THE ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE: ROLE AND PERFORMANCE

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CERTIFICATE

Certified that the dissertation entitled "**THE ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE: ROLE AND PERFORMANCE**", submitted by **Mr. Benoy George Thomas,** in partial fulfilment of the award of the degree of Master of Philosophy, has not been previously submitted for any other degree of this or any other University. This is his own work.

We recommend that this dissertation may be placed before the examiners for evaluation.

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To

Ammachi and Appachen

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Benoy George Thomas

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CONTENTS

LIST OF ABBREVIATIONS

AIAM: Annual Implementation Assessment Meeting.

AMG: OSCE Advisory and Monitoring Group in Belarus.

CALO: OSCE Central Asian Liaison Office.

CBMs: Confidence Building Measures.

CDE: Conference on Confidence- and Security- Building Measures and
            Disarmament in Europe.

CDU: Christian Democratic Union (Germany).

CFE: Treaty on Conventional Armed Forces in Europe.

CHD: Moscow Conference on Human Dimension

CSU: Christian Social Union (Germany).

CiO: Chairman in Office.

CIS: Commonwealth of Independent States.

CJTFs: Combined Joint Task Forces.

CPC: Conflict Prevention Centre.

CSBMs: Confidence and Security Building Measures.

CSCE: Conference on Security and Cooperation in Europe.

CSO: Committee of Senior Officials.

EC: European Community.

ECMM: European Community Monitoring Mission.

EU: European Union

FDP:	Free Democratic Party (Germany).
FRG:	Federal Republic of Germany.
FRY:	Federal Republic of Yugoslavia.
FSC:	Forum for Security Cooperation.
HCNM:	High Commissioner for National Minorities.
HLPG:	High Level Planning Group.
ICRC:	International Committee of the Red Cross.
IOM:	International Organisation for Migration.
JCC:	Joint Control Commission.
KVM:	Kosovo Verification Mission.
NACC:	North Atlantic Cooperation Committee.
NATO:	North Atlantic Treaty Organisation.
NGOs:	Non-Governmental Organisations.
NNA:	Neutral and Non-Aligned Countries.
ODIHR:	Office for Democratic Institutions and Human Rights.
OFE:	Office for Free Elections.
OSCE:	Organisation for Security and Cooperation in Europe.
PfP:	Partnership for Peace.
SFOR:	Stabilisation Force.
SPD:	Social Democratic Party (Germany).
UN:	United Nations.
UNDP:	United Nations Development Programme

UNITAES:	United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (Croatia)
UNHCR:	United Nations High Commissioner for Refugees.
UNMOT:	United Nations Mission of Observers in Tajikistan.
US:	United States.
USSR:	Union of Soviet Socialist Republics.
WEU:	Western European Union.
WTO:	Warsaw Treaty Organisation.

PREFACE

The fall of the Berlin Wall in November 1989 changed the course of human history. It not only signalled the end of the Cold War, but also brought about with it, sweeping changes in the security architecture of Europe. The compression of a series of drastic changes in European geopolitics into a short timeframe brought about with it, a number of new problems that few had foreseen and fewer still discussed in the Cold War era. Throughout the period of change between 1989 and 1991, the general feeling in the West was that the radical changes occurring in Eastern Europe would require little compensatory change in Western Europe. This was proved wrong in the forward march of time: new threats emerged, when the old one of aggression from the East, faded away.

New equations have emerged and Europe is today threatened by conflicts, which are more of a domestic rather than of an international nature. At the same time, present-day security institutions which owe their origin to the Cold War have little experience in handling intra-state issues and conflicts - a paradoxical situation all the more important in that, the fundamental principles of international order have changed little and continue to be based on respect for the sovereignty of states and non-interference in internal affairs. In recent times, the expectations and hopes pinned on international organisations concern primarily various forms of intervention, which in the past, were considered as falling within the jurisdiction of states - human rights, legislation, minorities, domestic conflicts and so on. It is in this regard that the Organisation for Security and Cooperation in Europe (OSCE), earlier known as the

Conference on Security and Cooperation in Europe (CSCE), is by definition much more flexible than many other structures as it has a history of dealing with problems that belong to the discretionary power of the states. OSCE activities have been tested in practice in

i.) preventive diplomacy and crisis management.

ii.) integrating the human dimension into a broader security process; and

iii.) the post Cold War arms control process; monitoring the implementation of existing treaties and agreements as well as promoting different forms of military confidence and security building.

