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The OSCE and
European Security:
Essential or
Superfluous?

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Acronyms

CFE	Conventional Armed Forces in Europe (treaty)
CIO	Chairman-in-Office
CIS	Commonwealth of Independent States
CSBM	Confidence- and Security-Building Measures
CSCE	Conference on Security and Cooperation in Europe
EBRD	European Bank for Reconstruction and Development
EED	Economic/Environmental Dimension
EU	European Union
GEMI	Global Exchange of Military Information
GUAM	Georgia, Ukraine, Azerbaijan and Moldova group
HCNM	High Commissioner on National Minorities
HoM	Head of Mission
IMO	International Migration Organisation
LTM	Long-Term Mission
MANPADS	Man-Portable Air Defence Systems
NATO	North Atlantic Treaty Organisation
NGO	Non-Government Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
SALW	Small Arms and Light Weapons
UCK-M	Ushtria Clirimtare Kombetare e Maqedonise, “National Liberation Army”
UN	United Nations
UNDP	United Nations Development Programme
(UN)ECE	(United Nations) Economic Commission for Europe
(UN)HCR	(United Nations) High Commissioner for Refugees
UNMIBH	United Nations Mission in Bosnia and Herzegovina
UNMIK	United Nations Administration Interim Mission in Kosovo
UNMOT	United Nations Mission of Observation in Tajikistan
UNPREDEP	United Nations Preventive Deployment Force
UNPROFOR	United Nations Protection Force
UNTAES	United Nations Temporary Administration in Eastern Slavonia
USA	United States of America

The OSCE and European Security: Essential or Superfluous?

Introduction

The OSCE (Organization for Security and Co-operation in Europe) is one of the most original creations of multilateral security diplomacy. As an international organisation, it is characterized by ten main features, most of which represent true assets:

1. **All-inclusive membership.** The OSCE is both a Euro-Atlantic and a Eurasian organization. The OSCE's "Europe" refers to a region encompassing not only the whole Continent up to the Caucasus, but also North America and the former Soviet Central Asia. The OSCE is thus the only security forum reflecting Europe's political relationship with both North America and the Eurasian part of the former USSR.

2. **A regional agreement status under Chapter VIII of the UN Charter.** The OSCE, whose membership includes four out of the five permanent members of the Security Council, is the only European security body which has officially recognized the UN's supremacy and accepted to abide by the rules of Chapter VIII. It has established with the UN privileged relations which are the most positive implementation of the latter. Through its activities of conflict management, it actually contributes to ease the UN's security burden in Eurasia.

3. **Implementation of a comprehensive security program through a cooperative security approach.** Comprehensive security intertwines the politico-military aspects of security (disarmament, arms control, CSBM, conflict prevention and conflict management), economic and environmental co-operation and the human dimension – all matters

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constituting the “three dimensions” (formerly “baskets”) of the OSCE. As to cooperative security, it entails a soft security approach ruling out coercion and using preventative diplomacy as a privileged form of action, while also prescribing equal partnership, confidence, mutual accountability (as both domestic and external level), solidarity and military transparency. At the OSCE, such an approach also subsumes a legitimate right of “friendly interference” in internal affairs directly based on the rationale of indivisibility of security: gross or systematic violations of OSCE basic commitments by any participating State are not supposed to be followed by sanctions or even public allocation of blame (Yugoslavia’s suspension from the OSCE in 1992 was just an exception to the rule); they rather generate offers of assistance aimed at helping the concerned State to redress a situation considered to be detrimental to itself and to the whole community of participating states; since the aim is not to interfere but to maximize security at the global level, it is implicitly assumed that assistance offers are not supposed to be rejected. The Achilles heel of cooperative security is that it presumes goodwill and permanent good faith from States. In the absence of cooperation (as with Russia in Chechnya, or Belarus and Turkmenistan concerning their human rights record), such an approach proves to be inevitably barren.

4. **A meaningful normative record.** In the politico-military dimension, the OSCE has established three major regimes: the Vienna Document on CSBM (Confidence- and Security-Building Measures) (1990-1999); the Code of Conduct on politico-military aspects of security (1994), an instrument encompassing pioneering provisions on the democratic control and use of armed forces; and the Document on Small Arms and Light Weapons (SALW) (2000) – not counting other regimes on conventional arms transfers (1993), non-proliferation (1994) and Global Exchange of Military Information (GEMI) regime (1995). In the human dimension area, the OSCE has developed a complex network of commitments covering human rights and fundamental

freedoms (freedom of religion, freedom of the media, right to life, etc.), vulnerable groups (national minorities, refugees and displaced persons, children, women, victims of trafficking in human beings, etc.) and the rule of law (free and fair elections, independence of the judiciary, etc.).

5. Creative potential. The OSCE has potential for creativity at normative as well as at operational level. Thus, the Code of Conduct is a pioneering and forward-looking instrument with no counterpart in any other universal or regional security organization. The High Commissioner on National Minorities and Long-Term Missions (the major tools for conflict management) are also genuinely OSCE brands.

6. Flexibility and capacity for rapid response. The OSCE has natural easiness to engage in partnership with regional bodies (NATO, EU, Council of Europe, etc.) as well as the UN. Due to the flexibility of its structures and methods of work, as well as the politically binding character of its decisions, it has also and a strong capacity for rapid response: hence, for instance, its instant and effective reaction to the collapse of State structures in Albania (1997).

7. Operational focus. Through a unique network of 16 field missions (accounting for up to 77% of the budget), the OSCE provides advice, expertise and practical assistance to its participating States for matters pertaining to the three dimensions of security.

8. Decentralized and non-bureaucratic structures. Headquartered in Vienna, the OSCE disposes of two major institutions respectively located in Warsaw (Office for Democratic Institutions and Human Rights, ODIHR) and at The Hague (High Commissioner on National Minorities, HCNM). Less than 500 officials work in those places, while some 1000 international staff and 3000 locally-hired personnel are present in the field. Immunity from bureaucratisation also stems from the fact that the OSCE's Secretary-General and Secretariat assume essentially administrative functions – for the simple

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reason that political leadership and guidance are the preserve of a yearly rotating Chairman-in-Office (CiO) assisted by the former and next CiO forming a Troika.

9. **Low-cost activities.** Given its achievements, and by comparison with other regional and universal organizations, it can be said that the OSCE, whose 2005 budget amounts to some • 168.6 million, does offer value for money.

10. **Non-grounding in international law.** The OSCE has no international legal personality. In addition, all of its decisions and normative instruments create “politically-binding commitments”. It is worth remembering that an international commitment does not need to be legally binding in order to have a binding character. OSCE participating states are expected to honour their politically-binding commitments, which are good faith commitments, in the same way as legally binding ones. In other words, violation of OSCE politically-binding commitments (regularly made at Ministerial and Summit level), is as impermissible as that of legal commitments.

Beyond all that, the OSCE is admittedly a low profile, if not an esoteric organization. Its activities and development are not easy to follow and to understand for two main reasons. First, the Organization does not have a founding instrument specifying its fundamental objectives, the competencies of its main organs and so forth. Second, what constitutes its comparative advantage lies in preventative action – a mode of action requiring performance through what might be called “stealth diplomacy”.

Conflict management in the OSCE Region

Since the autumn of 1992, the OSCE has been devoting a considerable part of its energy and resources to conflict management. For that pur-

Table 1: OSCE Actions By Year

1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Kosovo, Sanjak & Voivodina (closed in 1993)	Moldova	Bosnia and Herzegovina	Chechnya (closed in 2002)	Croatia	Albania	Kosovo Verification Mission (closed in 1999)	Kosovo, within UNMIK	Armenia	Serbia & Montenegro
Macedonia	Latvia (closed in 2001)	Ukraine (closed in 1999)			Belarus	Kazakhstan		Azerbaijan	
Georgia	Tajikistan	Uzbekistan				Turkmenistan			
Estonia (closed in 2001)						Kirghyzstan			

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pose, it makes use of two genuine instruments: the High Commissioner on National Minorities and field missions. The HCNM represents an instrument of a specialized nature since it is mandated to act solely for preventative purposes and to address only a particular category of conflict: those involving ethnic minority issues. By contrast, field missions are entitled to intervene at all the phases of the conflict management cycle and to tackle conflicts of whatever nature. Initially created as “Long Duration Missions”, they soon became known as “Long-Term Missions” (LTMs) with some exceptions – “Spillover Mission” in Macedonia, “Presence” in Albania or “Assistance Group” in Chechnya. LTMs did not grow out of any blueprint. Their concept emerged pragmatically, out of the concern of avoiding the extension of the Yugoslav conflict (which was ablaze in Croatia and Bosnia and Herzegovina) to other parts of the Former Yugoslavia. Soon afterwards, the format was applied, on a case-by-case basis, in other places. Furthermore, a number of LTMs – called “Centre” (in Uzbekistan, Kazakhstan, Turkmenistan, Kirghyzstan), “Office” (in Belarus, Armenia, Azerbaijan) or just “Mission” (in Serbia/Montenegro) – have been established to perform non-conflict management functions, namely assistance to the host State for improving compliance of overall OSCE commitments and, more particularly, for support to democratisation processes. Table 1 (page 5) summarises these events.

In host countries, LTMs operate on the basis of a Memorandum of understanding concluded with the official authorities and whose purpose is to compensate for OSCE’s lack of diplomatic privileges and immunities. In particular contexts, where conflict resolution require contacts and liaison with non-State actors - namely the leadership of the breakaway entities of Transdniestria (Moldova) and South Ossetia (Georgia) – the OSCE also concludes, occasionally, a comparable agreement authorizing it to operate a branch office.

Each LTM is placed under the authority of a Head of Mission (HoM),

holding the rank of Ambassador. Experience has shown that the performance of any mission depends on the HoM's charisma and diplomatic skills. Regular "Activity Reports" are established under the responsibility of the HoM. They are supplemented with information on instant events or incidents ("Spot Reports"), as well as a systematic analysis concerning special political or technical topics ("Background Reports"). All reports are circulated to participating States, except a handful of reports which, because of their strictly confidential nature, reach only the Troika members. According to an established practice, the Chairman-in-Office (CiO) has the authority of designating the HoM and providing him with guidance. Paragraph 37 of the Istanbul Charter codified the privilege related to designation while attributing the co-responsibility of guidance to both the CiO and the Permanent Council; since 2000, the HoM thus appears at regular intervals before the Permanent Council for report. All HoMs gather in Vienna, with the participation of the Secretary General, in annual brainstorming meetings where information on respective activities is exchanged, common problems are identified, issues of inter-LTM cooperation are addressed and recommendations are made concerning better coordination with external partners (international organizations and NGOs). Similar meetings are sometimes held between HoMs operating in the same sub-region.

LTMs are basically staffed by seconded diplomats placed on the payroll of their respective governments. This arrangement allows the OSCE to assume financial responsibility only for premises, procurement, daily allowances, etc. Insofar as it substantially reduces the costs of operation, secondment does represent a convenient practice. However, it entails a number of drawbacks such as persistent vacancies, frequent rotation of staff (including the HoM) and inadequate training of personnel in terms of linguistic knowledge and awareness of the host State's culture. From another perspective, à la carte secondment is not consistent with the standard principle of equitable geographic representation. As an example, in 2002, over 43% of the seconded staff were provided

Table 2: OSCE Mission Size

Country	Cost (Euros)
Kosovo	42,661,500
Georgia	22,271,900
Bosnia and Herzegovina	19,453,000
Macedonia	13,745,600
Croatia	10,404,300
Tajikstan	3,855,300
Albania	3,775,900
Moldova	1,498,200
Total	116,665,700

Table 3: Missions by Area

Former Soviet Union	South Eastern Europe
Central Asia: Tajikistan	Albania, Bosnia and Herzegovina, Croatia, Macedonia, Serbia/Montenegro, Kosovo (Serbia/Montenegro)
Caucasus: Nagorno-Karabakh (Azerbaijan), South Ossetia (Georgia), Chechnya (Russia)	
Central and Eastern Europe: Estonia, Latvia, Ukraine, Transdnistria (Moldova)	

only by the United States, the United Kingdom, Germany and France.

