

## Long on Promise – Short on Impact: The OSCE Reform Initiative 2004-2005 and Its Results

### *An Overdue Initiative*

“Crisis” has been the central concept in virtually all analyses of the OSCE and its activities in recent years. Demands for (and expectations of) a determined effort to overcome the crisis are longstanding. In December 2004, the Twelfth Ministerial Council in Sofia took the initiative by establishing a “Panel of Eminent Persons” tasked with improving the Organization’s effectiveness. It was asked to present its report – including reform proposals – by the end of June 2005. “High-Level Consultations” would be held to discuss the results of this and any other contributions, and the results of this process, including the recommendations derived from it, were to be submitted to the 2005 Ministerial Council by the Permanent Council to form the basis for appropriate resolutions.

The High-Level Consultations were held in Vienna on 12 and 13 September 2005. They discussed the Panel’s report, “Common Purpose: Towards a More Effective OSCE”,<sup>1</sup> and several further documents, including:

- The Report on the Colloquium on “The Future of the OSCE” held in Washington on 5-6 June 2005 and jointly organized by the OSCE Parliamentary Assembly (OSCE PA) and the Swiss Foundation for World Affairs.<sup>2</sup>
- A statement by the Russian Deputy Foreign Minister Vladimir Chizhov on the problems of the OSCE.<sup>3</sup>

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1 Common Purpose – Towards a More Effective OSCE. Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the OSCE, 27 June 2005, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 359-379. The report is hereafter referred to as “Common Purpose”.

2 Report: Colloquium on “The Future of the OSCE”, A Joint Project of the OSCE Parliamentary Assembly and the Swiss Institute for World Affairs, Washington, 5-6 June 2005, reprinted in: *OSCE Yearbook 2005*, cited above (Note 1), pp. 381-388, hereafter referred to as “Future Colloquium”. The fact that this event took place in Washington should not be taken as indicating any special link between this event and the official OSCE policy of the USA. It is more likely that the intention of the organizers was to raise interest in and awareness of the OSCE among the US political and media establishments. The Report on the Colloquium was written by Ambassador Gérard Stoudmann (the former Director of the OSCE’s Office for Democratic Institutions and Human Rights/ODIHR) and Spencer Oliver (the Secretary General of the OSCE PA) and approved by top-level representatives of both organizers.

3 *Remarks by Deputy Minister of Foreign Affairs of the Russian Federation Vladimir Chizhov at the International Roundtable Meeting on the Theme of “The 30th Anniversary*

- A report, entitled “Managing Change in Europe”, by the Centre for OSCE Research (CORE) at the Institute for Peace Research and Security Policy at the University of Hamburg/IFSH.<sup>4</sup>

A number of states had sent additional participants to the High-Level Consultations, and there was wide variation in format among the different national representations.<sup>5</sup> The topics covered included “Purpose and Priorities”<sup>6</sup> and “Structures, Procedures and Practices”.<sup>7</sup> The list of topics was chosen on the basis of the preparatory contributions.

*Prominent Elements of the Situation Prior to the September 2005 Consultations in Vienna*

There was one thing that virtually all the parties involved agreed on before the September consultations started: If substantial reforms were not made soon, the OSCE would lose its significance. The critical state of the Organization had long been visible in a number of ways:

- A Summit Meeting of OSCE Heads of State or Government is actually supposed to be held every two years. However, none has been held since Istanbul (1999). Washington has refused to agree to hold a Summit on the grounds that there were not enough draft decisions of substance to justify it. This indicates a loss of importance in the eyes of the USA.
- Russia’s interest in the OSCE had been declining even more dramatically for years. That became clear when Moscow’s attempts to expand the CSCE into what Russia considered a fully developed organization with a decisive role in a pan-European security architecture – on the basis of binding international law, with definite responsibilities, and a supreme steering body similar to the United Nations Security Council –

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*of the Helsinki Final Act and the Problems of the OSCE”, Moscow, June 2, 2005, Press Release, 6 June 2005, at: [http://www.rusembcanada.mid.ru/pr/060605\\_1.html](http://www.rusembcanada.mid.ru/pr/060605_1.html).*

4 *Managing Change in Europe – Evaluating the OSCE and Its Future Role: Competencies, Capabilities, and Missions*, compiled by Wolfgang Zellner, CORE Working Paper No. 13, Hamburg 2005. On 22 July 2005, it was distributed within the OSCE by the Permanent Representation of Finland as Document PC.DEL/784/05 (the Finnish Foreign Ministry had proposed and financially supported the project). This report is also reprinted in the OSCE Yearbook 2005, cited above (Note 1), pp. 389-430. In the following, it will be referred to as “Managing Change”.

5 There were 30 US participants and only five from Russia.

6 Matters considered under this heading included the OSCE’s position in the European security architecture, the Organization’s identity and profile, its comprehensive approach to security, and co-operation with states and non-state actors.

7 Questions of consultative and decision-making procedures, clarifying the roles of the Chairman-in-Office and the Secretary General, the structures and working methods of the OSCE’s other institutions and its field missions, and the problem of the relations between the three dimensions were dealt with under this heading.

failed. The disappointment came as early as 1994, when NATO announced its imminent enlargement and Russia had to make do with the relatively worthless consolation prizes it was handed at the Budapest Summit.<sup>8</sup>

As a consequence, Russian dissatisfaction at the tendency to instrumentalize the OSCE in ways favourable to the USA and NATO became ever more apparent. It was also expressed regularly when Russia refused or delayed its consent to draft decisions that had been endorsed by a majority, and to demand reforms that would remove what it considered imbalances.<sup>9</sup>

- The annual Ministerial Council has ended on a number of occasions without agreement being reached on a common declaration.<sup>10</sup>
- On several occasions, the OSCE has failed to reach agreement on its budget before the start of the new budgetary year. This has had a negative effect on the Organization's credibility, operations, and the morale of its workforce.
- The reduction in expenditure attests to a decline in the willingness of the participating States to pay.<sup>11</sup>

As obvious as the crisis and the need for reform were, it was always uncertain whether it would be possible to reach agreement on how to interpret the symptoms and underlying causes of the crisis and on what measures would be best suited to alleviating it.