However the OSCE has remained a little known and little understood organisation outside diplomatic circles. Given the low profile of its activities, it is hardly surprising that the OSCE has been overshadowed by the NATO and the EU. This study is hence an attempt to explain the role that the organisation has played in European security.

The introductory chapter traces out the history of the organisation which began as an *ad hoc* forum. The timeframe of the study has been divided into two, *viz.* the Cold War era from 1975-90 and the post-Cold War era in the 1990s when European security has had to grapple with problems of a non-military nature. Particular emphasis has been given to the process of institutionalisation of the CSCE in this chapter. The road to the emergence of the OSCE as a stronger actor in European security started with the signing of the Charter of Paris in 1990. Helsinki II,

Budapest and Lisbon were further steps in the strengthening of the organisation. The first chapter ends with a brief summary of the activities of the OSCE in the 1990s.

The Second chapter has been divided into two sections. The first section takes a look at the European security landscape that emerged at the end of the Cold War. The break-up of the bipolar system brought along with it major challenges to the stability and peace in Europe *viz.* heightened ethnicity, nationalism, renationalisation of defence, lack of inter-institutional cooperation and fears of German hegemony. These caveats are dealt with in the first section. The second section meanwhile looks at the response of the CSCE to the new scenario. It tries to explain how the institutionalisation into the OSCE has been a reflection of the need to redraw security strategies in Europe. It discusses how the various institutions and mechanisms set up by the OSCE have contributed to European security as also provisions for inter-institutional cooperation with other bodies functioning in the realm of the European security architecture.

Chapter Three takes a look at the various OSCE missions that have been in operation in the post-Cold War era. The mandates and objectives of the missions are briefly described as also a historical background of the problem they were set-up to deal with. A critical assessment reveals that some OSCE missions particularly in the Baltic region have become successful while others have failed to realise the objectives of their mandate.

The Fourth chapter focuses on the role and expectations that member states have about the OSCE. Particular attention has been given to the role and behaviour

of the major powers of Europe - Britain, France and Germany, within the organisation. The behaviour of each of these states has been a reflection of their long term interests and strategic thinking.

The Fifth chapter is essentially a conclusion where inferences have been drawn by analysing the findings outlined in the previous chapters. While it is certain that the OSCE will not be able to replace existing organisations of 'hard security' such as the NATO, there is no doubt that the OSCE can, and does play a positive role in European security. The OSCE has been an important actor in norm setting and is increasingly identified as the creator of a "European community of values."

CHAPTER ONE

THE ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE): A BALANCE SHEET

THE CSCE: A BRIEF HISTORY

The Conference on Security and Cooperation in Europe (CSCE) was more or less the result of repeated initiatives to improve security in Europe. Ambitious proposals for an all European system of security were put forward by the Soviet Union and her allies in the 1950s. The initiatives came at a period of thaw in the Cold War which had peaked in the late 1940s with the Berlin crisis and the Korean War. The motivation for these initiatives was the need by the Eastern bloc to check the integration of Germany into the newly created North Atlantic Treaty Organisation (NATO).[1]

A divided Germany was at the core of the security architecture that was established in Europe after the Second World War. By the mid-1950s the Federal Republic of Germany was the hinge connecting the three important and inter-linked spokes of the post-war world - East-West relations, the Atlantic Alliance and the European Community.

In 1954 the Soviet Union proposed the convening of European conference to conclude an all European treaty on collective security.[2] The plan suggested a transitional phase based on security guarantees which included the neutralisation of Germany. The Soviet proposal was countered by the British draft proposal to

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[1] Ljubivoje Acimovic, *Problems of Security and Cooperation in Europe*, (Alphen aan den Rijn, The Netherlands, 1981), p.73.