LTMs are most variable in size. Some of them (those which operated in Ukraine, Chechnya, Latvia and Estonia) have been run by less than ten persons. Others (such as those presently deployed in Moldova, Tajikistan, Albania and Croatia) employ a dozen or several dozen people. Large scale LTMs (initially those in Bosnia and Herzegovina, Croatia and Kosovo) once operated with hundreds of diplomatic agents and an even greater number of local staff; over time, the list of such missions has evolved. In 2004, these missions comprise (with fewer staff than before: one to two hundred agents) the LTMs in Kosovo, Bosnia and Herzegovina, Georgia and Macedonia. Expected to include up to 2000 “verifiers”, the Kosovo Verification Mission (1998-1999) – which eventually reached a strength of some 1500 international staff – represented an atypical case in the practice of LTMs. Budget, which is commensurate with the number of personnel, actually offers the best indicator for the missions’ size. On the basis of the OSCE budget for 2004, LTMs are costed in Table 2.

Each LTM is endowed with a tailor-made mandate, usually drafted in loose language. Lack of precision allows the HoM to execute the mandate with flexibility and creativity. However, as there are no benchmarks for an exit strategy, LTMs’ termination has more than once become a thorny issue. Several host States put into question the relevance of a continued presence of an LTM on their territory and asked for its closure. After pressuring the OSCE, Ukraine, Estonia, Latvia, Russia and Belarus did obtain the termination of the mission – but not (despite repeated attempts) Macedonia and Croatia.

In the OSCE area, conflict management is characterized by a number of specific parameters, the most important of which concern the zone of intervention, the nature of the conflicts addressed, inter-institutional partnership and the type of functions performed.

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1. **Zone of intervention.** The OSCE only focuses on actual or potential conflicts in the geopolitical space of the Former USSR or in the Balkans. It avoids addressing conflict situations which concern the member States of NATO and/or the European Union – such as Ulster, Cyprus, the Kurdish question in Turkey, the Basque problem in Spain, etc. See Table 3 (page 8) for a summary.

2. **Nature of conflicts.** Conflictual situations managed by the OSCE have been of an intrastate nature, with two major exceptions: the Nagorno-Karabakh conflict and the deterioration of Russian-Georgian relations since the end of 1999. Nearly all situations concern ethno-nationalism and can be referred to as “ethnic” or “ethnicised” conflicts. Ethnic conflicts involve communities divided along lines of language and/or religion, or both – that is to say the exclusive markers of ethnicity (given that, as demonstrated by the decoding of the human genome, “race” is meaningless from a biological point of view). For instance, rifts between Armenians and Azeris, Ossetians and Georgians, Chechens and Russians, Albanians and Serbs in Kosovo, or Albanians and Macedonians illustrate such a type of conflict. However, it must be remembered that ethnic differences do not, as such, generate conflicts; they merely exacerbate pre-existing political and socio-economic tensions leading up to armed confrontation. An ethnic minority’s position becomes problematic when the living conditions for the group’s members become intolerable due to systematic discrimination, oppression and repression. As to ethnicised conflicts, they concern (besides different ethnicities as above) populations belonging to the same ethnicity. Here, ethnicity is employed by political actors who invoke (unilaterally or not) an imaginary or alleged difference presented as utterly irreducible. Although waged under the flag of ethno-nationalism, their real stakes go beyond it, as for example in the case of the Transdniestrian conflict.

Whether ethnic or ethnicised, a number of OSCE managed conflicts

involve a clash between the principle of self-determination of peoples and the principle of the territorial integrity of States. In such cases, the OSCE has adopted a clear-cut position: ruling out independence for ethnic minorities, while proposing them the largest possible degree of self-rule.

3. **Inter-institutional partnership.** In conflict management, the OSCE closely co-operates with the UN. When UNPREDEP (United Nations Preventive Deployment Force) was terminated in 1999, the OSCE assumed the burden of conflict prevention in Macedonia on its own. It also continued to perform peace-building activities alone in Croatia, Tajikistan and Bosnia and Herzegovina after the respective withdrawal of UNTAES (United Nations Temporary Administration in Eastern Slavonia) in 1998, UNMOT (United Nations Mission of Observation in Tajikistan) in 2000 and UNMIBH (United Nations Mission in Bosnia and Herzegovina) in 2002. The interface

Table 4: Actions by Management Type

OSCE/UN Co-operative Management	OSCE Exclusive Management
Macedonia (1993-1999)	Nagorno-Karabakh (1992-...)
Bosnia and Herzegovina (1996-2002)	Estonia (1993-2001)
Georgia (1992-...)	Latvia (1993-2001)
Tajikistan (1994-2000)	Moldova (1993-...)
Croatia (1996-1998)	Ukraine (1994-1999)
Kosovo (1999-...)	Chechnya (1995-2002)
	Albania (1997-...)
	Croatia (1998-...)
	Macedonia (1999-...)
	Tajikistan (2000-...)

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reached an unprecedented peak when the Security Council, through resolution 1244 of 10 June 1999, created UNMIK (United Nations Administration Interim Mission in Kosovo) – a peacekeeping operation embedding, together with a European Union and HCR (High Commissioner for Refugees) components, an “OSCE Mission in Kosovo” entrusted with a human dimension mandate.

At the regional level, partnership on a case-by-case basis has become, in time of crisis as well as in fair political weather, general practice between the OSCE and the three main other instruments operating in the European security landscape (the European Union, NATO and the Council of Europe), each one drawing on its comparative advantages:

- The European Union’s Stability Pact for South Eastern Europe has been placed “under the auspices” of the OSCE. The European Commission closely co-operates with most OSCE field Missions as well as the HCNM. In a speech made at the Permanent Council in January 2001, Javier Solana also expressed the EU’s willingness to place its future Rapid Reaction Force at the disposal of the OSCE.
- Practically all of OSCE field Missions in the Balkans actively cooperate with NATO. In 1999, during the Istanbul Summit, NATO’s Secretary General acknowledged that NATO and the OSCE were at the same wavelength from a “philosophical” as well as “operational” perspective.
- OSCE’s partnership with the Council of Europe is firmly established at political, secretariat, operational and inter-parliamentary level. It culminated on 17 May 2005 with a joint Warsaw “Declaration on Cooperation” committing the two institutions to work more closely together in identifying effective coordinated responses to the threats and challenges of the 21st century, on the basis of complementarity. The only nuisance concerns the decisions taken by the Council of Europe’s Parliamentary Assembly to close – with no co-ordination with the OSCE – the procedure related to monitoring the obligations

Table 5: Actions by type

Conflict prevention	Conflict resolution	Post-conflict rehabilitation
Kosovo, Sanjak and Voivodina (Serbia/Montenegro), 1992-1993	Nagorno-Karabakh (Azerbaijan), since 1992	Bosnia and Herzegovina, since 1994
Macedonia, 1992-2000	South Ossetia (Georgia), since 1992	Croatia, since 1996
Estonia, 1993-2001	Transdnestria (Moldova), since 1993	Albania, since 1997
Latvia, 1993-2001	Chechnya (Russia), 1995-2002	Kosovo (Serbia/Montenegro), since 1999
Ukraine, 1994-1999		Macedonia, since 2001
Major cases addressed by the High Commissioner on National Minorities : Russian minorities in Estonia and Latvia; Albanian Minorities in Macedonia; Hungarian minorities in Slovakia and Romania; Russian and Crimean Tatar minorities in Ukraine		Tajikistan, since 1994

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and commitments contracted by some transition States which happen to be hosting an OSCE field Mission. Made as regards Estonia (March 1997), Macedonia (April 2000), Croatia (September 2000) and Latvia (January 2001), those decisions encouraged “forum shopping” and undermined the OSCE’s own policy vis-à-vis those participating States.

4. Functions performed. The OSCE performs activities related to the major categories of the UN’s Agenda for Peace: preventive diplomacy, peace-making and peace-building, the major exception being peace enforcement – a prohibited avenue for a co-operative security organization. The case of peacekeeping (a type of activity actually performed but not acknowledged as such) is ambiguous. Chapter III of the Helsinki Decisions 1992, whose substance was reaffirmed by paragraph 46 of the Istanbul Charter, authorizes the OSCE to conduct non-coercive peacekeeping operations of its own and also to mandate other European regional institutions to do so on its behalf. Up to now, the OSCE has not made use of such faculty (although hammered out in all of its details by the OSCE, a pan-European peacekeeping operation aimed at deployment in Nagorno-Karabakh remained in limbo). However, the OSCE does venture into actual peacekeeping through such activities as cease-fire monitoring, policing, border monitoring (especially in Georgia), etc. The Kosovo Verification Mission (1998-1999) was performed as a kind of peacekeeping operation – without the name. Finally, as an integral part of UNMIK, the OSCE Mission in Kosovo (established in 1999) is involved in peacekeeping in the generic sense of that term.

In a nutshell, the OSCE have been fairly successful in conflict prevention, unsuccessful in conflict resolution and unevenly successful in post-conflict rehabilitation:

Table 6: OSCE Actions in Detail

State	Basis of operation	Operation objectives
Croatia	Erdut Fundamental Agreement concerning the Region of Eastern Slavonia, Baranja and Western Sirmium (12 November 1995)	Democratization. Return of RPD.
Bosnia and Herzegovina	Dayton General Framework Agreement for Peace in Bosnia and Herzegovina (14 December 1995)	Demilitarization. Conduct of free and fair elections
Albania	Decision No 105 of OSCE Permanent Council (13 March 1997).	Democratization. Moral reconciliation.
Tajikistan	Moscow General Agreement on Establishing Peace and National Accord in Tajikistan (27 June 1997)	Democratization. Return of RPD.
Kosovo	United Nations Security Council resolution 1244 (10 June 1999)	Democratization. Conduct of free and fair elections
Macedonia	Ohrid Framework Agreement (13 August 2001)	Democratization. Moral reconciliation.

1. **An honourable grade in conflict prevention:** The major OSCE preventative interventions have taken place in the Baltic area (Estonia and Latvia), Macedonia and Ukraine. Simultaneously conducted by an LTM and the HCNM, they aimed at preventing a worst-case scenario bearing risks of external intervention, as well as of internal destabilization linked to a national minority issue. The HCNM also intervened, separately, to defuse tensions involving Russian minorities in the Baltic area (Estonia and Latvia), Albanian minorities in Macedonia, Russian and Crimean Tatars in Ukraine, as well as Hungarian minorities in Romania and Slovakia. In all cases, NATO and the European Union gave a behind-the-scenes support to the OSCE. However, the OSCE assumed the leading role in the Baltic States and Ukraine – with some contribution from the Council of Europe and UNDP in the former and from UNHCR, the United Nations Development Programme (UNDP) and the International Migration Organisation (IMO) (as concerns the particular issue of Crimean Tatars) in the latter. Only the Macedonian

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case offered a more complex configuration.