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8 Specifically, the renaming of the CSCE as the OSCE (which was, however, linked to the assurance that nothing would change in terms of legal form, structure, and working methods) and the inauguration of a debate on a new security model for the 21st century, which led to the adoption of a "Charter for European Security" in 1999, although this fell far short of Russian expectations.

9 Cf. Alexander Matveev, The OSCE Identity Crisis, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 59-78, which has a subsection entitled "Broken Promises, Shattered Principles" (p. 60). Cf. also Andrej Zagorski, Russland und die OSZE: Erwartungen und Enttäuschungen [Russia and the OSCE: Expectations and Disappointments], in: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg/IFSH (ed.), *OSZE-Jahrbuch 1995*, Baden-Baden 1995, pp. 109-119; cf. also Andrei V. Zagorski, Russia's OSCE Policy in the Context of Pan-European Developments, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1997*, Baden-Baden 1998, pp. 45-51.

10 The first time was at the 2000 Vienna Ministerial Council. Positions acceptable to the majority were entered into the records as the Statement by the Chairperson-in-Office. Cf. Statement by the Chairperson-in-Office, reproduced in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 481-495, including the Interpretative Statement by the Delegation of the Russian Federation (pp. 490-491). For a view of the Ministerial Council as proof that the OSCE is in crisis, see: Victor-Yves Ghebali, The Vienna Ministerial Council Meeting and Its Aftermath: Coping with the Russian Malaise, in: *ibid.*, pp. 29-38.

11 The 2005 budget was six per cent lower than that of the previous year. Funds set aside for field operations declined by an even greater twelve per cent, although ODIHR's budget enjoyed an 18 per cent increase.

Nevertheless, a number of key conditions necessary for reform were mentioned in all or nearly all preparatory documents, even if their weighting differed from case to case. Even before the 2004 Ministerial Council, the proposals in question had already been made on many occasions and were almost approaching the status of clichés. That was true of the following statements (among others):

- (1) The OSCE had failed to (adequately) take account of the transformation of the general security environment. The Organization needed to adapt in ways that went beyond the superficial.
- (2) The political will of a number of participating States to take the OSCE seriously, and therefore to conform to its fundamental principles and norms and to make optimal use of its established mechanisms and instruments, has declined or vanished entirely. In other words, the normative power of the OSCE's governing principles and rules has diminished, at least in some capital cities.

It would therefore be desirable to reinforce the normative power of these principles and norms; at least via an emphatic reaffirmation of the decisions upon which they are based (e.g. in the form of a Ministerial Council or Summit Decision), but possibly also via the granting of binding force under international law (e.g. in the form of a convention).

- (3) The relative weighting of the various fields of activity is contestable and requires adjustment, as is the balance between the activities carried out in each area (or the OSCE's traditional "dimensions").
- (4) The system of institutions and procedures requires a major overhaul to improve both efficiency and effectiveness.

Behind these theses, there are a further set of claims on a more fundamental level, which are not always expressed openly. They are based on differing motivations and perceptions of interest, on the one hand, and on the balance of power, on the other (although these two aspects are related).

- (5) The original reasons for the inauguration of the CSCE process and the establishment of the CSCE/OSCE regime have long lost much of their motivating force. They are no longer able to ensure a level of loyalty to the Organization and its regime that will remain effective when self-interest tempts a country to be less than stringent in the application of its commitments, to implement them selectively, or to disregard them entirely.
- (6) The original balance of power among the participating States of the CSCE appeared to make regime-building measures that would promote stabilization advisable in the eyes of key players.

This need ceased to exist a while ago, firstly, because the unstable stalemate no longer exists in the same form, and, secondly, because the

current stabilization regime has lost much of its value in the face of new threats and risks.

As a result, the OSCE system appears well positioned to serve specific interests (of great powers, alliances, or groups of states), or to be reinterpreted or restructured in ways that abet such instrumentalization.<sup>12</sup> However, efforts of this kind would inevitably arouse the displeasure of those participating States who would see their interests damaged by them.

This leads to another, absolutely tangible, conclusion, which was also addressed prior to the September consultations, admittedly – in line with diplomatic practice – not always with explicit mention of the actors involved:

- (7) The core element of the crisis lies in a conflict of interests between two unequally large coalitions, led by the USA and the Russian Federation, respectively. The positions taken by the USA are supported by a majority of participating States. Because of the continuing application of the consensus principle, however, Russia and its sympathizers can block any attempts at reform. Russia is particularly prone to making use of its *de facto* veto when it estimates that reform proposals with majority support are detrimental to its interests, but it also blocks measures to express its general reservations regarding current OSCE policy.

This suggested that reform efforts should be oriented not only on improving the prerequisites for efficiency and effectiveness of the OSCE and its institutional and operational form, but rather focus directly on mediating between the viewpoints of the USA and its allies, on the one hand, and Russia and its sympathizers, on the other. It was no coincidence that several of the preparatory documents mentioned above were elaborated with the participation of exponents of both contrary positions, and, at times, it appeared that each package of proposals had been composed with the aim, first, of toning down items that one side would find unpalatable and, second, making them easier to swallow by linking them to proposals in which the party perceiving a disadvantage had a positive interest. This formula has proved itself time and time again from the start of the CSCE process, so it appeared appropriate to

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12 This is admittedly only the revival of a strategy that was practised effectively in the CSCE's early days: From the start, the CSCE process was characterized by "antagonistic co-operation", within which, on the one hand, tendencies towards destabilization were to be brought under control and rules for a *modus vivendi* developed and practised, while, at the same time, each of the blocs aimed to strengthen its own position and hence to skew the mutual interdependency in its own favour. In Moscow, this was spoken of openly from the start: The aim was to make of Europe a "continent of peaceful coexistence"; at the same time, however, it was believed that peaceful coexistence between Imperialist and Socialist states would only function when the balance of power was such that the Imperialist powers were no longer able to exercise their imperialistic policies in accordance with the logic of Imperialism.

apply it once more. In taking this route, however, the danger is that too much emphasis may be laid on a limited number of superficial positive and negative concerns leaving the underlying problems untouched.

### *A Broader Look at the Challenges of OSCE Reform*

To the masterminds of the consultations on OSCE reform, it appeared that a necessary condition for success was to overcome the antagonism between the two main opposed positions. Whether it would be sufficient is another matter.

In order to judge this, we must recall the challenges the OSCE needed to overcome to escape from the unsatisfactory situation it found itself in.

