ some 4,000 people. The mandates of OSCE field missions range across concrete conflict-management efforts, the promotion of human and minority rights, democratization, and the monitoring of ceasefires and peacekeeping forces.<sup>45</sup>

The OSCE faced a new challenge in being given responsibilities related to the implementation of the Dayton Peace Accord (1995) for Bosnia and Herzegovina. The OSCE's tasks were in the area of post-conflict rehabilitation, covering a) holding negotiations on arms reduction and military confidence building, b) (together with the UN High Commissioner for Human Rights and the Council of Europe) monitoring and improving the human rights situation and c) organizing and supervising the presidential elections in 1996 and the local elections in 1997 (also jointly with other international organizations). The OSCE's operational workload was increased once again in the autumn of 1998 when, as part of the crisis management activities being carried out in Kosovo, it assumed responsibility for verifying adherence to UN Resolutions 1160 and 1199. The Kosovo Verification Mission (KVM) was responsible for monitoring the ceasefire and troop movements, facilitating the return of refugees and displaced persons, supervising elections and helping to form institutions of self-government and police forces and pro-

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43 Cf. Charter for European Security, cited above (Note 2), paras 35, 37f., 42 and 43. On the Charter's origins and the compromises reflected in the text, see: Victor-Yves Ghebali, *The Contribution of the Istanbul Document 1999 to European Security and Co-operation*, in: *OSCE Yearbook 2000*, cited above (Note 2), pp. 289-305. On the Gender Officer and the Action Plan on Gender Issues see the OSCE's website: [www.osce.org/secretariat/gender](http://www.osce.org/secretariat/gender).

44 Cf. Peters, cited above (Note 7).

45 Cf. *Annual Report 2001*, cited above (Note 7), pp. 27-88; Berthold Meyer, *Mit unendlicher Geduld für den Frieden. Zwischenbilanz der OSZE-Langzeitmissionen [With Inexhaustible Patience for Peace. Progress Report on OSCE Long Term Missions]*, in: *Aus Politik und Zeitgeschichte B 16-17/1998*, pp. 23-30.

moting human rights and the building of democratic structures.<sup>46</sup> The KVM was withdrawn shortly before the outbreak of hostilities in March 1999 without ever having reached its full complement of personnel. After the Kosovo war, the OSCE Mission in Kosovo (OMIK) took a leading role in institution building, which involved police training, media development, the protection of human rights and the rule of law, democratization and elections. In this, it worked closely with the UN.<sup>47</sup>

Following the terrorist attacks of 11 September 2001, the areas in which the OSCE is engaged have taken on new significance with regard to the prevention of terrorism and international co-operation in anti-terrorism activities. The Plan of Action adopted in this respect comprises largely declarations of political intent and assigns the Permanent Council the role of forum for dialogue and clearinghouse. Agreement was also reached on developing plans for police-related OSCE activities which “at the request of participant states and with their agreement” concern for the most part the creation and co-ordination of training capabilities.<sup>48</sup>

In summary, the key elements of the OSCE’s institutional development are the unchanging large number of participating States and the continuity of the broad concept of security as the basis for operational tasks. The few institutional reforms carried out since 1995 have been of limited impact. They are largely concerned with optimizing the Organization’s operational capabilities in the following problem areas while also limiting the OSCE’s activities to these areas: building civil society, conflict prevention and (non-military) crisis management, democratization, human and minority rights.

*The Consequences of Parallel Institutional Development: Hierarchization, Flexibilization, Marginalization*

The enlargement of NATO and the EU has significantly increased the degree of overlap among members/participants of Europe’s various security organizations. This trend is set to grow with the forthcoming further enlargement of both organizations. Alongside the OSCE with its 55 participating States, we will then likely see a 25 member EU, a 28 member NATO, and a Euro-Atlantic Partnership Council of 46 states. As a consequence, the EU and NATO will increasingly join the OSCE in facing the “weakness in numbers” that exacerbates the general difficulties of collective action: With growing member numbers, it becomes increasingly difficult to achieve consensus in questions

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46 Cf. Full Establishment of the KVM Expected by Mid-January, in: OSCE Newsletter 11/1998, pp. 1ff.