In Macedonia, both the OSCE and the UN operated with comparable mandates but with quite different means: on the one hand, a peace-keeping operation of about 1000 military troops (UNPROFOR and, as from March 1995, UNPREDEP) and, on the other hand, a “Spillover Mission to Skopje” consisting of some ten diplomats. In April 1993, an inter-secretariat agreement established weekly consultations between Heads of respective presences and co-ordination of movements in the field. A tacit division of labor developed under which the UN addressed border incidents and the OSCE interethnic problems. Being more credible at political and military level, the UN took such a lead that the winding up of the Spillover Mission was envisaged. This did not happen, because UNPREDEP was discontinued in February 1999 following a Chinese veto due to reasons unrelated to the situation in the Balkans.

Once having to assume alone the burden of conflict prevention in Macedonia, the OSCE ultimately suffered two major setbacks. First, it did not forecast the Albanian military uprising which, during the first eight months of 2001, put Macedonia on the verge of civil war – an event which marked the failure of conflict prevention in Macedonia and, retrospectively, demonstrated that structural prevention had not been undertaken enough in depth. Second, the OSCE failed to put an end to the uprising and achieve an acceptable political compromise. Through a Personal Representative of the Romanian Chairmanship (the American Ambassador Robert E. Frowick), the OSCE did offer a solution with the so-called Prizren Agreement of May 2001. Brokered between the leaders of the main ethnic Albanian political parties and the Albanian insurgents of the UCK-M (Ushtria Clirimtare Kombetare e Maqedonise, “National Liberation Army”) movement, the agreement was unanimously rejected because no ethnic Macedonian political leader could afford to accept, at this stage, public compromise with Albanian “terrorists”. In any event, the OSCE was disqualified overnight. The Euro-

pean Union and NATO filled the vacuum. Their joint efforts gave way to the Ohrid Framework Agreement of 13 August 2001 – a political settlement whose spirit did not radically differ from that of the Prizren Agreement.

2. A mixed grade in post-conflict rehabilitation: As concerns peace-building, the OSCE has conducted this type of activities mostly in the Western Balkans (Croatia, Bosnia and Herzegovina, Macedonia and Kosovo), and also in Tajikistan. In all cases, its objective was the reconstruction of a war-torn society (in the aftermath of internecine armed confrontation) following a peace agreement or, more exceptionally, a United Nations Security Council resolution or a decision of its own Permanent Council:

In contrast to conflict prevention or conflict management, the OSCE never undertook post-conflict rehabilitation alone. All of its interventions were accomplished in conjunction with the UN, NATO and the European Union. Joint UN/OSCE ventures took place in Croatia, Tajikistan and Kosovo (not counting Bosnia and Herzegovina where the United Nations was attributed a minimal role). The OSCE acted (or still acts) under the protection of NATO in Bosnia and Herzegovina.

OSCE interventions have overwhelmingly focused on the human dimension aspects of peace-building: protection of human rights (including national minorities), promotion of the rule of law, freedom of the media, building of democratic institutions (especially the judiciary), development of civil society, etc. In a single case, that of Bosnia and Herzegovina, the OSCE reached out to military aspects – through the elaboration (and monitoring the implementation) of three instruments: the Vienna Agreement on CSBMs in Bosnia and Herzegovina (26 January 1996), the Florence Agreement on sub-regional arms control (14 June 1996) and the Vienna Concluding Document on arms control in and around Yugoslavia (18 July 2001).

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It is worth mentioning that in Tajikistan, the OSCE initiated peace-building (in support of United Nations peace-making efforts) *before* a global peace agreement. In Macedonia, its role *shifted* from conflict prevention to peace-building: the reason was that, after the Albanian armed uprising of 2001, the OSCE recycled peace-building in order to implement specific provisions of the Ohrid Framework Agreement. In Kosovo the OSCE was called to contribute, through UNMIK, to *international administration*.

3. A failing grade in conflict resolution. Success in that phase of the conflict management cycle depends, to a large extent, on the willingness of conflicting parties to arrive at a compromise, as well as on the capacity of the mediating third impartial party to use a credible set of carrots and sticks. In instances where political willingness exists, the OSCE could establish among the parties enough confidence to induce them either to reach a direct settlement or to accept a solution based on its own proposals. Still, as a cooperative security organization, it lacks the structural capacity to provide carrots and sticks, the indispensable tools of effective mediation. The Chechnya conflict and the so-called “frozen conflicts” are illustrative of the blatant inability of the OSCE in this regard.

The OSCE, and no other security organization, was allowed by the Russian Federation to intervene as a third party in the Chechnya conflict. It did so by means of an Assistance Group established in April 1995. After short-lived mediation efforts in 1996-1997 and some subsequent modest humanitarian activities, the Assistance Group failed to deliver. It proved unable to prevent a large-scale Russian military intervention in 1999, to stop what was amounting to total war against the Chechen population, or even promote proposals for political settlement. Following the refusal of the overwhelming majority of OSCE members to confine the Assistance Group to a simple humanitarian function (as demanded by Moscow), the latter’s mandate was termi-

nated on 31 December 2002. In any case, as from 2000, the OSCE ceased any official pronouncements on Chechnya, despite ongoing atrocities committed by Russian troops against the civilian population.

Failure also characterized all attempts undertaken since 1992-1993 to manage “frozen conflicts” in Nagorno-Karabakh, Transdniestria, South Ossetia and Abkhazia (the latter being addressed by the UN with a token contribution from the OSCE). All those conflicts were sealed by a territorial secession whose success was due to military support from a third party – Armenia in Nagorno-Karabakh and Russia in the Moldovan and Georgian cases. Besides the establishment of dialogue structure between each of the breakaway regions and the central State, OSCE efforts for political compromise have been thwarted for at least three major reasons:

1. **Moscow’s double game as mediator and party.** Russia co-chairs the Minsk process which addresses the Nagorno-Karabakh conflict and assumes the function of mediator in South Ossetia together with the OSCE, as well as with Ukraine and the OSCE in Transdniestria. In disregard of the impartiality required by such functions, Moscow has fully backed Armenia against Azerbaijan. It has also been providing constant political, economic and military support to the self-proclaimed (and still unrecognised) Transdniestrian and South Ossetian entities. The Transdniestrian leadership basically consists of Russian citizens, most of whom are connected in some way to the Russian intelligence services and military establishment. Following massive granting of citizenship to Georgians, about 80% of the citizens of South Ossetia (and also Abkhazia) have now become Russian citizens. Moscow’s policy with regard to frozen conflicts stems from the concern of securing the southern flank of the Russian Federation by means of a long-term military presence in Georgia, as well as transforming Moldova into an outpost military base at the outskirts of the “near abroad” – in order to increase pressure on Ukraine and prevent Romania from re-

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gaining the historical land of Bessarabia. In the case of Nagorno-Karabakh, Moscow supports Yerevan because the latter is its only reliable ally in the Caucasus and because the territory of Armenia (which separates Azerbaijan from Turkey) presents the advantage of breaking the geopolitical continuity between Ankara and the Turkish-speaking Republics of Central Asia. As regards all frozen conflicts, Russia's strategy is to avoid military escalation while maintaining sufficient tension in order to justify its "mediation" role and military presence.

2. Intransigence of the breakaway entities' authorities. The latter did accept dialogue with the central State, but systematically rejected all proposed schemes for self-rule. Notwithstanding Moscow's behind-the-scenes encouragement, their intransigence had to do with the huge benefits associated with Mafia-type activities. Transdnistria, in particular, represents an unchecked region where money laundering, large-scale smuggling of goods, and trafficking in human beings, weapons and drugs routinely take place; powerful and well-organized Mafia networks (with connections in Russia, Ukraine and even Moldova) control the region. Comparable networks exist in South Ossetia and Abkhazia.

3. Complacent passivity of Western diplomacy. The West has constantly condoned what amounted to be biased and useless mediation processes. From the Budapest Summit (1994) to the Porto Ministerial (2002), it indulged the OSCE to welcome the existence of "some progress" towards the resolution of frozen conflicts, to call upon the parties to intensify their ongoing dialogue and to pay tribute to the mediating role of Moscow as well as to acknowledge the "positive role" of Russian-led CIS "peacekeepers". It went as far as to endorse a Moscow-inspired project on the federalization of Moldova – a project which would have legalised a Mafia-type regime, attributed to the leadership of that pro-Russian regime a constitutional right to veto Moldova's moves towards the EU and transformed Moldova into a *de*

facto Russian protectorate. The West awakened only by the end of 2003, when Moscow began to overplay its hand in Moldova (with the Kozak Memorandum, providing for the maintenance of Russian troops there for a period of 15 years) and in Georgia (outright opposition to the “Revolution of the Roses”).

In any event, frozen conflicts confront the OSCE with two equally unattractive alternatives: withdrawal or hopeless mediation. The first option was ruled out because it amounted to condoning secession across the OSCE area. Perceived as the lesser of two evils, the second option was endorsed notwithstanding its damaging effects on OSCE’s credibility. It was in reaction to that flawed approach that the GUAM group (composed of Georgia, Ukraine, Azerbaijan and Moldova) emerged within the OSCE.

What complicates further the situation is that the resolution of frozen conflicts is closely linked to the military commitments contracted by Russia at the 1999 Istanbul Summit. As regards Moldova, Russia made two unconditional engagements: the destruction and withdrawal of Russian conventional armaments and equipment limited by the CFE (Conventional Armed Forces in Europe) Treaty (to be accomplished by the end of 2001), and the complete withdrawal of Russian troops stationed in Transdnistria by the end of 2002. Regarding Georgia, more complex arrangements were arrived at. Firstly, Russia pledged to reduce, at specific levels and by no later than 31 December 2000, the amount of its CFE-related military equipment. Secondly, it agreed to disband and withdraw from its military bases at Gudauta (in Abkhazia) and Vaziani (near Tbilisi) by 1 July 2001. Thirdly, it was agreed that during 2000, the two sides would complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki and the Russian military facilities within the territory of Georgia.

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The commitments directly related to the adapted CFE Treaty have been honoured. No wonder: Russia has particular interest in a rapid entry into force of the treaty which would allow it to somewhat limit the destabilizing effects of NATO's enlargement through the imposition of legal constraints on NATO's Baltic flanks. Initiated on 1 August 2000, the process of destruction and withdrawal of Russian conventional armaments and equipment limited by the CFE Treaty in Moldova was achieved shortly ahead of time, on 14 November 2001. In Georgia, the Vaziani base was closed and handed over to the Georgian government before the Istanbul deadline. Russia also withdrew its military equipment from the Gudauta base in 2001, but did not close the latter, on the pretext of the opposition of the Abkhaz population.

All the other Istanbul commitments remained unfulfilled. In 2002, the Porto Ministerial Council meeting took care not to blame Moscow. With extraordinary indulgence, the Ministers simply noted Russia's intention to achieve withdrawal from Moldova, "provided necessary conditions are in place", by 31 December 2003. They also acknowledged "the desire of the parties to complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki and the Russian military facilities within the territory of Georgia". At the Ministerial Council meetings held in Maastricht (December 2003) and Sofia (December 2004), Russia refused to subscribe to a declaration renewing its withdrawal commitments on three grounds. First, it pretended that the Russian-Georgian and Russian-Moldovan agreements reached at Istanbul were of a bilateral nature and did not imply any legal obligations for Moscow with regard to other countries. Second, it stated that it will only continue with the implementation of the Russian-Georgian and Russian-Moldovan agreements "provided necessary conditions are in place" and subject to Georgia's and Moldova's own compliance with these agreements. Third, it rejected the political linkage between the Istanbul commitments and the

ratification of the CFE Treaty – a prerequisite raised by NATO since 2000 – as “illegitimate”.