The suggestions made on this matter below are brief and incomplete; furthermore, they offer nothing new – after all, there has been a great deal of discussion of new challenges and risks in the fifteen plus years since the collapse of Communism.

There is no reason to repeat the oft-stated and obvious truth that the overall security situation has changed considerably over time, and that this makes it necessary to re-examine the OSCE's tasks, working methods, and instruments. To reach agreement on specific and substantive consequences, however, requires a certain consensus on what the key changes are.

A number of processes, which either led to changes in the context in which the OSCE has to successfully operate, or modified the opportunities available to the Organization, deserve to be mentioned. Only by looking at them all together and considering their relative weights can one gain a true understanding of the challenges facing the OSCE.

In the early days of the CSCE, security was seen as being endangered above all by tensions and threats among participating States. This has changed in several ways: The threats that require dealing with now are by no means limited to “inter-state” conflicts, and not all – perhaps not even the bulk – emanate from within the OSCE area itself.

However, such generalizations cannot provide any useful information about the requirements for OSCE reform. It is necessary to differentiate, as follows:

- In the early days of the CSCE, the opposing parties in the Cold War practised “antagonistic co-operation”, while the third caucus, the neutral and non-aligned states, attempted to offer their good offices, to mediate, and to strengthen the CSCE system.

This was followed by a phase of co-operation between the former antagonistic camps, which was greeted with an exaggerated euphoria, although major players had different conceptions of how it should develop.

Since then, as already noted, a new and significantly asymmetrical polarization has emerged, characterized, in particular, by the United States' tendency towards global hegemony, which is viewed with unease in Russia (and not necessarily only there), but readily accepted by other states (e.g. in Central Europe).

- The fear of escalating tensions or even war between the former alliances, and the interest (which varied from state to state) in pursuing *détente* or at least achieving a reliable *modus vivendi* no longer exist; this is not affected by the above-mentioned polarization.

In the meantime, other concerns have come to dominate, specifically with regard to new conflicts (which tend to be intra-state or transnational rather than international), in which new (or previously less significant) actors are involved – from frustrated members of ethnic or other minorities, via parties in civil wars and wars of succession or would-be warlords, to transnational terrorist networks, not to mention criminal organizations and networks of various kinds. New structures of conflict and categories of actor call for new measures of prevention and resolution.

- The extent to which concern at these new threats to security can create a sufficient sense of a common interest on which to base more intensive co-operation remains to be clarified. Partly, this is because the OSCE's 56 participating States are exposed to these dangers to varying degrees and have different views on the necessity of collective reaction.

Hence, it is uncertain whether the original motive for co-operation has been or can be replaced by a different but equivalent one.

We can certainly not assume that a sense of being a “community of values” can now effectively replace the collective fear of losing control of the Cold War as the “glue” that holds the Organization together – as was proclaimed in Paris in 1990. The number of participating States has grown by around 20 since the disintegration of the Soviet Union and Yugoslavia. That has brought a massive increase in heterogeneity. The Central Asian participating States do not consider themselves to be European however much value they place on membership of and co-operation with the OSCE. The representatives of Central Asian states have, however, repeatedly argued that politics in the region has to take place under conditions that differ significantly from those in the rest of the OSCE area, and in a very different political and social culture. This is the basis for a rejection of the unreasonable demand for rapid and complete adoption of Western regulatory principles that were declared binding for the entire OSCE area at the end of the Cold War. The patrimonial social structures found in the Caucasus also contribute to the heterogeneity of the OSCE area.

With no “glue” capable of holding together its 56 states, the OSCE will become more of an arena for disputation between states and groups

of states than a fully developed “pluralistic security community”, let alone a “collective actor”.

That applies all the more as the fictitious character of the “indivisibility of security” in the OSCE area, so often and so solemnly proclaimed, becomes evident.

- The pan-European euphoria faded quickly soon after the end of the Cold War in the face of the growing potential for conflict in the OSCE area. At the same time, global instability and danger have also increased.

These are manifested on various levels:

- Military security has returned to a state of precariousness – though a different precariousness to that which held sway during the Cold War.
- Concern with disarmament and arms control has declined; the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), held in New York, was unsuccessful, and the regime is likely to become weaker as a result.<sup>13</sup> The number of states with nuclear weapons has also officially risen while yet more states are increasingly suspected of seeking to acquire them. This is particularly evident among technologically and militarily advanced states.
- A completely different set of problems present themselves in countries where the government is unable or unwilling to assert its monopoly over the use of force to stop power groupings in its area from engaging in activities tending to destabilize or threaten the peace.
- The growth of arms trafficking and smuggling increases the opportunities for non-state actors to destabilize the security situation in various parts of the world, including areas adjacent to the OSCE. The more these activities become transnational in character, the harder it will be for states to meet the challenges they entail.
- What is known as “globalization” results in the intensification of conflicts over economic and social resources.
- At the same time, the importance of ideological and cultural differences and antagonisms is increasing; whether we consider Samuel Huntington’s “clash of civilizations” to be a realistic diagnosis, a self-fulfilling prophecy, or merely a thought-provoking suggestion, the arrangement of political powers and dangers in the OSCE area – but especially in its neighbouring areas – is significantly co-determined by oppositions based on religion and determined by distinctive political world views that are extremely difficult to reconcile.

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13 Cf. Burkard Bischof, Wenn die internationale Schutzhülle löchrig wird [When International Protection Springs a Leak], in: *Die Presse* (Vienna), 1 July 2005, p. 6.