[2] Ibid.

normalise relations in Europe and particularly highlighted was the problem of German Unification.[3]

In the Geneva Summit Conference (18-23 July 1955), Soviet Prime Minister Bulganin insisted on first priority being given to a treaty on European security on disarmament and only thereafter could any priority be given to the reunification of Germany. The plan called for the conclusion of a pact of non-aggression, renunciation of the use of force and the peaceful settlement of disputes between members of the two blocs and the dissolution of military alliances and their replacement with an all European security system. The West however laid more emphasis on the unification of Germany prior to the conclusion of a European security pact in a revamped and reworked version of the Eden Plan. The resulting deadlock saw the watering down of the initial proposals and the moving on to smaller tangible results. By 1956, the Soviets realising that the pointlessness of its insistence on the building of collective security in Europe as well as the convention of an all European Conference restricted its initiatives to the conclusion of a non-aggression pact and on the adoption of measures for restricting and controlling armaments in Europe.[4]

The Soviet Union's interest in the CSCE was initially an offshoot of her desire to consolidate her position in Europe and to inhibit Western cohesion.[5] The CSCE was originally seen as a mechanism by which West German accession to the NATO could be neutralised while at the same time giving the Soviets an increasingly important role in the new European system. As time went

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[3] The proposal was put forward by the British Foreign Secretary Antony Eden.

[4] Acimovic, n.1, p.75 .

[5] Walter Laquer, A Continent Astray: Europe, 1970-1978,(New York: Oxford University Press, 1979), p.191.

by it became increasingly apparent that results were bound to be far more modest and in certain areas against the interests of the ruling elite in the Eastern bloc.[6]

Preliminary talks by the foreign ministers of 35 nations including Canada and United States in July 1973 led to the Helsinki Summit of the heads of state and governments in 1975. The formal setting up of the CSCE in 1975 was no less than a formal acknowledgement that détente had been institutionalised. It was in fact a pointer to what Ljubivoje Acimovic calls the third phase of détente.[7] In this phase international relations became more or less freed from the handicaps of colonialism and the Vietnam War. The *Ostpolitik* of Willy Brandt and the normalisation of relations in Central Europe was particularly important.

THE HELSINKI FINAL ACT

The classification of the large number of issues to be addressed saw the introduction of a descriptive term "baskets" for the various elements on the conference agenda.[8] The Final Act was a collection of three baskets. Basket One was a declaration of principles and included ten principles. The founding members pledged to respect each other's sovereign equality and the right to freedom and political independence, to settle peacefully all disputes and to refrain from the threat or use of force. The principles also included non-intervention in the internal and external affairs of all states and respect for human rights, fundamental freedom of thought, conscience, religion, belief, respect for the equal rights of peoples and their right to self determination,

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[6] Basket cooperation in humanitarian and other fields was quite unwelcome from the Soviet point of view.

[7] Acimovic, n.1, p.44.

[8] Bernd A. Goetze, *Security in Europe: A Crisis of Confidence* (New York, N.Y., 1984), p.72.

develop cooperation with one another and to fulfil in good faith obligations under international law. Additionally there was also a document on confidence building measures (CBMs) including prior notification of major military manoeuvres, discretionary notification of smaller manoeuvres and exchange of observers to attend these.

Basket Two was the aggregation of six main documents dealing with economic cooperation which included commercial exchanges, industrial cooperation, in science and technology, cooperation in trade and industry including harmonisation of standards, environment including control of air and water pollution, protection of marine environment and lastly areas of transport, tourism development, economic and social aspects of migrant labour.

Basket Three consisted of four main documents which focused on human rights and contacts. Briefly summarised these included regular meetings on the basis of family ties, reunification of families, marriage between citizens of different states, travel for personal and professional reasons, promoting tourism, sports etc. The signatories also affirmed their wish to facilitate free circulation of information and promotion of languages. In a special document the participants also expressed their desire to deepen and improve their relations with other states in the Mediterranean area and to promote security and stability.