However, on 30 May 2005, an agreement was reached under which Russia took the commitment to withdraw its some 3000 troops from Georgia and close down by 2008 its bases in Batumi and Akhalkalaki (but not Gudauta); no similar breakthrough has happened as regards Russian troops and equipment in Transdniestria.

The interwoven issues of frozen conflict and Istanbul military commitments stand at the heart of OSCE’s “Russian headache”. The latter deserves here a more systematic treatment.

The OSCE “Russian Headache”

As early as October 1993, the Russian Federation called for the overall strengthening of what was then the CSCE (Conference on Security and Cooperation in Europe) – a mildly institutionalised conference process. Following NATO’s projects of eastward enlargement, such a goal acquired vital importance. Moscow realized that the development of an OSCE-based pan-European security system was the only appropriate means to impose some constraints to NATO’s growing political influence in Europe. Accordingly, Russia pleaded in favour of the transformation of the CSCE process into a standard international legal organization including an “Executive Committee” composed of permanent as well as rotating members and entitled to take compulsory decisions through consensus. It suggested the strengthening of the three security dimensions, basically through the undertaking of pan-European peacekeeping operations, an ambitious framework for economic co-operation, and a new charter of rights for national minorities which would also combat aggressive nationalism. It further requested that field activities be controlled by special working groups tasked to

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follow and provide guidance to Long-Term Missions. Last, but not least, Moscow advocated the establishment of an “appropriate division of labour” between the CSCE process and the other European security institutions organizations on the basis of special agreements delimiting their respective competences and areas of activities.

The Russian suggestions received diluted and rather paltry response. At the Budapest Review Conference and Summit (1994), the participating States agreed to re-baptize the CSCE process as “Organization for Security and Co-operation in Europe” retrospectively as from 1st of January 1995. They also decided to open a broad debate on a “model for a common and comprehensive security for Europe for the 21st century” which after three years of discussions (1995-1997) painfully moved to the drafting of a Charter for European Security.

During the drafting process (1998-1999), Moscow made it clear that its fundamental expectations were twofold. First, the elaboration of a pan-European security regime embedded into a legally binding Charter whose provisions would preclude the emergence of “new geopolitical dividing lines”, provide security guarantees for States outside politico-military alliances and establish a web of regional security organizations operating under the monitoring and coordination of the OSCE. Second, institutional overhaul and programmatic change of ambitious scope in the OSCE:

In favour of a *institutional overhaul*, Moscow alleged the need of overcoming the “amorphous and non-coordinated character of the Organization’s structure”. Accordingly, it considered that the OSCE ought to be provided with all normal attributes of an international organization, beginning with a basic legal instrument determining its structures and procedures, as well as the rights and obligations of its constituency; such an instrument would also have allowed the Secretary-General to bring to the attention of the Permanent Council any matters

which in his opinion have a bearing on the activities of the OSCE (an idea visibly inspired from Art. 99 of the UN Charter) and attributed a legally-binding character to OSCE consensus-made decisions. Furthermore, arguing that Long-Term Missions were operating without clearly-established guidelines and under too-loose control from the governing bodies of the OSCE, it suggested strict rules of procedures for the setting up and closing of LTMs, the standardisation of reporting, the appointment of the Head of Mission by consensus (i.e. no longer at the CiO's discretion), etc.

At *programmatic level*, Moscow advocated the development of the OSCE's own capacities in peacekeeping and the setting up of a voluntary fund for the support of "CIS [Commonwealth of Independent States] peacekeeping operations" – suggestions obviously aimed at preempting NATO's monopoly in that field. It also tabled proposals for the creation of a "single infrastructure" in the fields of energy, transport and communication, as well as for the attribution to the OSCE of a capacity to respond to crisis situations associated with risks and challenges of an economic, social and environmental nature.

Most of the Russian proposals backfired because of their anti-NATO bias, over-ambitious scope and/or inevitable straitjacketing effects on the OSCE's outstanding flexibility. As a consequence, the negotiation of the Istanbul Charter was for Russia a trying and frustrating exercise. In spite of intensive efforts, Moscow failed to obtain significant results and a "Russian malaise" began to develop at the OSCE. Russia's sense of frustration turned into real anger when the OSCE proved unable to prevent, stop or condemn NATO's military intervention against the Federal Republic of Yugoslavia (March-June 1999). The Yeltsin administration's natural reflex was to re-endorse the Soviet mantras of equal sovereignty of States, non interference in internal affairs and no use of force contrary to the goals and purposes of the United Nations. However, at the Istanbul Summit of November 1999, a global trade-off

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was achieved under which President Boris Yeltsin agreed (rather reluctantly) to sign the Istanbul Charter for European security and to accept specific military commitments with regard to Moldova and Georgia – against the signature of the adapted CFE Treaty by NATO countries and the non-condemnation of war resumption in Chechnya.

When taking over, the Putin administration realized that Russia's political isolation at the OSCE had become almost total: with the exception of Belarus, practically no other State cared to support Moscow's demands. Feeling that it was not getting much from conciliatory posture, it opted for confrontation. Therefore, in November 2000, it vetoed the adoption of a general Ministerial Declaration (a traditional text summarizing the OSCE's positive achievements in the current year and drawing up a roadmap for subsequent work) at the Vienna Ministerial Council meeting. It did so to avoid any further critical reference to Chechnya, the non-implementation of its Istanbul military commitments and frozen conflicts. It also stressed that the Organization was following such a "wrong direction" that governments could legitimately ask what was the OSCE's present and future relevance in European security. The Putin administration made it clear that Russia's continuous interest in and support for the OSCE would depend on in-depth reforms aimed at halting a crisis due serious political, operational and institutional "dysfunctions". Henceforth, an assault against the OSCE was conducted on the basis of four major charges:

1. Application of "double standards" to participating States. Moscow charged the ODIHR of applying different assessment standards to elections according to whether they took place East or West of Vienna. Unfair geographic distribution of posts and an unfair scale of contributions (not based on UN methodology) were also cited as instances of double standards. More basically, Russia argued that the OSCE was creating a *de facto* fault line between "State subjects" and "State objects" due to policy leading it to limit its operational activities

to participating States located “East of Vienna” (the former Soviet space and the Balkans), and not elsewhere. While the argument contained a grain of truth, it overlooked that third-party intervention is not needed everywhere, but rather in those places where the rule of law has no firm ground and where domestic institutions are not fully effective or do not enjoy enough public confidence.

2. **“Unbalanced” development of the three security dimensions.** Here, Russia referred to an “erosion” of the concept of comprehensive security allegedly generated by disproportionate priority given by the OSCE to the human dimension, at the expense of the politico-military dimension and the economic/environmental dimension (EED). In truth, the three dimensions are endowed with unequal institutional resources and their respective records differ in terms of political visibility and achievements. Their development has followed uneven patterns for objective reasons related to the historical legacy of the CSCE process and the subsequent dynamics of the OSCE:

- ❑ From the East-West era to post-Communism, the human dimension constantly played a prominent role.
- ❑ The politico-military dimension always offered a substantial political component and a weaker military component – a situation explainable by the inherent limits of CSBMs and by the non-inclusion of the CFE Treaty regime in its ambit.
- ❑ For its part, the EED remained the neglected child of the OSCE because the majority of participating States viewed its role as a political “catalyst” of the activities of more competent international organizations (UN/ECE, OECD, EBRD, etc.). Its serious shortcomings (non-deliverance of operational services, insufficient integration with conflict management, inaction of the environmental component, absence of a basic normative instrument setting guidelines for intergovernmental co-operation) could certainly not be addressed without the injection of a critical mass of human and finan-

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cial resources – an unwelcome perspective for most governments. In any case, the basic problem is not competition between dimensions, but with intrinsic obstacles to the growth of the EED and, to a lesser extent, the politico-military dimension. Besides strengthening the latter, a good balance would require more effective *synergy* between the three dimensions at all levels of OSCE’s activities (and especially in conflict management) from a “human security” outlook.

3. Lack of clearly-established institutional rules of the game.

Under that argument, Russia asserted that OSCE’s overall activities were conducted on an essentially pragmatic basis, without effective political control from the Organization’s decision-making bodies and administrative oversight from an otherwise weak and understaffed Secretariat. Hence, the urgent need for an institutional overhaul to be sealed into a consolidated legal instrument attributing to the OSCE legal personality, defining the powers and functions of all the Organization’s structures, enabling participating States to exert full political control on the latter, and introducing transparency and rigor in administrative and budgetary management. Russia’s designated institutional targets in this connection were the CiO, LTMs and ODIHR. For Moscow, principles are more important than clearly established rules, above all because their absence was enabling the member States of NATO and European Union to implement their own agendas under the guise of flexibility.

4. Marginalization of the OSCE in the landscape of European security.

In the view of the Putin administration, the OSCE was ceasing to play a relevant political role and met neither the interests nor the needs of all its participating States. On the one hand, the Organization did not address the “real” threats and challenges affecting its geopolitical region, but rather those of a “peripheral” nature. On the other hand, it tended to perform as “maidservant” of other organizations. Accord-

ingly, there was a need for a new global agenda enabling it to return to its original function, as a security dialogue forum addressing meaningful issues on the basis of the principle of sovereign equality of States. As to the enhancement of status vis-à-vis NATO and the European Union, the OSCE would need to be given international legal capacity and empowerment for peacekeeping operations.

The overwhelming majority of participating States disagreed with the basic tenets of the Russian analysis. They were prepared to envisage measures for the improvement of current working methods and the increase of management transparency, but not to impose straitjacketing rules on the OSCE. Feeling that its position was not taken seriously, Moscow warned that in the absence of drastic reform, the OSCE would be “doomed to extinction”. However, the 9/11 terrorist attacks in the USA generated a spirit of compromise which pushed the participating States to include “OSCE reform” as a standing item on the agenda. Since then, three categories of decisions have been made.

1. Decisions aimed at increasing the participating states’ political control over OSCE institutions and activities. In a decision entitled “*Fostering the role of the OSCE as a forum for political dialogue*”, the participating States provided for a more careful preparation of the Ministerial Council’s Meetings (by means of open-ended working groups established sufficiently in advance in order to exclude improvised decisions and last-minute negotiations) and the strengthening of the political authority of the Permanent Council through a streamlined agenda refocused on “major issues”.

Another decision on “*OSCE Statements and Public Information*” established a basic distinction between “formal OSCE positions” – decisions, statements and documents adopted by the decision-making bodies – and “public statements on behalf of the OSCE as a whole” emanating from the Chairmanship and the Secretary General, Heads

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of Field operations and Heads of Institutions. Statements made by the Chairmanship or any other OSCE official in his personal capacity or from a national point of view have to be “clearly identified as such” in order to avoid any possible confusion. In summarising the results of discussions of the Permanent Council or the Ministerial Council, the Chairmanship is expected to “take into account the entire spectrum of expressed opinions, if necessary, following consultations with the participating States”. As to Heads of Field operations and Heads of Institutions, their statements and public outreach activities should not be inconsistent with OSCE consensus positions and, in any case, immediately be transmitted to national delegations in Vienna. The decision also instructs the Press and Information Section to abstain from issuing publications and press releases inconsistent with consensus decisions and documents.