- Following the attacks of 11 September 2001, the OSCE's most powerful participating State considers itself to be engaged in a *bellum iustum*, i.e. a war that may be prosecuted with full legitimacy, and in which one's enemies are not considered to be moral, political, or ethical equals (i.e. "*iusti hostes*" in terms of the modern laws of war); this tends to downplay questions of legitimacy under international law. It also rules out neutrality with regard to the warring parties – indeed, states that profess a devotion to justice should make the just cause their own; mistrust awaits those who refuse co-operation, or preferably coalition; those who are not with us are against us (and against civilization). The whole thing is made even more complicated by the fact that the enemy is not a state, nor even a tangible collective actor, but "international terrorism".
- As far as the USA is concerned, "security and co-operation" have taken on a new meaning, and the tasks of the OSCE appear in a correspondingly different light. From this point of view, it is by no means illogical for the USA to have repeatedly called upon the OSCE to join the "fight against terrorism" in recent years.<sup>14</sup>
- The changing situation within which the OSCE has to find and fulfil its role encompasses not only shifts in the balance of power and the interests of states, and the emergence of new types of non inter-state conflicts; shifts are also taking place at the level of international organizations and groupings: NATO, the Council of Europe, and the European Union have not only expanded their memberships over time, they have also taken on tasks that go far beyond their original functions, and some of these tasks used to be regarded as partly or even primarily the responsibility of the CSCE/OSCE. Following the containment, cessation ("freezing"), or resolution of a conflict in an area like the OSCE region or a narrower subregion, multilateral responsibility for security usually becomes the responsibility of a network of international organizations, of which the UN is, of course, the most important. The OSCE has little chance of selecting the tasks that it would most like to perform; it is more likely to be assigned with certain responsibilities (mostly by an *ad hoc* oligarchy of states that chooses to take the relevant decisions).

The points listed above all serve to show how complicated the situation is in which the OSCE is expected to examine its tasks, scope for effective action, and shortcomings.

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14 Other participating States have also made use of this expression, though they do not necessarily mean the same thing as the USA; Turkey has long seen the persecution of the PKK as a "fight against terrorism", as has Russia the struggle against Chechen separatists.

It is more complicated than the most visible and frequently discussed demands for reform would suggest.

*The Reform Proposals of the “Panel of Eminent Persons”*

The writers of “Common Purpose” consider several discussions to be symptoms of the OSCE’s damaging lack of unity, including:

- whether new dividing lines are being drawn in Europe,
- whether double standards are applied (e.g. for Eastern and Western countries),
- whether the OSCE is in danger of losing its relevance, and
- whether the participating States possess the political will to make full use of the Organization.

Indications of inadequacy include the existence of long-running unresolved conflicts in the OSCE area (Nagorno-Karabakh, Georgia’s problems with South Ossetia and Abkhazia, and the Transdniestria problem in Moldova).

Considering all of these to be symptoms of a crisis, the eminent persons make a succinct plea for the OSCE to adapt to a new “security paradigm”. While they note that new types of conflict and new instabilities exist, they do not give specific details. It appears that they assume that the degree to which the situation has changed is already well enough known. One may also presume that the Panel of Eminent Persons remembered the years of laborious discussions of new threats and challenges and did not want to cover the same ground again or give cause for others to do so.

Instead, they propose that the Organization adopt a number of reforms. The list they produced contained a wide variety of suggestions.

- The list begins by detailing long-running OSCE core tasks and activities, such as:
  - political dialogue, which should be enhanced,
  - human dimension activities, together with the promotion of democracy and the rule of law (encouraging tolerance and non-discrimination, respect for the rights of persons belonging to national minorities, election observation, etc.
- Second, it recalls the OSCE’s established tasks. Its description of this contains several notable modifications, however, such as the following two examples:
  - “Common Purpose” addresses the conflict management cycle, which has so often been mentioned in passing over the years – from early warning to post-conflict rehabilitation, including restorative justice and the reconciliation of former enemies. It makes

- no mention, however, of crisis management and peace-making – critical tasks at the heart of the conflict cycle whose performance may require the application of force. Apparently, the authors see these tasks as the responsibility of other actors.<sup>15</sup>
- Arms control and confidence and security building measures (CSBMs) are also identified as priority areas. That is notable because, while the CSCE/OSCE has been very active in the area of CSBMs,<sup>16</sup> activities relating to arms control in the narrow sense were, at most, carried out a way that was only indirectly connected to the CSCE, as in the case of the negotiations and the Treaty on Conventional Armed Forces in Europe.
  - Advising the OSCE to prioritize arms control and CSBMs may sound sensible, but it is severely lacking in substance. “Common Purpose” says nothing more than that the OSCE should consider new initiatives in the politico-military dimension, such as reviewing and, if necessary, amending certain elements of the Helsinki Decisions of 1992 and the most recent version of the Vienna Document (1999). It has indeed long been clear that these documents are also based on an outdated model of the security environment, and the “new security paradigm” would suggest the need for a fundamental review. However, such a course of action would require all participating States to agree on a new mandate for negotiations that could lead to a more modern system of security-building measures. There is, however, little prospect of such a mandate being agreed. On this question, the Eminent Persons remain singularly vague.
  - Third, “Common Purpose” lists tasks that have been added to the OSCE agenda in recent years, such as promoting police training, border management, democratic control of the armed forces, and combating terrorism, extremism, organized crime, and trafficking in human beings, drugs, and weapons.

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15 It is important to recall at this point the long history of discussions of CSCE/OSCE peacekeeping operations; these were included in the OSCE’s list of tasks as early as 1992; however, no OSCE peacekeeping mission has ever been sent. In recent years, a number of countries, including Russia, have argued that the OSCE should consider running its own peacekeeping operations. The USA and other Western states have always rejected such proposals, apparently in the view that organizations such as NATO (where possible with the approval of the UN) are better suited to carry out such tasks. The Panel’s report therefore approximates to the Western point of view in this respect. Before one sees this as a matter of abandoning claims that the Organization had itself staked in 1992, one should bear in mind that the nature of peacekeeping operations has changed: The original thought of classical UN “blue helmet” operations, undertaken with the agreement of all the parties involved, and implemented ideally without the use of force, has increasingly given way to “robust” deployments, occasionally occurring in a grey area between peacekeeping and peace enforcement.

16 One might recall the Stockholm Conference on Confidence and Security-Building Measures and Disarmament in Europe (CDE) of 1984-1986 and the frequently updated Vienna Document on CSBMs.

The authors make several further suggestions for reform:

- Some relate to the Organization's general approach towards performing its tasks. For instance, they mention the need for a "cross-dimensional perspective" linking the OSCE's various areas of activity – human, political, and military – at both planning and operational levels.

They also call for the Organization's activities to be based on long-term strategic thinking.