47 Cf. Annual Report 2001, cited above (Note 7), p. 41.

48 Cf. Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2002, Baden-Baden 2003, pp. 391-417 (Decision No. 1, Combating Terrorism, pp. 393-402; Decision No. 9, Police-Related Activities, pp. 413-416).

of security policy, i.e. to remain capable of making decisions and taking action – especially important in crisis situations. The political response to these problems has been for each organization to carry out its own programme of institutional reform in the area of general functions, in other words, the internal creation of more flexible decision-making mechanisms. The OSCE had already agreed before 1995 to allow the application of exceptional rules (consensus minus one) for clearly defined special cases – mostly in the application of OSCE mechanisms<sup>49</sup> – in order to remain capable of effective decision making and action when faced with a state that violates OSCE norms and rules. NATO, the EAPC and the EU have gone even further down this road: NATO with the concept of the CJTF; the EAPC with its extremely flexible methods of negotiating and decision making; the CFSP/ESDP with different decision-making rules for adopting Common Strategies and Joint Actions, and the instrument of enhanced co-operation; and the ESDP again with the option of constructive abstention.

NATO and the EU have greatly expanded their competencies in a variety of problem areas and other fields of activity within the policy area of “security”. NATO’s responsibility in the problem area of military crisis management (non-article 5/out-of-area operations) and tasks relating to co-operative security has been significantly strengthened relative to its traditional role of collective defence. In accordance with the resolutions adopted in Cologne in June 1999 and at subsequent European Council meetings, the EU is creating a “military arm” for military crisis management. The EU’s established practice of performing civilian crisis management via the provision of economic aid has also been expanded and formalized to encompass preventive conflict management and post-conflict rehabilitation. In both NATO and the EU, these new general and specific functions have led to the creation and expansion of specialized institutional structures.

In the case of the OSCE, the increase in membership, the creation of more flexible decision-making processes, the assumption of new responsibilities and the creation of new military and civilian organs and instruments were completed in the mid-1990s. In contrast, NATO and the EU have largely carried out such institutional changes since then, while the OSCE has

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49 The OSCE mechanisms in question are: the mechanism for consultation and co-operation as regards unusual military activities, the human dimension mechanism, the mechanism for consultation and co-operation with regard to emergency situations and the Valetta mechanism for the peaceful settlement of disputes. For more details of the individual mechanisms see also: Ingo Peters, Normen- und Institutionenbildung der KSZE im Widerstreit politischer Interessen: Die Durchsetzung des Gewaltverzichts als Prüfstein für die KSZE [The CSCE’s Work of Norm and Institution Building in the Midst of Conflicting Political Interests: The Achievement of Non-Violence as the Touchstone of CSCE Success], in: Bernard von Plate (ed.), *Europa auf dem Wege zur kollektiven Sicherheit* [Europe on the Road to Collective Security], Baden-Baden 1994, pp. 155-186; Heinz Vetschera, Die Rolle der KSZE als Einrichtung kooperativer Sicherheit im Rahmen des „*Interlocking institutions*“-Konzepts [The Role of the CSCE as a Co-operative Security Institution in the Framework of the “Interlocking Institutions” Model], in: *ibid.*, pp. 95-154.

more or less stagnated in terms of institutional development, and its activities in this area have been restricted to consolidation.

What do these institutional developments within the various security organizations mean for inter-institutional co-operation?

It is no accident that the Istanbul Document's 1999 description of the OSCE's "key integrating role" in the co-operation of European security organizations is couched in tentative language.<sup>50</sup> So far at least, the key role envisaged for the OSCE has not been reflected in the political reality of the "interlocking network of European security institutions". In contrast to the OSCE's decision "not [...] to create a hierarchy of organizations or a permanent division of labour among them",<sup>51</sup> a *de facto* hierarchy has emerged, with NATO in the dominant position, although, formally, it remains merely "first among equals".<sup>52</sup> The origins of this dominance are largely to be found in the area of military security policy with the central position of the USA and its military capacity. The right of "first refusal" in acute crises, which was reserved for NATO by the EU states at the Helsinki summit, amounts to a veto whose impact extends beyond the EU and NATO to Europe's other security organizations. The NATO member states have a blocking minority in the other security organizations and largely determine which organizations are given responsibility for collective security tasks in each case, as well as when and how they are carried out. The expansion of NATO's and the EU's competencies, structures and instruments, and the increased flexibility of their internal decision-making processes, are reducing the problems associated with taking collective action (entrapment and abandonment) by increasing the range of political options available, thereby reducing the influence of "unwilling" states and governments and making blocking tactics impossible. These reforms also increase external flexibility, since their newly created capabilities enable NATO and the EU to take action, such as sending a police

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50 Charter for European Security, cited above (Note 2), p. 429: "Recognizing the key integrating role that the OSCE *can* play, we offer the OSCE, when appropriate, as a flexible co-ordinating framework to foster co-operation, through which various organizations can reinforce each other drawing on their particular strengths." (para. 12 section 2: emphasis added).

51 Ibid.; see also: *ibid.*, p. 428: "Within the OSCE no State, group of States or organization can have any pre-eminent responsibility for maintaining peace and stability in the OSCE area or can consider any part of the OSCE area as its sphere of influence." (para. 8).