The Final Act was thus a compromise between the two blocs - a middle path emanating from the Soviet desire to establish a permanent organ in European security from which the US and Canada were excluded and, the Western demand not to establish a permanent machinery but to review from time to time the implementation of the Helsinki resolutions with a view to furthering the process of détente in the future.

Soviet interests in institutionalising a pan-European security system stemmed from their belief that this would help in legitimising the substantial Soviet involvement in the affairs of Western Europe rendering superfluous the

continued existence of NATO and the Warsaw Pact, while continuing with at the same time the bilateral Soviet-East European arrangements.[9] The NATO under US leadership however opposed any permanent institutionalisation of any such system as proposed by the Soviet Union. However the West considered that there might some value in finding a means to formally review the progress made in implementing the specific undertaking to which the participating states were subscribing in the Final Act. Meanwhile several Western states saw that particular benefits might accrue to them from an institutionalised conference - smaller states saw the opportunity in increasing their individual say in the evolution of European affairs, particularly if periodic reviews were implemented. The Soviet Union on the other hand became increasingly less interested in any such follow-up as it became apparent that the major purpose of any such follow-up review would be to review their own implementation record.[10]

The real importance of the CSCE was that the meeting took place in an atmosphere of cordiality and there was at least some discussion and agreement on the principles of peace, mutual trust, cooperation and respect for human rights. The conference by itself did not do much to confidence building and there were no drastic changes in European politics. In fact the Helsinki Final Act has often been criticised for being nothing more than an exercise in rhetoric. The CBMs envisaged in Helsinki had been extremely modest but even then little use was made of them. Warsaw Pact countries invited Western military observers only rarely; neither was any interest shown in accepting any Western invitations. There was no noticeable progress in information exchanges; writers and intellectuals continued to be effectively silenced.

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[9] Robert S. Jordan and Werner J. Feld, *Europe in the Balance: The Changing Context of European International Politics* (London, 1986), p.44.

[10] Goetze, n.8, p.75.

The expectations attached to the CSCE varied from country to country. However, there was no exaggerated hopes in the West about its success; the general inclination being to cooperate with the Soviets to avoid leaving the initiative with them in promoting ideals such as peace and security. Apprehensions that the Soviet Union would aim to consolidate the Soviet position and inhibit Western cohesion did not however affect the holding of the summit. On the contrary, the CSCE in fact became a political negotiation about ways and means of easing the burden of Europe's East-West divide and alleviating some of the human hardships resulting from it. Meanwhile, the legality of the document was also addressed by the negotiators. The CSCE documents thus reflect expressions of political will and not legal obligations. The Soviets were primarily motivated by the need for a normalisation and stabilisation of relations in Europe, particularly the acceptance of territorial and political changes following the Second World War thereby hastening the process of détente in Europe and at the same time improving its own global positioning view of the prolonged confrontation with China. A lesser motivating factor was that the experience would serve to provide the allies of the Soviet Union an opportunity to participate (naturally in controlled conditions) in the international system, thereby alleviating to some extent their feeling of isolation and tight control. A third factor was an internal need to reaffirm its foreign policy and to mitigate some the criticism which emanated from the Soviet intervention in Czechoslovakia in 1968.

The Helsinki Final Act provided for a periodic review of progress, though no provision was made for a permanent CSCE headquarters or staff. As a consequence the conference operated from relative obscurity and had little success beyond the establishment of so called "Helsinki Groups" in the Soviet Union and other East European nations to monitor human rights. Three CSCE review conferences were held between 1977 and 1989: Belgrade (1977-1978), Madrid (1980-83) and Vienna (1986-89).

Due to renewed international tensions the Belgrade Conference (October 4, 1977-March 9, 1978) ended in a stalemate, failing to reach consensus on any new measure of multilateral implementation. However, a series of meetings of experts was agreed upon and accordingly these were later held at Montreux (October 31-December 11, 1978) on the peaceful settlement of disputes and Valletta (February 13 - March 26, 1979) on Mediterranean Cooperation. A "Scientific Forum" was also organised at Hamburg (February 18 - March 3, 1980) under the agreement reached at Belgrade.