- A more concrete proposal is to consolidate the OSCE's status by providing it with legal personality; this requires a legally binding basis – in the form of a statute or convention – which would define the Organization's goals, principles, and "commitments", as well as the structure of its main decision-making bodies. "Common Purpose" calls upon the participating States to agree on a treaty to this end, though the substantive agreements made on this basis should remain merely politically binding.<sup>17</sup>

For a long time, Russia and several like-minded states had pleaded that the CSCE/OSCE should be transformed into a fully fledged international organization, a kind of regional UN. When this proved unrealistic, it could be said that the desire to give the Organization a legal foundation remained. On the other hand, representatives of the West and others have repeatedly stressed the advantages of the existing structure, which allows the Organization to adapt rapidly and flexibly to changing circumstances and prevent the proliferation of red tape. The proposal made by the Panel of Eminent Persons – a combination of a legally binding foundation and politically binding concrete decisions and projects – appears to be a compromise aimed at breaking the stalemate between the two positions.

- The document makes equally concrete and detailed proposals on the modification of the OSCE's institutions and decision-making system:
  - The Permanent Council should retain the paramount role in deciding on priorities and activities, while three new committees corresponding to the OSCE's main dimensions should be established under its authority:
    - a) a Security Committee (although the Panel was divided on whether this would assume responsibility for the current functions of the Forum for Security Co-operation or whether

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<sup>17</sup> In fact, the OSCE's current status is almost paradoxical. The UN considers the OSCE to be a regional arrangement under Chapter VIII of its Charter, in line with the claim first made by the OSCE itself. In fact, the OSCE should not exist as far as the UN is concerned; according to Article 102 of the UN Charter, all members are required to register all relevant contracts and agreements with the UN Secretariat in order to appeal to the relevant arrangements. The CSCE/OSCE has no founding treaty that could have been registered in New York.

it would only deal with non-military aspects of the politico-military dimension);

- b) a committee for the human dimension; and
  - c) a committee for the economic and environmental dimension.
- The aim of this “*itio in partes*” is clearly not only to relieve the Permanent Council from responsibility for matters of detail, which also concurs with the proposal that the Permanent Council assume responsibility for matters that have been decided by the Ministerial Council in recent years.

The establishment of the three committees would also stress the equality of the OSCE’s three main dimensions (as Moscow desires).

- The requirement for consensus should remain. However, states that block consensus should be openly identified.
- The tasks of the Chairman-in-Office and the Secretary General should be redefined.

The Chairman-in-Office should assume a political leadership role; his tasks should include the development of new initiatives, proposals, and templates on existing topics for the Permanent Council, presiding over the Permanent Council, and the preparation of Ministerial Council meetings.

The Secretary General should be granted a greater operational role, and the position of Deputy Secretary General should be created. Because his term is longer, he should be the public face of the OSCE.

His tasks should include, on the one hand, long-term planning (including budgetary planning), and, on the other, identifying threats to security and bringing them to the attention of the participating States, operational leadership in crisis situations, and co-ordination of the OSCE’S activities as a whole. He should also be the central contact person for all operational matters in which more than one institution is involved.

Realizing these plans would have serious consequences. The proposed strengthening of the role of the Secretary General, including his role as the public face of the Organization, would create a position similar to that of the UN Secretary-General. Given this, one may ask what it means to stress the leadership role of the Chairman-in-Office (whether, for instance, the intention is merely to maintain the attractiveness of the position). Several of the Chairman’s tasks overlap with those of the Secretary General or assume that preliminary work will have been performed by the latter. If the Secretary General is to perform effective long-term planning, it will also have to be binding on the Chairman-in-Office, limiting his sphere of responsibility. This would be reduced yet

further by the proposal that the Secretary General be responsible in the first instance for bringing acute challenges to the attention of the participating States.<sup>18</sup>

- In general, the proliferation of structures should be avoided.

All in all, the proposals contained in “Common Purpose” are worthy of consideration. Whether they are an appropriate response to the paradigm shift postulated by the authors, however, seems questionable. Perhaps it is not too absurd to imagine that the members of the Panel, as “eminent persons with knowledge of the OSCE”, were as aware of that fact as they were aware of how difficult it would be to implement a reform programme capable of significantly raising the Organization’s effectiveness. In fact, they were most likely even aware that it would simply be impossible to cobble-together a reform programme that was at the same time effective, capable of effecting a long-term solution to the crisis, and of being accepted by all the participating States. Perhaps it was difficult for them to turn down their invitation to join the Panel; and, once they had accepted their invitation, they had to present the results. Whether they succeeded in making a virtue out of necessity is open to question.

#### *Reform Proposals Contained in the Document “The Future of the OSCE”*

The report on the colloquium held in Washington heavily stresses the fact that merely structural reform of the OSCE is not enough as long as the governments of the participating States lack the will to take the Organization seriously, appreciate its value, and use it as best they can. It is therefore necessary that the governments of all 56 participating States reaffirm their support for the Organization and that they are bound by all – existing or future – decisions.

The report’s authors do not attempt to answer the question of why the political will has declined in power and the ability to create a consensus, although it is simple to surmise that unless the factors and circumstances responsible for this state of affairs are removed, further solemn assurances will do little to change matters.

The report, however, also leaves the impression that the colloquium participants agreed that the prospects of reform depend upon the extent to which the resolutions proposed coincide with the interests and expectations of specific participating States.

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18 The Eminent Persons’ report calls for the appointment of envoys of the Chairman-in-Office (Personal Representatives, etc.) to be limited temporally and in terms of their scope of action and proposes that they should have no dedicated staff or structures, none of which is easy to reconcile with talk of strengthening the role of the Chairman-in-Office.

The following section discusses a number of the report's considerations and recommendations:

- The "Future Colloquium" document also considers the balance between various dimensions of OSCE policy; it proposes strengthening both the human dimension and the security dimension (conceived of primarily in military terms), although it does not state whether the current balance should be retained at a higher level of effectiveness or if the relative weighting of these two dimensions should be modified in favour of one or the other. Apparently, the Washington Colloquium did not consider the economic and environmental dimension to be the equal of the others.

The report picks out election monitoring as one of the OSCE's particularly significant tasks. It argues that the independence of the election monitoring missions, which has recently been called into question, should be defended and standards for fair democratic elections improved. Co-operation between ODIHR and the OSCE PA should be improved to facilitate this.<sup>19</sup> More election monitoring should also be carried out in Western democracies.