An additional decision targeted the lead institution of the OSCE: the CiO. Entitled the “*Role of the OSCE Chairmanship in Office*”, it codified the basic functions that the CiO has fulfilled according to a customary practice. The formal attributions of the CiO now include: presiding over, coordinating and reporting on its activities to OSCE bodies; communicating the decisions and views of the participating States to all OSCE institutions and bodies and providing the latter with advice and guidance on their activities, co-ordinating OSCE business; providing the Permanent Council with recommendations on specific issues; appointing Personal representatives; and providing external representation for the OSCE. At the same time, the decision upgraded the role of the Secretary-General by allowing the Secretary-General to delegate representational tasks to the CiO, who then could draw upon “expert support” of the Secretariat through background information analysis, advice draft decisions, draft statements and archival support. It also authorized the CiO to provide the Secretariat with the necessary information in order to enable it to provide institutional memory for the sake

of continuity in the handling of OSCE business from one CiO to the next. At first sight, the text was not without merit. However, in line with Moscow's complaint about the "excessive" autonomy of the CiO, it draws up "guidelines" aimed at ensuring that the latter's actions "are not inconsistent with positions agreed by all the participating States and that the whole spectrum of opinions of participating States is taken account". For the sake of transparency in decision-making, the CiO is bound not only to "consult with the participating States through formal and informal consultations and dialogue", but also to "act in accordance with the outcome of these consultations". When appointing a Personal Representative to deal urgently with a crisis or conflict, or for a specific question, the CiO should also, as time permits, consult with the participating States in advance, as well as on bilateral bases with any participating States having interests related to the issue.

Finally, two successive decisions dealt with *improving annual reporting on the activities of the OSCE*. The first one prescribed, as from 2003 onwards, the merger of the Secretary General's regular reports on "OSCE Activities" and "Interaction between organizations and institutions in the OSCE Area" into a single document entitled "Annual Report on OSCE Activities"; the consolidated report now covers a full calendar year and coincides with the period of the OSCE Chairmanship. Drafted from the same restrictive spirit that presided over those concerning public statements and the CiO, the second text was meant to defuse Russian criticisms on the "insufficient transparency and accountability" of the OSCE's activities. It prescribed that the Secretary-General produce an annual report offering not only a "concise" and "factual" account of OSCE activities, but also an "unbiased" one. The preparation and submission of the annual report is also to be co-ordinated "in close consultation" with the CiO. Although the annual report does not represent a consensus document (and thus does not require approval by means of a formal decision), the Secretary-General is never-

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theless bound to hand over an advance copy of it to the Permanent Council's Preparatory Committee four weeks in advance of publication. The annual report's sections devoted to the activities undertaken by the Secretary General and the various units of the Secretariat, the OSCE institutions and field missions must contain (as Russia wanted) information on financial, administrative and personnel matters. Finally, the decision introduced methodological innovations such as an "assessment of progress towards achieving the goals and tasks set forth by participating States through the decision-making procedure bodies" and a "problem-oriented, cross-dimensional and cross-institutional account of OSCE activities".

No consensus could be achieved on LTMs, an issue epitomizing the OSCE's "deadly sins" as perceived in Moscow, and which was addressed in the reform agenda only lately. In 2003, Russia tabled (jointly with Belarus, Kazakhstan and Kyrgyzstan) a devastating "food-for-thought" paper denouncing LTMs as a source of a "double standard", that is to say, a tool creating an ongoing *de facto* discrimination between hosting and non-hosting participating States. The document criticized the open-ended nature of LTMs' mandates, which provided for no time duration and no benchmarks for an exit strategy. It chastised the tendency of LTMs to perform "unbalanced" activities (viz. overemphasizing the human dimension) with insufficient operational and financial transparency, to undertake non-mandated projects on extra-budgetary (voluntary) contributions, to issue reports lacking objectivity and to interfere in the internal affairs of the host State. It also dismissed the "excessive autonomy" of HoMs (whose unregulated powers basically derive from a common designating authority, the CiO, largely immune from the consensus rule) and the staff recruitment through secondment – a practice disregarding equitable geographic representation. In order to seal the strictly cooperative nature of the relationship between the mission and its host country, and to definitely prohibit interference in internal af-

fairs, the “Russian plus” paper advocated the standardization of LTMs’ mandates. It also recommended that reporting by LTMs be straitjacketed at the level of format as well as content (pure factual reports instead of “flawed” political analysis), and embrace all three security dimensions, with no more undue focus on “human dimension” issues. Furthermore, it proposed to offset the existing balance of power between the Permanent Council and the Chairman-in-Office through establishing the pre-eminence of the former over the latter as regards LTMs. Finally, it suggested the development of a new concept of field missions tasked with more pragmatic and issue-oriented types of activities: “roving” or *ad hoc* thematic missions whose primary function would be to address a specific topic (illegal migration, trafficking in human beings, etc.) not just within the territory of a given State, but at regional level and even across the entire OSCE – which meant the inclusion of Western States.

2. Decisions aimed at introducing more “balance” among the three security dimensions. The *politico-military dimension* has not been subject to dramatic strengthening. Development in that field was essentially illustrated by two decisions. The first established an *Annual Security Review Conference* – a new body tasked to review all the activities related to the politico-military aspects of security, from anti-terrorism to conflict management, and from police matters to arms control and CSBM issues. The second decision concerned the adoption of the *Document on Stockpiles of Conventional Ammunition*, an instrument setting up a mechanism for assistance to governments wishing to manage the security risks attached to stockpiles of armaments, explosive material or detonating devices. Furthermore, upon Moscow’s insistence, the participating States proceeded to an assessment of OSCE capacity to conduct peacekeeping operations in view of identifying “options for potential OSCE involvement in peacekeeping in the OSCE region”. After several months of discussion a decision was

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finally drafted in 2003. However, Russia rejected it for being far too short from its initial expectations for a more robust redefinition of the Organization's role in the field of peacekeeping.

As to the strengthening of the *economic/environmental dimension*, it entailed a number of measures which, beyond their apparent relevance, had limited impact: the establishment of a specialized informal Sub-Committee under the guidance of the Permanent Council, the adoption of an "OSCE Strategy Document for the Economic and Environmental Dimension" and the introduction of some improvements at the level of the Economic Forum's agenda and working conditions. The "Strategy Document" is disappointing. It offers more promises than commitments, and pays lip service to Russia's current concerns: further development of economic co-operation among participating States, equal and non-discriminatory partnership, counteracting the emergence of new economic division lines, development of early warning mechanisms, etc.

In the *human dimension*, some limited development related to non-controversial items also took place. The participating States established a mechanism (consisting of a CiO Special Personal Representative supported by a special unit of the OSCE Secretariat) for the provision of practical assistance to governments concerned by the trafficking in human beings; interestingly, the mechanism is meant to operate in the whole OSCE area, that is to say in West as well as East of Vienna. In addition, the participating States tasked the ODIHR to serve as a collecting point for official information and statistics on hate crimes. Finally, they authorized the designation of three CiO's Personal Representatives to respectively deal with anti-semitism; the fight against racism, xenophobia and discrimination; and the promotion of tolerance and media freedom on the Internet.

No consensus could be reached on election standards and monitoring,

a dual issue constantly raised by Russia and Belarus since the American presidential elections of 2000. In 2002, at the Porto Ministerial Council meeting, the Foreign Ministers acknowledged that “democratic elections can be conducted under a variety of electoral systems” and tasked the Permanent Council to consider the need to elaborate additional commitments on elections standards, viz. the updating of the 1990 criteria governing the conduct of free and fair elections enshrined in the 1990 Copenhagen Document on the human dimension; so far, there has been no substantial outcome from this recommendation. The question of observation standards is even less conducive to consensus because it communicates the unfair Russian charges against the ODIHR – inconsistent methodology, unilateral stands and lack of objectivity in final assessments reports. The remedies suggested to cope with the alleged problems (or existing imperfections such as insufficient geographical distribution in Election Observation Missions or overwhelming use of English-speaking monitors) are conceived with the visible objective of imposing straitjacket procedures on the ODIHR and subjecting it to drastic political control from the participating States. The adoption of election standards could nevertheless be welcome under two major conditions. First, standards should offer guidelines of a general and flexible nature – and not straitjacket rules permitting the self-judgment of a monitored State to prevail. Second, standards should include a firm commitment from participating States (in line with § 25 of the Istanbul Charter) to promptly follow up the ODIHR’s election assessment and recommendations.

3. Decisions aimed at enhancing the political status and “security relevance” of the OSCE.

- *The elaboration of an “OSCE Strategy to Address Threats to Security in the 21st Century”*: If a strategy is supposed to provide an action plan specifying how, on the basis of given resources and specific means, a number of medium- and long-term objectives are

to be achieved with optimal effectiveness and efficiency, then the Strategy document does not deserve the label. Baked by far too many cooks, it only offers an inventory of problems to be solved and tools to be possibly used, rather than guidelines for real operational action.

- ❑ *The adoption of numerous anti-terrorism decisions:* Dear to Russia, the US and a number of other States, the fight against terrorism (the most consensual item on the OSCE's agenda) has become an obsessive mantra. The participating States adopted successively the Bucharest Action Plan (2001), the Bishkek Action Plan (2001) and the Porto Charter (2002) – texts of declaratory nature which do not bring added value with regard UN achievements or previous OSCE commitments. In addition, a host of “micro-measures” – of rather limited practical impact – were also taken: exchange of information on the use of the Internet for terrorist purposes, the reporting of all instances of lost and stolen travel documents to Interpol, and the control of man-portable air defence systems (MANPADS).
- ❑ *The strengthening of the Secretary General's responsibilities:* A decision adopted at the Sofia Ministerial Council (2004) codified established practices in this connection. It authorized the Secretary-General to support the CiO in all his activities (including the provision of expert advice), to make public statements on behalf of the OSCE as a whole, to contribute to and to participate in the meetings of OSCE dual Troikas (Chairmanship and FSC) and also to oversee the management of field operations and co-ordinate their operational work. More innovatively, it entitled him to countersign letters of appointment for Heads of Missions. Heads of Missions (together with the Heads of OSCE Institutions) will now exercise their responsibility towards the Permanent Council via the Secretary General, to support the process of political dialogue and negotiations among participating states (through the preparation and

implementation of decisions), and to bring to the attention of the OSCE decision-making bodies (more or less within the spirit of article 99 of the UN Charter) any matter relevant to his mandate.

- *The setting up of a panel of eminent persons to reflect on OSCE future:* In 2004, the Sofia Ministerial Council decided the setting up of a small-sized panel of wise persons mandated to review the effectiveness of the OSCE, to assess the challenges faced by the latter and to recommend measures to meet them effectively. The Panel was expected to present its report by June 2005 in view of further “High-Level OSCE Consultations” to be specially convened for the purpose.

Be it from an overall perspective or in terms of fundamental demands (peacekeeping, LTMs and election standards and monitoring), it must be admitted that the reform process brought practically nothing or little to Russia, except on one significant issue – that of ministerial assessments on the unresolved conflicts in the OSCE area. Deferring to a Russian demand that conflicts managed by the OSCE be subject only to *uncritical* Ministerial Council’s assessments, the participating States addressed the issue, as from 2001, in aseptically-titled “Statements by the Ministerial Council”: ever since, the situation in Chechnya has never been referred to and the non-fulfilment of the Istanbul military commitments never blamed. In parallel, the participating States did not hesitate to inflict a major political setback on Moscow: at the end of 2001, the LTMs in Estonia and Latvia were abruptly closed in total disregard for Russia’s concerns. Based on the host countries’ refusal of any additional mandate extension, such a decision confirmed and aggravated Moscow’s political marginalization at the OSCE.