The Madrid Follow-up meeting succeeded only in producing an addendum to the Helsinki Act in the light of the strained international atmosphere. The establishing of the Conference on Confidence and Security Building Measures and Disarmament (CDE) was one of its few successes. The Madrid meeting also agreed on further meeting of experts on the peaceful settlement of disputes at Athens (March 21 - April 30, 1984) as well as one on human rights at Ottawa in May 1985 and another on human contacts in Bern in April 1986. Also held was a seminar on Mediterranean Cooperation in Venice (October 16 - 26,1984).

The Vienna meeting (1986-1989) is generally credited with more success than the previous two conference; primarily so for laying the groundwork for the negotiations that produced the treaty on Conventional Armed Forces in Europe (CFE). The CFE treaty, which was responsible for substantial troop reductions, was signed at the CSCE Summit meeting in Paris on November 19, 1990. The NATO and WTO members also signed a joint document which declared that they were no longer "adversaries".

THE CSCE IN THE 1990'S

Paris (1990)

The end of the Cold War brought with it an increased importance to the CSCE. Prior to the signing of the Charter of Paris (November 1990), the CSCE did not have a formalised institutionalised structure and operated mostly as an *ad-hoc* forum. The Paris Summit meeting adopted the Charter of Paris, which established a permanent institutional structure for the conference.[11]

The Charter provided for five institutions with provision made for a sixth, viz. a CSCE Parliamentary Assembly. A Secretariat was set up in Prague in February, 1991 (moved to Vienna in 1993). Also set up were the Conflict Prevention Centre (CPC) in Vienna during March 1991 and the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw in July 1991. The Charter provided biennial heads of state or government meetings and established a Council of Foreign Ministers (now known as the Ministerial Council) to meet at least once a year so as to co-ordinate political consultation within the CSCE process. A Committee of Senior Officials (CSO) subsequently called the Senior Council was empowered to carry out the decisions of the Council. Member states are represented by Senior Political Officers who convene atleast twice a year in Prague. The Ministerial Council is the central decision making and governing body of the OSCE.

The Charter of Paris heralded a new chapter in the history the CSCE, which had temporarily faced the threat of being rendered redundant overnight with the end of the Cold War. Instead the "Institution without institutions" look on a new lease of life to become in its own right a vehicle of European peace and security. The Council of Foreign Ministers met first in Berlin in June 1991. The

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[11] Alexis Heraclides, *Helsinki-II and its Aftermath: The Making of CSCE into an International Organisation* (London, 1993), p.15.

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meeting adopted a mechanism (to be implemented by the CSO) called the Berlin mechanism for consultation and cooperation in the case of emergency situations. A separate mechanism regarding the prevention of the outbreak of conflict was also adopted whereby a member state could seek an explanation for unusual military activity in a neighbouring country. Both mechanisms were used in July 1991 in Yugoslavia, in the armed conflict between Yugoslavia and Croatia.

Several inter-sessional meetings took place between the Paris Summit meeting and the first Council meeting in Berlin in 1991. Noteworthy among these inter-sessional meetings provided for by the Vienna Concluding Document were the Valletta meeting of experts on Peaceful Settlement of Disputes and the Moscow Conference on Human Dimension (CHD) and the Geneva meeting of Experts on National Minorities which was decided at the Paris Summit.

The Valletta meeting (15 January-8 February, 1991) created a "CSCE Procedure for Peaceful Settlement of Disputes."[12] The Valletta mechanism as it is known provides for compulsory dispute settlement procedure as to the initiating phase. Any party to a dispute may request the mechanism to provide "general or specific comment or advice on the substance of a dispute". However the general safety clause which limits its compulsory initiation has proved to be a key problem in the actual use of the mechanism.[13]

The Geneva meeting of Experts on National Minorities (July, 1991) adopted normative commitments in this regard, but could not make further progress in terms of real action. This was so because commitments on National Minorities meant endorsement within the political system of individual states; something which was indigestible for many members.