The report's authors thus assume that there is a qualitative imbalance in OSCE policy; they do not consider Russian accusations in this regard to be wholly unfounded,<sup>20</sup> and the report is clearly willing to take some Russian complaints seriously.

- The Chairman-in-Office receives little attention in the Washington document. While he should be entitled to deliver statements in the name of the OSCE, so should the Secretary General – with or without consulting the Chairman-in-Office.

The Washington Colloquium was also clearly in favour of strengthening the role of the Secretary General in the spheres of policy, administration, and finance.<sup>21</sup> A notable proposal is that the Secretary General be empowered not only to make policy statements but also to formally rebuke participating States that are lax in implementing their OSCE commitments. That is incompatible with the calls from states such as Russia that all official statements should be made with the consensus of all participating States.

- A weakening of the consensus principle is also found in the proposal to consider the consensus rule as no longer sacrosanct with regard to personnel, budgetary, and administrative decisions. In this respect, the

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19 The Report does not explain why and how existing shortcomings could be remedied by means of closer co-operation between ODIHR and the Parliamentary Assembly.

20 That is particularly remarkable given that the former Director of the OSCE institution responsible for election monitoring, ODIHR, is one of the report's authors.

21 Although the "Future Colloquium" report was published a few weeks before "Common Purpose", it should not be assumed that the Eminent Persons copied the ideas expressed at the Washington Colloquium; the former had begun their work considerably earlier than the latter. Whether any of their thoughts found their way to Washington is an open question.

document goes considerably further than that of the Eminent Persons. When individual participating States block highly political decisions that have the support of the vast majority, they should be required to publicly explain their position.

- Several elements of the text indicate the clear influence of the type of thinking typical of parliamentarians, such as a favourable attitude towards publicity (including the holding of controversial debates in public), in contrast to the confidentiality and consensus-orientation of diplomatic negotiations and intergovernmental bodies.

This is also reflected in the recommendation that controversial topics not be excluded from discussions (arguably referring above all to those of the Permanent Council). This is in all likelihood driven by the sense of frustration experienced by delegations whose proposals were rejected out of hand on the grounds that there was no prospect of achieving a consensus.<sup>22</sup>

Clearly, the active participation of OSCE PA representatives also played a role at the Washington Colloquium.

- It is therefore hardly surprising that the report advocates enhancing the role of the PA within the OSCE's institutional and procedural system.

The Assembly would like to be considered an integral part of the OSCE's institutional system.<sup>23</sup>

The "Future Colloquium" report argues not only that the Parliamentary Assembly should become more involved in conflict prevention and crisis management activities, but also that it should have a right to approve the OSCE's annual budget and to confirm the nomination of the Secretary General. This would strengthen the position of the Secretary General, which has so far been filled by agreement between representatives of the participating States (at ministerial level).

Considered in terms of the status quo, these reform proposals are quite radical. They are also clearly in the PA's own interest. Whether

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22 In the Permanent Council and the Forum for Security Co-operation, it was common for those arguing in favour of positions that were only backed by a minority to be asked to refrain from seeking support. Their opponents justified this by arguing that, in order to make the most of the time available, it was advisable to concentrate on standpoints and proposals that had a good chance of being accepted. Nevertheless, ideas that were only accepted by a minority at the start have in the past often come to garner more support over time and even to achieve general acceptance (albeit sometimes in a watered-down form).

23 The Parliamentary Assembly was not originally created as a CSCE/OSCE institution in the strict sense. It cannot be compared with the Parliamentary Assembly (originally the Consultative Assembly) of the Council of Europe, but is rather closer in character to NATO's Parliamentary Assembly (formerly the North Atlantic Assembly). The benefits sometimes ascribed to the OSCE PA include the fact that its larger events provide the OSCE itself with additional media attention, and that PA meetings mean that parliamentarians of the participating States are more closely involved with the OSCE, which it is hoped will lead to more "good will" for the Organization in general in the participating States, creating, for instance, a positive effect on the willingness to be generous when apportioning funds for the OSCE in national budgets.

they would provide an effective way out of the OSCE's crisis is quite a different question.

- The "Future Colloquium" report contained several additional reform proposals, such as:
  - The creation of an analysis and prospective unit in the Secretariat,<sup>24</sup>
  - The establishment of a best practices unit;<sup>25</sup>
  - The development of a civilian rapid reaction capability to enable timely intervention in crisis situations;<sup>26</sup>
  - Measures to raise the "professionalism" of the OSCE; and
  - The creation of OSCE liaison offices in Brussels and New York.

Ideas like that of weakening the consensus principle or strengthening the role of the PA (including the proposal to grant it considerable powers of co-decision-making) nonetheless reveal a bias that did not really boost the chances of the report being taken into consideration in the reform consultations.

In comparison to "Common Purpose", the text significantly lacked both substance and political weight.

#### *Demands for Reform Made by Russian Deputy Foreign Minister Chizhov*

This text is not the result of an attempt by experts to mediate between opposing positions held by several participating States, but rather one that sets forth the current position of an especially prominent participating State, one that has – as already mentioned – expressed dissatisfaction at the way the OSCE has developed and the nature of its policies for some time.

Russia has had to make several humiliating climbdowns in recent years. Which is precisely why Moscow could not be expected to dispense with the opportunity presented by the OSCE reform debate to assert its position and make its demands known. It is important to consider this expression of Russia's position in the context of this analysis, as it allows us to draw conclusions when evaluating the other documents under consideration and considering their chances of realization.

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24 With regard to the tendency for discussion in the Permanent Council and the Forum for Security Co-operation to be drawn out and complex, the text does not make clear whether the creation of this unit is intended merely to support these bodies, in which all participating States are represented, or is to result in a narrowing of these organs' activities.

25 The role of this proposed unit would evidently be to evaluate the OSCE's practical experience in various operational fields. The text leaves an impression that the criteria used to identify best practices are always self-evident. However, that is only true where the assessment is not governed by political partiality. This proposal is thus either naïve or made in full knowledge of the fact that the issue of staffing the proposed unit would be an extremely politically sensitive matter.

26 The inclusion of this proposal suggests that the already adopted REACT initiative, which had been designed to meet this need, was seen as inadequate.