After that unhappy episode, Moscow sought and gained support from those CIS member States dissatisfied with the OSCE’s constant critical assessments of their human rights record. This development allowed Russia to argue that the OSCE was confronted with a collective

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CIS challenge and not just a Russian challenge. In addition to the above-mentioned food-for-thought paper of 4 September 2003 on LTMs, two multilateral statements containing severe criticisms of the OSCE were issued in the following year: the Moscow informal Summit Declaration by 9 CIS member States regarding the state of affairs in the OSCE (3 July 2004), and the Astana appeal of 8 CIS States to the OSCE partners (15 September 2004).

In the first text, the CIS member States (minus Georgia, Azerbaijan and Turkmenistan) alleged that the OSCE was unable “to adapt itself to the demands of a changing world and ensure an effective solution to the problems of security and co-operation in the Euro-Atlantic area” and, thus, was not meeting their interests and vital needs. They warned that their relationship with the OSCE would be subject to the ability of the latter to adapt itself properly to the new conditions and to the degree to which it was receptive to their concerns. Although less aggressive in tone, the second statement was still ignored by the same three countries, plus Moldova. The dissatisfied States naturally advocated the elimination of the obstacles hindering the development of a “politically-relevant OSCE” (double standards, unbalance between the three dimensions, ODIHR and LTMs’ unbridled autonomy, etc.) and the effective strengthening of the two lagging dimensions (with particular emphasis on anti-terrorist activities). Beyond well-known complaints, the most striking element in both statements was a *regressive connotation*. Indeed, asserting that the OSCE was failing to implement its founding texts, they advocated a return to the spirit and patterns of co-operation of the 1975 (tailor-made, East-West) Helsinki Final Act: respect of the principles of non-interference in internal affairs and equal sovereignty of States; facilitation of business contacts; implementation of projects of common interest in energy and transport; exchanges in the area of science; expansion of educational and scientific ties; dissemination of “cultural values”; and improvement of freedom of movement and contacts between people.

The report of the Panel of Eminent Persons on *Strengthening the effectiveness of the OSCE* (June 2005)

Formally tasked to reflect on the ways and means to strengthen the effectiveness of the OSCE, the Panel of Eminent Persons was actually meant to respond to and cope with the unfolding crisis generated by the Putin administration's grievances. In June 2005, it delivered a report entitled "Common Purpose. Towards a More Effective OSCE". The Eminent Persons considered that the problems faced by the OSCE were basically due to three challenges: those related to the uneven pace of integration, economic growth and democratic development in the OSCE region; to the enlargement of OSCE's main institutional partners (NATO, the European Union and the Council of Europe), whose consequence was an overlapping in membership, mandates and capacities; and, finally, to the new threats to security associated with the globalisation process.

In regard to the first challenge, the Report implicitly vindicated Russia's position by pointing out that the OSCE should play "a constructive role in preventing the emergence of new dividing lines" (§ 3). Concerning the second one, it recommended that the OSCE should "enhance pragmatic and even-handed co-operation with other regional and sub-regional organizations" (§ 10 b) while focusing on "what it does best and where its added value lies" (§ 10 d). To meet the third challenge, the report suggested using a cross-dimensional approach in a systematic way (§ 18). Last, but certainly not least, the Report addressed the substance of Moscow's four basic grievances:

1. Application of "double standards" to participating States:

From a general perspective, the Report's leitmotiv here was *equality of treatment*. The Eminent Persons underscored that the strengthening of trust and confidence between participating States required the

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OSCE to perform as “an organization for equal and even-handed co-operation and assistance in maintaining security and stability, and [that] all OSCE instruments should be applied in this spirit” (§ 8 b), and that “all OSCE commitments, without exception, apply equally to all participating States” (§ 7). They also considered that the OSCE needed, in order to increase its effectiveness, “to create a stronger sense of common purpose among its participants, to make States feel that they have a stake in the Organisation and that they are treated as equals” (§ 8). More specifically, the Report recommended that OSCE governing bodies be made “more inclusive, inter-active and transparent” so that all governments would be able to be involved actively and effectively in decision-making (§ 3). With regard to staffing, it stressed that employment should be based on “geographic balance” along with professionalism and gender-balance requirements (§ 43 c).

2. “Unbalanced” development of the three security dimensions: The Report did not frontally address the issue of “imbalance”. However, it made a number of recommendations obviously aimed at defusing concerns related to this point. First, it advocated the adoption of a systematic cross-dimensional perspective in all aspects of OSCE activities (§ 18). Second, it suggested the establishment of a committee structure made up of three pillars (a Security Committee, an EED Committee and a Human dimension Committee) corresponding to OSCE’s dimensions of security (§ 32). Third, it offered some guidelines for the possible development of each of the three dimensions:

- ❑ In relation to the *politico-military dimension*, the Report essentially hinted (as wished by Moscow) at the possible updating of the 1999 Vienna Document on CSBMs (§ 21), with no reference whatsoever to peacekeeping.
- ❑ A carefully balanced approach was taken as regards the *human dimension*. The Report recalled that “commitments undertaken in the human dimension are matters of direct and legitimate concern

to all participating States and do not belong exclusively to the internal affairs of the State concerned” (§ 24). At the same time, it stressed that the monitoring of the implementation of human dimension standards “should be done in a unbiased and more standardized way for the sake of more ‘equal treatment’ and ‘transparency’” (§ 24 a) and also that special attention should be devoted to criteria and methodology of election monitoring standards ensuring “objectiveness, transparency and professionalism” and guaranteeing “equal treatment of all participating States” (§ 24 c).

- The Panel’s Report addressed the case of the *economic and environmental dimension* from a sobering perspective by stating, undiplomatically, that the OSCE “will never have the means and resources to be a major donor” (§ 23) and could not “[try] to develop and manage large-scale projects on its own” (§ 23 b). It recalled that the OSCE’s role was to address the economic and environmental aspects of security only as a catalyst – viz. through “mobilizing international resources and expertise possessed, for instance, by the World Bank, European Union, UNDP, EBRD, NGOs and others” (§ 23 a).

3. Lack of clearly-established institutional rules of the game:

Although clearly stating that “the OSCE’s development from a conference [process] to a full-fledged international organization must now be completed” (§ 28), the Report did not recommend an institutional overhaul. However, about half of its recommendations (made under the heading “Strengthening operational capacities” §§ 26-43) concerned structural reform issues, often reflecting Russian concerns and demands. The Eminent Persons admitted that “there is frustration among participating States, including Chairmanships, that current structures are not optimal for putting the political priorities of the participating States into operation” (§ 43). Hence a number of suggestions such as the framing of “a concise Statute or Charter of the OSCE” (§ 30 a),

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the adoption of a Convention recognizing the OSCE's legal capacity and granting it (as well as its officials) privileges and immunities (§ 30 b), the codification and updating of OSCE's rules of procedures (§ 33 b), and a "clear and transparent" management of extra-budgetary contributions (§ 43 d). More detailed recommendations were devoted to the sensitive problem of "field operations" (viz. LTMs).

In line with Moscow's concerns, the Report prescribed that LTM's *mandates* "should normally not be fixed for more than one year and could be renewable depending on the specific tasks and on the outcome of consultations with the host State (§ 42 b), that "realistic benchmarks should be established for measuring progress and duration of implementation of the mandate (§ 42 c), and that the position of *Head of Mission* be made "open to public competition with salaries paid from the core budget of the OSCE" (§ 42 j). More significantly, it suggested the OSCE consider "developing a new type of thematic mission that could look at a specific issue in one country, or to ensure coherence in the work in a broader regional/sub-regional context" (§ 42 i). Finally, it advocated a clear-cut division of roles between the Chairman-in-Office and the Secretary-General (§§ 35-40), paving the way for a substantial political role to be played by the latter – such as bringing potential threats to regional security to the attention of governments (§ 37 b) or taking the lead in the OSCE's operational engagement in crisis situations (§ 37 e).

4. Marginalization of the OSCE in the landscape of European security: Reflecting a major Russian criticism, the Eminent Persons admitted that the OSCE was presently an "underused forum for comprehensive political dialogue on security and co-operation across a vast area" (§ 4) and there was real need to strengthen the OSCE's identity and profile vis-à-vis other international organisations (§§ 27-30). Accordingly, the Report offered a number of remedies. First, it prescribed the establishment of long-term basic priorities and action

plans regularly adapted to the evolving security environment (§ 8 e). Second, it considered that the OSCE should, in its interface with its European institutional partners, “focus its work on those areas where it has comparative advantages and can add value” (§ 8 a). Third, it suggested that the relationship with the UN should be further developed, “taking into account the ongoing discussions on the reform of the UN to strengthen the complementarity between the UN and regional arrangements, for example in conflict prevention and peace-building” (§ 10 a). Fourth, it recommended that the OSCE take steps to provide the public with a better understanding of its activities and achievements, as well as furthering its engagement with NGOs (§ 30 d).

Whether this set of recommendations (fairly welcome from Moscow’s perspective) will be accepted by the rest of the participating States remains to be seen.

Conclusion: an organization at the cross roads

Is the OSCE essential or superfluous? The OSCE is a relevant organization with an overall positive record and, as such, cannot not be considered to be superfluous. Its four fundamental functions (security dialogue, standard-setting and monitoring of commitments, technical assistance, and conflict management) remain more valid than ever. However, it is at a crossroads. Two factors are presently casting a shadow of uncertainty on its future: the potential consequences of the enlargement of its two major regional partner organisations (the European Union and NATO) and the damaging effects of the “Russian disease”.

International affairs experts unfamiliar with the OSCE argue that the latter is bound to lose much (if not all) of its relevance with the expansion of the European Union and NATO. This argument is superficial.

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The enlargements did reduce, in a significant proportion, the number of participating States with no membership in either the European Union or NATO. However, the ripple effect of that development should not be overestimated. The expansion of the European Union and that of NATO have clear limits, for geopolitical reasons in the first case and natural geographicity in the second. This means that the OSCE will still maintain an edge at the level of constituency – basically as regards the Caucasus and Central Asia. An enlarged EU is not likely to lead to a stronger one, all the more after the rejection of the European Constitution in France and the Netherlands. Furthermore, notwithstanding inconsiderate overstretching in Afghanistan and Iraq, NATO's continuing relevance cannot be taken for granted, at least as long as the damage caused by the Bush administration to transatlantic relations is not fundamentally repaired – which will require more than smiling and formal statements. In the short term, a decisive marginalization of the OSCE seems improbable. The most natural scenario is one where the three organizations will strengthen interaction on the basis of their respective comparative advantages.

Much more serious is the ongoing frontal assault from a participating State which uses bullying tactics to obtain institutional change while violating some of the most basic pan-European commitments. Russia currently insists on a free hand in the post Soviet-space, and also asks the OSCE to rubber-stamp its policy there. The trouble is that the post-Communism OSCE was implicitly assigned the objective of assisting the transformation of Russia into a standard member of the European family of nations – that is to say a State abiding domestically by the rule of law (overcoming the legacy of “Soviet legality”) and externally by international law. Through acceptance of such a role, the OSCE has linked a fair amount of its fate to the democratic evolution of Russia. The importance of the present crisis should not be underestimated. No OSCE summit has been held since 1999, because no such gathering

could decently take place without addressing Chechnya's ordeal, the unfulfilled Istanbul commitments and the basic reasons of the non-resolution of frozen conflicts. The OSCE Foreign Ministers have not been able to reach consensus on high political issues for two years in a row – in Maastricht (2003) and Sofia (2004). The mandate of the Border Monitoring Mission in Georgia (one of the most useful OSCE endeavours) has been discontinued following an arbitrary Russian veto. The adoption of the 2005 budget was blocked for about six months because of Moscow's – as well as other participating States' – dissatisfaction with the OSCE's scale of contributions.