52 For a similar view, see: Ernst-Otto Czempel, Europa und die Atlantische Gemeinschaft [Europe and the Atlantic Community], in: *Aus Politik und Zeitgeschichte B 1-2/1999*, pp. 12-21; Werner Link, Die NATO im Geflecht internationaler Organisationen [NATO in the Network of International Organizations], in: *Aus Politik und Zeitgeschichte B 11/1999*, pp. 9-18; Ingo Peters, Die NATO als „Primus inter Pares“? Die Weiterentwicklung der Europäischen Sicherheitsinstitutionen [NATO as "First Among Equals"? The Evolution of European Security Institutions], in: Wolfgang Wagner et. al. (eds), *Jahrbuch Internationale Politik 1997-1998*, Munich 2000, pp. 124-135.

contingent, either unilaterally or within a broader multilateral framework such as the OSCE or the UN.<sup>53</sup>

At the operational level of European security-policy, hierarchization and flexibilization are evident in the concrete division of labour between the organizations. Here, the dominance of NATO and the EU is clearly evident, while the OSCE continues to toil at a wide range of thankless tasks that generally do not impact upon public awareness. The expansion of NATO and the EU in various policy areas, general functions and specific functions/problem areas means that even the “niche of co-operative security”,<sup>54</sup> which was, until the mid-1990s largely the preserve of the OSCE, has been claimed and colonized by the other organizations. This is illustrated clearly, for example, by the new civilian crisis management capabilities established within NATO and the EU, or by a comparison of the OSCE and EAPC’s agendas or work programmes. Thus, for instance, the EAPC rather than the OSCE is the forum preferred by NATO countries and the USA to address issues related to peacekeeping missions, as these require operational military capacities. This has happened despite the fact that the NATO states also explicitly delegated this function to the OSCE in the Helsinki Document of 1992.<sup>55</sup>

Contrary to the expectations of some states and governments in the early 1990s, the OSCE has not been expanded to become the central clearinghouse of European security. It has instead been forced into a niche of operational specialization focused on the promotion of democracy, human and minority rights and conflict management *excluding* military engagement and dependent in each case to a large extent on the resolutions of NATO and the EU: The OSCE is only granted responsibility when NATO and the EU (or, more accurately, their member states) so wish. Nevertheless, a new impetus for further institutional and operational development of the OSCE may come out of the decision of the OSCE Ministerial Council meeting at Porto to develop an OSCE strategy to counter threats to security and stability in the 21st century.<sup>56</sup>

By expanding their memberships, increasing the (internal) flexibility of decision making, and broadening their responsibilities to include co-operative security and civilian crisis management – areas where the OSCE has traditionally been active – NATO and the EU have undergone a functional “despecialization” or generalization, thereby becoming “OSCE-ified”. With

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53 Cf. Michal Olejarnik/Bonnie Landry, The EU and the OSCE – working together to prevent crisis and conflict; Javier Solana delivers key address to Permanent Council, in: OSCE Newsletter 2/2001, pp. 1-2.

54 Ingo Peters, Von der KSZE zur OSZE: Überleben in der Nische kooperativer Sicherheit [From the CSCE to the OSCE: Surviving in the Niche of Co-operative Security], in: Haftendorn/Keck, cited above (Note 9), pp. 57-100.

55 Cf. NATO Parliamentary Assembly, cited above (Note 21), paras 35, 38 and 42.

56 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, see pp. 421-455 of this volume, especially: Decision No. 2, Development of an OSCE Strategy to Address Threats to Security and Stability in the Twenty-first Century, pp. 443-445.

the EU's adoption of a military crisis management role and the creation of the appropriate organs and instruments, that organization can also be said to be undergoing NATO-ization – excluding, however, a collective defence component. These developments create the need for a higher degree of harmonization between the EU and NATO, as is evident in the transatlantic dispute over “duplication, decoupling, and discrimination”.<sup>57</sup> Even the December 2002 agreement over the question of the EU's access to NATO resources requires close institutional co-operation and will likely mean additional co-ordination activities are required on an *ad hoc* basis with every major crisis.<sup>58</sup> The need for organizations to co-ordinate their activities is particularly high in the case of civilian crisis management, where the “OSCE-ification” of NATO and the EU has led to significant overlaps between the functions and instruments of all three organizations.

Measured against the dynamic development of NATO and the EU, the OSCE's progress appears retrograde: Having found its final institutional form some time ago, the OSCE has since stagnated to the extent that one can speak of a “forgotten transatlantic security organization”<sup>59</sup> which, while in absolute terms it still performs vital work in the niche of co-operative security, has been largely marginalized compared to the other major European security organizations. The institutions with the necessary capacities – NATO and the EU – dominate those with the task of mandating operational activities and which – in terms of policy and even international law – are formally dominant: *viz.* the OSCE and the UN.