That the ideas presented by Russia are, for the most part, nothing new, but rather recapitulate positions that have repeatedly been presented by Russia in recent years can be concluded on the basis of evidence presented above.<sup>27</sup>

The following remarks and demands deserve particular attention:

- This document once again claims to draw attention to a blatant imbalance in the OSCE's political profile – both in terms of function (over-stressing the issues of human rights and democracy), and in geographical terms (the Eastern participating States are repeatedly subject to criticism, the NATO and EU states rarely).<sup>28</sup> To counter this, Russia calls for the OSCE to “go back to [the] sources”. A further complaint is that transforming the OSCE into a fully fledged organization has stalled.<sup>29</sup>

While the Russian document calls for the OSCE to be remodelled as a genuine regional organization in the sense of Chapter VIII of the UN Charter, it also calls for greater emphasis on the purely interstate character (intergovernmental and based on conference diplomacy) of the OSCE.<sup>30</sup>

- The opportunities for making statements on behalf of the Organization and autonomous action on the part of individual officials and institutions should be curtailed.

There should be a ban on official statements that do not reflect a consensus among the participating States. In particular, the Secretary General should be bound by directives of the Ministerial Council and the Permanent Council.

Individual institutions and office holders, such as ODIHR, the High Commissioner on National Minorities, and the Representative on Freedom of the Media should be integrated into the Secretariat, so that

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27 Cf. section two above; see also Note 8 and the references provided in Note 9.

28 Given that it is a political declaration made by a Deputy Minister, the text understandably does not touch upon the question of how these developments came about. Given that all OSCE policy decisions require the consensus of all participating States, this question nonetheless needs to be asked.

29 With regard to this criticism, one may ask whether the participating States did in fact at any time in the history of the CSCE/OSCE agree on a transformation of this kind, preferably with reference to a specific intended end-result that had received consensual approval. This was never the case. Nonetheless, several Western states made advances to the Russian (and formerly the Soviet) leadership to the effect that they were prepared to support the Russian position on this question; the Federal Republic of Germany did so, for instance, when it was seeking Moscow's approval of German reunification and membership of NATO.

30 The juxtaposition of these two demands is remarkable: The earlier Russian conception of structurally expanding the CSCE into something worthy of the name “Organization” called for both an increase in the OSCE's own competencies and the creation of a competent executive organ in which not all participating States would have a right to participate or to vote (a consequence of the proposal to create permanent and non-permanent members). Moscow's view appears to have been that if its original model of reform had been revealed as unacceptable to the majority of participating States, it was better to reduce the autonomy of individual office bearers as far as possible.

- their activities can be more strictly controlled by the Secretary General, who is himself to be effectively controlled by the Permanent Council.
- Changes are also demanded of the OSCE's field missions. Their terms should be shorter; they should be more evenly distributed throughout the OSCE area; as a rule, they should only be established on the request of the affected participating State and, when deciding on their tasks, the entire spectrum of OSCE activities should be taken into consideration (i.e. not just the politico-military dimension, human rights, and democratization issues). The assumption is that, in the past, missions have frequently been established because some participating States have been concerned at developments in another (generally Eastern) State and have sought to ensure its compliance by means of more or less gentle pressure.
  - Reforms are also demanded in the OSCE's election monitoring regime: Election observation missions should only be established and implemented on the basis of a uniform, collectively agreed catalogue of criteria; Heads of Missions should be appointed unanimously by the Permanent Council; and the make-up of the monitoring teams must be balanced. Evaluations of preparations for elections, campaigning, and voting should draw on a range of sources; they should be submitted to the Permanent Council for consultation before publication.
  - Finally, there is a call for the system of financing the OSCE to be reformed in a way that reflects the actual ability to pay of the participating States.

Considering all of this together, Russia does not appear to be pressing very forcefully for the strengthening of the OSCE and its ability to act. Rather, one receives the impression it should be turned into a fleet without an admiral, whose course must be continually agreed by all its captains, and whose speed is determined by that of its slowest member (or least willing commander). While the idea of a collective oligarchic leadership developed in Moscow in the years following the collapse of Communism, this is now no longer even being considered, let alone demanded. Since it became clear that Russia has virtually no chance of shaping OSCE policy in accordance with its vision and interests, it has lost virtually all interest in the effectiveness of this policy. Now it merely aims to oppose the political position most capable of summoning majority support given the current balance of power, and to reduce prospects of effective implementation.<sup>31</sup>

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31 Arguably, this is also a consequence of the fact that Russia has, *noles-volens*, generally (not only within the OSCE) come to terms with the USA's unlimited geopolitical leadership role. A German expert on Russia spoke of a "new realism" under Vladimir Putin, referring to the fact that, in this context, Moscow "made relatively little fuss about abandoning co-operation in the OSCE, which had previously been the privileged vehicle for Russian initiatives in European security policy, when the Organization's insistence on a new mandate regarding developments in Chechnya became too troublesome". Heinrich Vogel, *Russland auf der Suche nach einem Standort* [Russia's Search for a New Position], in:

Despite all the constructive-sounding rhetoric, Russia does not want to “expand” the OSCE; but rather to “disarm” it.

*Analysis and Proposals in the Document “Managing Change in Europe”*

The authors of the Hamburg study – which was presented to the participating States shortly before the start of the 2005 summer recess – are leading experts from reputable research institutes in Germany, Russia, Sweden, Switzerland, and the USA. They tend to spurn convoluted diplomatic formulations in favour of informative analysis of matters such as the interests of Russia, the USA, and the European Union.

They are quite unambiguous in their diagnosis of a stalemate detrimental to OSCE policy; overcoming it should be the first priority in attempting to solve the Organization’s crisis. In order to achieve this, the participating States must accept that this – i.e. agreeing on a reform agenda – is a strategic task they must perform together and not a tactical contest in which they are vying for position. When this can be achieved, the OSCE can be given substantive new tasks to perform: firstly, to address transnational threats and risks, especially the roots of terrorism and the factors that make terrorism possible, and, secondly, to pursue new initiatives to resolve frozen conflicts (Moldova/Transdnistria, Nagorno-Karabakh, Georgia/South Ossetia) and to prevent new ones (with a particular focus on Macedonia, the South Caucasus, and Central Asia).

Only after agreement has been reached on the OSCE’s priorities should the matter of structural reforms necessary for the fulfilment of the new tasks be addressed.