Western behaviour outside the OSCE area certainly contributes to complicating the OSCE crisis. The unlawful invasion and occupation of Iraq, followed by egregious human rights abuses committed by the two main occupying powers (not to mention the curtailment of civil rights under the guise the struggle against terrorism) have besmirched the Western countries' reputations: they can now hardly pretend to be paragons of democracy. One could rightly argue (although not morally condone) that Russian policy in the post-Soviet space is as "democratic" as American behaviour in Iraq!

International institutions are not supposed to develop only in political fair weather conditions. Crises are quite often their natural fare, and what really matters is their ability to cope with crisis situations. In the present circumstances, such ability is not lacking. Much will depend on the real political value which the West attaches to the OSCE. The future of the OSCE will, to a large extent, depend on the West's willingness to seriously defend the legacy of the Helsinki process and the appreciable *acquis* of some ten years of pan-European post-Communism achievements.

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Questions and Answers

The lecture was followed by a lively discussion:

Minna Jarvenpaa (Senior Fellow, European Stability Initiative; Visiting Fellow, St Anthony's College, Oxford): *Do you think that the blocking of the OSCE budget by the Russians could be taken as an opportunity for the OSCE to re-evaluate its role and, perhaps, cut down on wasteful activities? Actually, the democratisation component of the OSCE's work (its "democratisation template") is seemingly composed of a little bit of political party support, a little bit of parliamentary assistance, and a little bit of civil society support – all thrown together and not amounting to real institution- or capacity-building.*

Professor V.-Y. Ghebali: The budget's blockage by Russia (for some six months, until May 2005) was not related to the size of assessed resources or unnecessary activities. It was a purely a political move reflecting Moscow's dissatisfaction (shared by a number of former Soviet Republics) with the scale of assessed contributions – which differs from the one applied at the United Nations. Russia and the other dissatisfied participating States argue that the current scale of assessment (fixed during the Cold War and slightly revised in 1992) is unfair to them and demand its alignment with the UN's scale. On financial matters, Russian grievances concern insufficient budgetary management and oversight, as well as the use of voluntary (extra-budgetary) contributions for *à la carte* (viz. un-budgeted) activities. At the OSCE, there is no debate on "wasteful activities", but rather on priorities.

The OSCE's approach to democratisation is basically pragmatic, which means tailor-made to the specific needs of each situation on the ground. Admittedly, there is no formal OSCE "democratisation template". However, such a template (which also includes *inter alia* election

assistance, training of law enforcement officials, and gender equality promotion) can easily be deduced from the various democratisation projects implemented in Central Asia, the Caucasus, the Balkans, etc. In any event, the real problem in this field has to do with the assisted State's political willingness to follow the OSCE's recommendations, in addition to the State's technical capacity to effectively implement those recommendations.

Unknown Questioner: *In common with other international bodies, the OSCE continues to grapple with the problem of its own mission in the post-Cold War era. Its original role has been chiefly to promote confidence-building between the Cold War protagonists and, peripherally, human rights. Attempts to move human rights concerns more centre-stage are understandable, but not necessarily appropriate. The OSCE may be the wrong forum. Don't you think that there is – ironically – a risk of encouraging confrontations rather than assuaging or preventing them?*

Professor V.-Y. Ghebali: Within the CSCE (Conference on Security and Co-operation in Europe / the Helsinki process), human rights have never been a peripheral concern – they have been a central one. During the Cold War, the CSCE performed the *twin* functions of confidence-building and promotion of human rights. The OSCE did grapple with the problem of its mission in the post-Cold War era for quite some time, until the mid-1990s, when the Dayton Framework Agreement on Bosnia and Herzegovina (December 1995) attributed to it – but not to the UN – significant peace-building functions. Since then, it has clearly found its niche in the network of European security institutions. The paradox is that, since the collapse of Communism, consensus is often more difficult to achieve than during the Cold War period when decision-making was directly linked to negotiations between three diplomatic constellations: Warsaw Pact, NATO/European Community and N + NA (Neutral and Non Aligned group). At present, practically half of

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the OSCE's participating States belong to the European Union and/or NATO, while only two other diplomatic constellations are occasionally able to play a somewhat limited role: GUAM (Georgia, Ukraine, Azerbaijan, Moldova) and a "Like-Minded Group" composed of Canada, Switzerland, Liechtenstein and a handful of small States.

Professor Michael Kaser (Emeritus Professor of Economics, St. Anthony's College, University of Oxford): *Successive Russian Foreign Ministers (Igor Ivanov and now Sergei Lavrov) have criticised the OSCE at annual sessions of its Ministerial Council. At the Sofia Ministerial Council of December 2004, Lavrov cited "political selectivity" in the OSCE's concern for Chechens in Chechnya, rather than for Russians in Latvia and Estonia, and generally accused it of "double standards" in its observance of elections. Would you contest or uphold that view?*

Professor V.-Y. Ghebali: "Double standards" is the political expression of Russia's systematic approach to the legal principle of sovereign equality of States, viz. its obsession with "equality of treatment" – not from a general perspective, but as a Great Power. Often the "double standards" argument is raised more as a matter of principle than on substantial grounds. According to a noted Russian expert on OSCE matters, Moscow would be much embarrassed if the problem of the Russian-minority in Latvia and Estonia was effectively solved.

Dr Michael Pinto-Duschinsky (Senior Research Fellow in Politics at Brunel University): *I think that one must be careful not to see the OSCE as a particularly small organisation. When I was in Pristina for example, I noted that it had an annual budget of over \$60 million in Kosovo alone. I have also seen the notable expansion of the offices in Warsaw of OSCE's ODIHR (which deals with elections and human rights). I remember the time in 1991 when ODIHR had a staff of two persons: Ambassador Cortese and Jack Ketzulic.*

Now the staff numbers several dozens. In your talk there was a suggestion that the OSCE is a small organisation and hence not a big player on the field. I would suggest it is an organisation that is quite big in absolute terms, and part of what one could call the general good governance and democratisation movement which seems to be accumulating more and more funds and becoming ever larger. Indeed, I would suggest the problem now is not actually a shortage of funds or resources but of finding ways to monitor and control what is happening within this sphere of activity, and to examine closely the overall growth in this sector of international work, including the OSCE?

Professor V.-Y. Ghebali: I persist to argue that *comparatively* to any other European security organization, the OSCE is a small institution in terms of both budget and personnel. This is particularly valid in human terms: suffice it to compare the financial and administrative resources of the OSCE with those of the Council of Europe.

The OSCE Mission in Kosovo represents a quite different (and also exceptional) case: it is the largest of all the OSCE field Missions, being also understood that those Missions are staffed by *seconded* diplomats (i.e. not payed under the regular budget) and can also include a considerable number of local staff.

Professor Adam Roberts (Montague Burton Professor of International Relations and Fellow, Balliol College): *You have touched relatively little on the OSCE's role in election management, supervision and monitoring, which seems to be the OSCE's most successful line of activity in the post-Cold War period — arguably, it has made a significant contribution to international stability, as well as to internal stability within states. I wonder if you could discuss this aspect of the OSCE's work, and whether you would see it as an avenue for future development?*

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Professor V.-Y. Ghebali: Monitoring of free and fair elections is certainly the most high-profile activity performed by the ODIHR. However, under § 8 of the Copenhagen Document, the participating States committed to invite only observers from one another (as well as NGOs wishing to do so) to monitor the elections taking place on their territory. ODIHR came into the picture later and progressively. In 1993, the Rome Ministerial Council Meeting agreed on the general principle of strengthening ODIHR's election monitoring function. Next, the Budapest Summit (1994) decided that the ODIHR will play "an enhanced role in election monitoring, before, during and after elections" and, in this context, assess the conditions for the free and independent functioning of the media; it also instructed the ODIHR to devise a handbook for OSCE election monitors. Finally, § 25 of the Istanbul Charter for European Security reaffirmed the obligation to conduct of free and fair elections and *expressly* committed participating States to invite observers from the ODIHR.

The ODIHR monitors electoral (basically parliamentary and presidential) consultations on the basis of a methodology developed in its *Election Observation Handbook*, and which includes a formal "Code of conduct for conduct for OSCE/ODIHR observers." A number of other practical reference guides supplement the *Handbook*. Arguably, the ODIHR makes use of a transparent methodology for both long-term and short-term election monitoring. Regularly adapted to respond to the normal evolution of electoral contexts and new challenges, that methodology has (after over 150 observed elections) certainly stood the test of time. It contributed to establishing the ODIHR as the leading regional body for election monitoring with a high-profile image of professionalism and impartiality

However, ODIHR has been (and still is) the direct target of harsh criticism from Russia and other CIS States under the generic argument of "double standards." In the Moscow "Declaration on the state of

affairs in the OSCE,” issued on 3 July 2004 by nine members of CIS, the ODIHR was bluntly accused of violating its mandate through by “giving selective, intensified attention to some countries while ignoring the problems of other participating States,” displaying “unwillingness to take into account the realities and specific features of individual countries,” and frequently suffering from “politicization.” In the following months, Belarus and the Central Asian States charged the ODIHR with using inconsistent monitoring standards, establishing Election Observation Missions of unbalanced composition (i.e. with overwhelming English-speaking monitors recruited from the same restrictive list of participating States), taking unilateral stands and, above all, issuing assessments reports devoid of balance or objectivity and which amount to interference in internal affairs of sovereign States. Moscow attributes such trends to the excessive autonomy enjoyed by the ODIHR (because of insufficient control from the OSCE’s political decision-making bodies) and to the absence of an accurate OSCE monitoring methodology. Accordingly, it calls for the development of “uniform criteria” based on “objective standards” which would compel the ODIHR to strictly adhere to the principles of political neutrality and impartiality and, thus, perform “unbiased evaluations” across the OSCE area.

At first sight, the Russian demand seems to concern a technical revision of the ODIHR’s election observation methodology with a view to its harmonization with the CIS standards outlined in the 2002 “Convention on the Standards of Democratic Elections, Electoral Rights, and Freedoms in the Member States of the Commonwealth of Independent States” and developed through special “Regulations on the observation mission” approved at Ministerial level. The Russian argumentation should not be taken entirely at face value. Complaints about political bias and monitoring methodology only form the visible tip of the iceberg. The real problem is of a fundamentally political nature and one in which the ODIHR does not represent the direct or real foe. It has to do with the bare fact the ODIHR and Russian-controlled CIS observer

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groups arrive at diametrically opposed evaluations of elections taking place in the CIS space. Cases of conflicting assessments have unfolded in the last couple of years. Thus, in March 2004, whereas the ODIHR concluded that the presidential elections in Russia did not “adequately reflect principles necessary for a healthy democratic election,” the evaluation of the CIS monitors was just as laudatory. Similarly, the ODIHR reported that the parliamentary elections held in Belarus (October 2004), Uzbekistan (December 2004) and Tajikistan (February 2005) fell significantly short of OSCE commitments – while the CIS monitors hailed them as “transparent,” “free” and “legitimate”. In the same vein, the second round of Ukraine presidential elections of November 2004 was found massively fraudulent by the ODIHR, but credited with transparency and fairness from the CIS monitoring group. Even more significantly, when the ODIHR considered the repeat second round of Ukraine presidential elections of December 2004 as free of major irregularities, the CIS group considered its outcome as “illegitimate.” An analogous scenario developed with regard to the March 2005 parliamentary elections in Moldova, which were considered by the ODIHR as in being in general compliance with most international commitments, but stigmatized by the CIS as a rigged consultation in favor of a pro-Western (although of Communist-style) government! All those examples tend to demonstrate that the crux of the matter is not standards, but high political stakes. It can be argued that Russia is less angered by the ODIHR, as such, than by the undermining of its foreign policy in the politico-strategic back yard of the CIS.