However, the political importance of an organization depends not on its stage of institutional development or its formal competencies but rather on the willingness of the organization's member/participating States to make use of it for its intended function. For instance, the OSCE's various mechanisms and highly differentiated powers of conciliation and arbitration are impressive on paper, but, since they have been used very rarely if at all, they have remained politically insignificant. Even, NATO, despite its dominant position relative to the other organizations, is not unaffected by this discrepancy between supposed institutional powers and political reality. In view of the debate within NATO over the correct strategy for combating international terrorism, and the unilateral course pursued by the USA in relation to this crisis, even convinced NATO supporters see the Western Alliance – whose history could be seen as a series of internal conflicts and crises – as facing an unprecedented existential crisis.<sup>60</sup> At the same time, NATO's central role in the

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57 Stanley R. Sloan, *The United States and European Defence*, Paris 2000, Institute for Security Studies, Chaillot Paper 39, pp. 16f.

58 For some details of the agreements between NATO and the EU, see: NATO and the EU – In “Harmony” over Macedonia, cited above (Note 40), pp. 2-3.

59 Robert Barry, *The OSCE: A Forgotten Transatlantic Security Organization?*, BASIC Research Report 3/2002, London 2002.

60 Cf. Peter van Ham, *Security and Culture, or, Why NATO Won't Last*, in: *Security Dialogue* 4/2001, pp. 393-406; Helga Haftendorn, *Das Ende der alten NATO* [The End of the

handling of acute crisis situations is being eclipsed by more informal “institutions” – the Contact Group, the Quint, the Quad, etc. – which are acting as an informal “European security council” on an *ad hoc* basis.<sup>61</sup>

The informal pre-eminence of NATO and the EU and the central role played by informal structures in the “network of interlocking European security institutions” amount in practice to – at best – a “solution” to the problem of inter-institutional co-operation that is based on power. It is, however, a solution whose viability must be examined on a case-by-case basis, and one where – depending on the concrete conflict situation – “softer” forms of power than mere military force may also play a role, allowing those organizations which appear to have been sidelined also to make meaningful contributions to European security – assuming that their member/participating States make use of their capabilities for this purpose.

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Old NATO], in: *Internationale Politik* 4/2002, pp. 49-54; Klaus Naumann, *Crunch time for the Alliance*, in: *NATO Review* 2/2002.

61 Cf. Catherine Gegout, *The Quint: Acknowledging the Existence of a Big Four-US Directorate at the Heart of the European Union's Foreign Policy Decision-Making Process*, in: *Journal of Common Market Studies* 2/2002, pp. 331-344; Helga Haftendorn, *The “Quad”: Dynamics of Institutional Change*, in: Celeste A. Wallander/Helga Haftendorn/Robert O. Keohane (eds), *Imperfect Unions. Security Institutions over Time and Space*, Oxford 1999, pp. 162-194, here: p. 162; Vera Klauer, *Bedingungen institutioneller Leistungsfähigkeit am Beispiel des Konfliktes im ehemaligen Jugoslawien [The Conditions of Institutional Performance Capabilities: The Example of the Conflict in the Former Yugoslavia]*, in: Haftendorn/Keck, cited above (Note 9), pp. 233-252, here: p. 245f.

<i>An overview of European Security Organizations (international organizations only)</i>								
Responsibilities according to mandate of member/participating States								
Organization	UN+	OSCE	CoE	NATO+	EU	(Rump-) WEU	CBSS	CIS
Responsibility								
Policy Areas								
Politics	X	X	X	X	X	(X)	X	X
Economics	X ECE	X Eco- nomic Forum			X		X	X
Security	X	X	X	X	X	(X)	<i>soft security</i>	X
General Functions								
Consultation/ Dialogue	X	X	X	X	X	X	X	X
Negotiations/ Establishing Norms	X	X	X		X		X	
Implementation	X	X	X	X	X	X	X	
Monitoring and Harmonization	X	X	X		X			
Problem Areas (Security Policy)	UN+	OSCE	CoE	NATO+	EU	(Rump-) WEU	CBSS	CIS
Public Administration and Civil Society	X	X	X		X		X	
Democratization	X	X	X	X EAPC	X		X	
Human and Minority Rights	X UN- HCR UN- CHR	X ODIHR	X				X	
Conflict Prevention and Crisis Management	X	X CPC		X EAPC PfP	X CFSP & ESVP			X
Peaceful Conflict Resolution	X	X						
Disarmament/ Arms Control	X	X FSC		X EAPC				X
Collective Defence				X		X (Art. 5)		

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