In pursuing this course, the Chairman-in-Office should concentrate on political consultations and on preparing the decisions to be taken by the OSCE’s key institutions (here an effort should be made to include as many participating States as possible; up to now, such activities have tended to be performed by an oligarchy consisting of the country holding the Chairmanship, the USA, the EU, and Russia, and the countries immediately affected).

The Secretary General should be vested with overall responsibility for the implementation of decisions, including the co-ordination of the OSCE’s various institutions and operational leadership of field missions.

In view of the inadequate provision of capacities for analysing the results of activities and planning future activities, a “political unit” (for political planning) and an “analytical unit” (to act as a pool of available expertise and to record and evaluate experiences gathered in the course of the Organization’s activities) should be established within the Secretariat. Additional

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Wolfgang Wagner et al. (eds), *Jahrbuch Internationale Politik 2001-2002* [International Politics Yearbook], Munich 2004, pp. 229-238, here: p. 235 (author’s translation).

structural changes are also recommended, such as the regrouping of departments and the creation of “competence teams”.

With regard to field operations, “Managing Change” calls for the Secretary General to be granted a leadership role, but also for improved co-operation between the missions and their host countries.

The paper calls for the establishment of “thematic missions” to tackle specific problem areas (e.g. trafficking in human beings), pursuing their objectives in several participating States. These missions should also work closely with NGOs and other transnational actors.

Finally, “Managing Change” recommends enhancing the OSCE’s co-operation with its partner states (in the Mediterranean and Asia) as well as with other international and non-governmental organizations.

If the OSCE reforms are a success, argue the authors, the Organization will have a future – but even this will not be enough to give it a dominant role in the interlocking meshwork of international organizations; the OSCE’s role would continue to be to carry out tasks assigned to it by the key actors in the multi-organizational environment.<sup>32</sup>

### *The Deadlock of Vienna and Ljubljana*

Given all the problems mentioned above, it was always unlikely that the High-Level Consultations would lead to a breakthrough. They were thus characterized by good intentions and strained discussions. The Slovenian Chairmanship had submitted a detailed list of relevant topics in a food-for-thought paper in preparation for the Consultations. The variety of individual proposals for improving the working methods of the OSCE’s various institutions and agencies demonstrated the interest of the participants in improving the efficiency and effectiveness of the Organization’s work, although a wide range of criticisms were also voiced (some concerning deficiencies that had little to do with political differences of opinion). The various proposals contained in the documents that the meeting was supposed to discuss (especially the report of the Panel of Eminent Persons) were twisted this way and that, but a coherent guiding vision of how reform should take place that all could agree on did not emerge. Neither long-running nor newly emerging differences were bridged over; to give just one example: the controversy over whether to maintain (or even strengthen) or to reduce the independence of institutions such as the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, and the Representative on Freedom of the Media.

Thus, presented with the results of the Consultations (and the subsequent follow-up in the Permanent Council), the Ljubljana Ministerial Council failed

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32 The report uses the expression “a more limited and specialized actor”.

to take the “great leap forward” that would have lifted the OSCE out of its crisis.

That no success would be achieved in this grand undertaking could be deduced from the fact alone that, once more, no agreement could be reached on the text of a final declaration, which was again replaced by a mere Statement by the Chairman-in-Office.<sup>33</sup>

The end result of all these efforts as formally approved by the Ministerial Council was limited to the following points:

First, the Permanent Council should continue its efforts in the area of OSCE reform and should report to the next Ministerial Council (at the end of 2006).

The following matters, in particular, should be dealt with:

- Rules of procedure (including options for minor modifications to the consensus principle);
- The institutional structure (e.g. with regard to the establishment of Permanent Council sub-committees);
- Enhancing the role of the Secretary General and modernizing the Secretariat;
- Strengthening the efficiency, effectiveness, and transparency of OSCE activities, institutions, and field operations;
- Examining ways of potentially improving the professionalism of OSCE personnel;
- Options for further improving programme planning.

Second, a report should be presented by the end of 2006 by ODIHR itself detailing possible innovations in the work of ODIHR; this should take into account the positions of the participating States.<sup>34</sup>

All in all, that is a fairly meagre result.

The issues mentioned are but some of the problems that need to be addressed if the crisis of the OSCE is to be truly overcome.

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33 In this case, the Slovenian Foreign Minister, Dr Dimitrij Rupel, in: OSCE, *Thirteenth Meeting of the Ministerial Council, 5 and 6 December 2005*, Ljubljana 2005, 6 December 2005, MC13EW66, pp. 66-69. His “Statement by the Chairman-in-Office” contains both statements attributed to “the ministers” (i.e. the foreign ministers of the participating States), and sections that begin with the phrase “most ministers”. It was not possible to release an official final statement containing a summary of the points that had been agreed unanimously as some participating States would not have agreed to the omission of certain statements. Nonetheless, a number of declarations and decisions on specific topics were adopted in the course of the Ministerial Council Meeting.

34 In contrast to the usual procedure, the task of drawing up a report on options and recommendations for the reform of ODIHR was not assigned to the Permanent Council but to ODIHR itself. This is, despite the requirement to consult the participating States, a vote of confidence in ODIHR’s autonomy. It will be interesting to see whether the proposals that are presented in December 2006 for ODIHR’s reform are further-reaching and more tangible than those with respect to other, comparable, institutions, and whether this has an effect on their ability to achieve consensus.

In no case is even a hint given as to what sort of innovations the Ministers would consider acceptable.

Nowhere is it stated that the report, which must be presented by the end of 2006, is intended to offer a workable, comprehensive package of reforms.

As a result, the Ministerial Council Decision appears rather to reflect the fear of acknowledging the failure of the reform exercise.

The meagreness of an entire year's reform efforts must be a cause for concern, above all because there has never been a time when so many leading experts from various participating States have so unambiguously declared that the OSCE would inevitably lose its significance without rapid and thoroughgoing efforts to relieve the crisis.

There is still hope for the OSCE. It has repeatedly succeeded in adapting its work to new circumstances. It will remain capable of making useful contributions to stabilizing security and promoting co-operation in the space between Vancouver and Vladivostok. Its dissolution is not likely to come up for discussion even in the foreseeable future.

But if new initiatives aimed at overcoming the current deadlock and adapting the OSCE to the new security environment do not soon bring about a revitalization and a new sense of mission, the Organisation's future may turn out to be short.