At the OSCE, positions on the issue of election monitoring are much more crystallized than those on election standards (that Russia would also like to be amended). Indeed, from the proceedings of the two Supplementary Human Dimension Meetings organized in 2004-2005 on election matters, one conclusion clearly emerges: general opinion (led by the United States and the European Union) does not approve the Russian/CIS criticisms and praises the ODIHR for its impartiality

and professionalism. Apart from the generalization of the ODIHR's monitoring operations across the whole OSCE area, the only main element of consensus concerns the diversification of the geographical composition of OSCE's Election Observation Missions through an extra-budgetary Fund specially set up in 2001 for the purpose. However, the problem is complicated by the fact that not all participants seem willing (or even able) to second observers.

During its OSCE Chairmanship for 2005, Slovenia has set election issues among its priority concerns. For its own part, the 2005 Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE addressed the issue in its final report under the heading "Electoral monitoring and assistance." The report's recommendations reflect the two elements of what could be the basis of a forthcoming compromise between the dissatisfied CIS countries and the rest of participating States: development of additional *election commitments* (in particular taking due account of the challenges raised by new technologies) and of *election monitoring standards* guaranteeing equal status to all participating States, versus fresh commitments on post-election follow-up to ensure better implementation of the ODIHR's recommendations. The report proposed that "special attention should be devoted to election monitoring standards: criteria and methodology that ensure objectiveness, transparency and professionalism should be further developed and an approach taken that guarantees equal treatment of all participating States" (§ 24 c) – while also suggesting that "the existing handbook on election monitoring and other election practices should be periodically updated with the active involvement of election practitioners from various election monitoring bodies (§ 24 c). On the other hand, it has encouraged governments "to pay more attention to post-election follow-up through dialogue and practical co-operative support" and the ODIHR "to report to the Permanent Committee on election follow-up" after consultation with the participating States concerned (§ 24 d).



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The Europaeum Record

I. Academic Conferences

- 1993 Oxford** *Are European Elites Losing Touch with their Peoples?*
1994 Oxford *Europe and America after the Cold War: the End of the West*
1995 Bonn *Integration of East Central Europe into the European Union*
1996 Geneva *Defining the Projecting Europe's Identity: Issues and Trade-Offs*
1997 Paris I *Europe and Money*
1998 Leiden *Human rights, the plight of immigrants and European immigration policy*
2000 Bonn *The Implications of the new Knowledge and Technology*
2001 Oxford *Democracy and the Internet: New Rules for New Times*
2001 Berlin *European Universities Project: Borderless Education: Bridging Europe*
2002 Paris *European Universities Project: New Times : New Responsibilities*
2003 Oxford *Whose Europe? National Models and the European Constitution*
2003 Bonn *European Universities Project: New Partnerships: Opportunities and Risks*
2004 Leiden *Moving the Frontiers of Europe: Turkey, Risk or Opportunity*
2005 Oxford *US-Europe: Americanisation and Europeanisation: Rivals or Synonyms*

II. Student Summer Schools

- 1994 Leiden** *Concepts of Europe*
1995 Bologna *The Problem of Political Leadership and the Ethnic Nation*
1996 Bologna *The Civic Nation and the Ethnic Nation*
1998 Budapest *Risk Policy Analysis*
1998 Oxford *Human Rights*
1999 Paris I *NATO and European Defence*
2000 Bologna *European Policy and Enlargement*
2000 Oxford *Church as Politeia*
2001 Oxford *Human Rights and the movement of People in Europe*
2002 Oxford *The Economics of European Integration*
2003 Prague *Old and New Ideas of European Federalism*
2004 Leiden *Islam and Europe: Building Bridges*
2005 Geneva *Multilateral Governance: Effective Ways Forward?*

Annex A

III. Teaching, Courses and Study Programmes

- 1992** *European Community Law* (Oxford, Leiden and Sienna).
- 1999** *Economics of European Integration* (Paris - BA module option).
- 1999** *Political Cultures and European Political Systems* MA(Bologna, Oxford and Leiden).
- 2000** *International Refugee Law* (Geneva and Oxford).
- 2004** *European Business, Cultures, and Institutions symposium* (Leiden and Oxford).
- 2004** MA in *European History and Civilisation* (Leiden, Paris I and Oxford).

The Europaeum played the key role in the creation at Oxford of the *Oxford Institute of European and Comparative Law*, the *European Humanities Research Centre*, the *Centre for European Politics, Economics and Society*, plus a number of fellowships, including the *Chair in European Thought* and, most recently, the *Bertelsmann Europaeum Visiting Professorship in 20th Century Jewish History and Politics*. The Europaeum is also supporting many other projects such as the Leiden University diplomacy training programme.

IV. Linked Scholarship Programmes

- **The Roy Jenkins Memorial Fund 2004** - Four Europaeum students to Oxford and two outgoing Oxford students per annum.
- **The Oxford-Geneva Bursary Scheme 1997-2005** Annual bursaries for student exchanges between Oxford and the HEI.
- **The Scatcherd European Scholarships 1997** - Fully funded places at Oxford for European graduates, and places for Oxford graduates at leading European Universities.
- **The Europaeum Scholarships in Jewish Studies 1995-2001** One year programmes at the Oxford Centre for Hebrew and Jewish Studies.
- **Henry R Kravis Scholarships 1990s** - Allowed students read an M.Phil or M.Juris in at Oxford;
- **Thyssen Scholarships 1990s** - For study of M.Phil at Oxford.

V. Joint Research and Support Projects

The *Future of European Universities Project 2001-4*, supported by Daimler-Chrysler Services A G, is a three-year investigation into the impact of new technology and the Knowledge Revolution with international expert conferences on *Borderless Education: Bridging Europe* (Berlin 2001); *New Times : New Responsibilities* (Paris 2002); and *New Partnerships: Opportunities and Risks* (Bonn 2003).

The *Europaem Research Project Groups* scheme encourages collaborative research across the association supporting groups looking at such themes such as Party System Changes; The Churches and the Family; European Monetary Integration; The Kosovo Stability Pact; European Identity; Regulation of E-commerce; Liberalism in 20th Century Europe; Transmission and Understanding in the Sciences; and Cultural Difference in Europe.

Europe-in-Islam Programme 2004-6 is supporting workshops and other events around this key theme, culminating in an international lecture series and conference.

The *US Europe TransAtlantic Dialogue Programme 2005-7* is supporting workshops and other events around this key theme, culminating in an international workshop and conference.

VI. Mobility Schemes

The *Europaem New Initiatives Scheme* provides seed funding for, innovative and imaginative forms of academic collaboration within, but not exclusive to, the Europaem academic community.

The *Europaem Visiting Professors Scheme* supports the movement of professors from one partner institution to another, for periods of up to two weeks for the purpose of lecturing, study, research and project development.

Europaem Mobility Schemes support individual academics and selected graduate students from member institutions participating in selected European events and activities, including conferences, seminars and summer schools.

Annex B

The Europaeum University Members

OXFORD

Founded officially in 1249, though teaching is known to date back to 1096.

Vice-Chancellor:
Dr John Hood

Management Committee:
Mrs Beverly Potts
University International Office
Wellington Square
OXFORD, OX1 2JD

Email: Beverly.Potts@admin.ox.ac.uk

LEIDEN

Founded in 1575 by the States of Holland, at the behest of William of Orange.

Rector:
Professor Douwe D Breimer

Management Committee:
Dr Joost JA Van Asten
Director of International Relations
Universiteit Leiden
Rapenburg 67, Postbus 9500
NL-2300 RA LEIDEN
Email: jja.vanasten@bb.leidenuniv.nl

BOLOGNA

Constituted in 1158 by Emperor Frederick I Barbarossa, independent teaching dates back to 1088.

Rector:
Professor Pier Ugo Calzolari

Management Committee:
Dr Giovanna Filippini
Settore Relazioni Internazionali
Università degli studi di Bologna
Via Zamboni 33
I-40125 BOLOGNA
Email: gfilippini@ammc.unibo.it

BONN

Founded in 1818 by Kaiser Friedrich Wilhelm III, preceded by an Academy established in 1777.

Rektor:
Professor Dr Mathias Winiger

Management Committee:
Dr. Hartmut Ihne
Director, ZEF/ZEI
Universität Bonn
Walter-Flex-Str. 3
D-53113 BONN
Email: ihne.cicero@uni-bonn.de

GENEVA

Founded in 1927, associated to, but not part of, the University of Geneva.

Director:
Professor Philippe Burrin

Management Committee:
Dr Daniel Warner
Deputy to the Director, HEI
132, Rue de Lausanne
P.O. Box 36
CH-1211 GENEVE 21
Email: catherine.rebord@hei.unige.ch

PARIS

Founded in the 12th Century, and briefly suppressed during the French Revolution and reconstituted in 1890.

Rector:
Professor Pierre-Yves Henin

Management Committee:
Professor Robert Frank
Institut Pierre Renouvin
1, rue Victor Cousin
F-75005 PARIS
Email: frank@univ-paris1.fr

PRAGUE

Founded in 1348, and divided into Czech and German institutions in 1882. In 1945 the German section was abolished and Czech Charles University revived

Rector:
Professor Ivan Wilhelm

Management Committee:
Ms Ivana Halašková
Director, International Relations Office
Univerzita Karlova V Praze
Ovocny trh 3/5
116 36 PRAHA 1
Email: Ivana.Halaskova@ruk.cuni.cz

MADRID

Founded in 1293, and moved to Madrid in 1836.

Rector:
Professor Carlos Berzosa

Management Committee:
Mr Fernando de Hipólito
Oficina de Relaciones Internacionales
Universidad Complutense
Avda. Seneca, 2
Ciudad Universitaria, 28040 MADRID

Annex B

HELSINKI

Established in Turku in 1640, but transferred to Helsinki in 1828.

Rector:
Dr Ilkka Niiniluoto

Management Committee:
Mr Markus Laitinen
Head of International Affairs
PO Box 33
FI-00014 University of Helsinki
Finland
Email: markus.laitinen@helsinki.fi

KRAKOW

Founded in 1364 in Krakow, it began work in 1367. Today there are 11 faculties.

Rector:
Professor Franciszek Ziejka

Management Committee: *Vacancy*

Annex C

Europaem Lectures

Europaem Lectures have been a part of the consortium work since its foundation, examining key issues confronting Europe today. Since 2002, those marked with * have been published. Those marked with + are available on our website.

- **October 2000, Prague**
Dr David Robertson, on *A Common Constitutional Law for Europe: Questions of National Autonomy versus Universal Rights* *+
- **November 2000, Oxford**
Dr John Temple-Lang, on *The Commission and the European Parliament – an uncertain relationship* *+
- **February 2001, Geneva**
Professor Ian Brownlie CBE QC, on *International Law and the use of force by states* *+
- **May 2001, Oxford**
Professor Philippe Burrin, on *Strands on Nazi Anti-semitism* *+
- **June 2001, Paris**
Professor Raymond Barre, on *Quelle Europe pour demain?*