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[12] Ibid., p.16.

[13] Ibid.

The Moscow CHD meeting started off impressively with President Gorbachev inviting many new proposals on the human dimension. The Moscow Document is important in CSCE history for the human dimensions rapporteurs mechanism it adopted, as well as a regime on the state of emergency. The accord empowered CSCE envoys to investigate reported abuses of human rights in any; CSCE country, either at the request of the country concerned or if six participating states deemed such an investigation necessary. Though cumbersome, the Moscow mechanism was used several times the first being in Croatia in 1992 and later in Estonia in December 1992.

In January 1992, the Ministerial Council met in Prague where it was agreed that the Conference's rule of decision making by consensus would be altered to allow the CSO to take action those CSCE member states who violated CSCE commitments. This development was mainly precipitated by the Yugoslav crisis where the Yugoslav government was held responsible by the majority of member states for continuation of hostilities. It was also agreed that the CSCE should undertake fact-finding and conciliation missions to areas of tensions with the first such mission to be sent to Nagorno-Karabakh.

Helsinki II (1992)

In March 1992 CSCE member states reached agreement on a number of confidence building measures, including commitments to exchange technical data on new weapon systems and to report on military exercises. The meeting of the Ministerial Council later that month saw more advances - the Open Skies Treaty whereby aerial reconnaissance missions by one state over others (subject to regulation) was permitted. An Open Skies Consultative Commission was subsequently established, its meetings being facilitated by the OSCE Secretariat. Meanwhile the Federal Republic of Yugoslavia (comprising of Serbia and Montenegro) was suspended from the CSCE just before the summit meeting was

to take place in Helsinki in July 1992. The Summit meeting popularly known as Helsinki II was a landmark in that it gave a new lease of life to the CSCE ending more than eighteen months of confusion and uncertainty after the Paris Summit. The "Helsinki Document" amongst its many notable achievements is credited with opening the way for political and operational collaboration with the UN.[14] It identified the CSCE as a "regional arrangement" in keeping with Chapter VIII of the UN Charter. It also stated that the CSCE approach to security was based on global security whereby security is cooperative and integrates a number of inter-dependent variables such as human rights, democracy, peace, economic liberty, social justice, political and military stability, ecological responsibility etc. The CSCE approach to security was also dependent on co-ordinated cooperation at different international levels - regional, sub-regional and even "transfrontier."[15]

Helsinki II is significant because the negotiators and drafters of the Helsinki document were not given to excessive optimism. In this context the three major decisions taken at Helsinki II takes on special meaning - creation of the function of a High Commissioner for National Minorities (HCNM), empowering of CSCE to conduct peacekeeping operations and the setting up of a forum for security cooperation. Each of these decisions were important in that they emanated from a genuine desire on the part of the participants to contribute to peace.

The setting up of the HCNM's office was to prevent certain types of conflicts which had of late started threatening European security on a regular basis. Though rudimentary and unproven in efficiency, the mechanism demonstrated the CSCE's desire to identify the underlying causes of security

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[14] Victor-Yves Ghebali, "The July CSCE Decisions: A Step in the Right Direction", *NATO Review*(Brussels), vol.40, no.4, August 1992, p.5.

[15] Ibid.

crises and to correct them before they became uncontrollable. Secondly the problem of national minorities could now be tackled from the security point of view than just the human rights point of view as had been done before.

The inclusion of peace keeping operations was of even greater significance in that it transformed the CSCE into an institution with "operational functions."[16] Conforming broadly to UN practice peace keeping operations were to be undertaken only with the full consent of the parties involved and only if an effective ceasefire were in place. The Document made it clear that the CSCE would request help including military resources from the NATO, Western European Union (WEU), EU or any other international bodies.

The third merit of the Helsinki Document has been the admission of the CSCE into the realm of disarmament. The Forum for Security Cooperation (FSC) was set up with an ambitious "Programme for Immediate Action" - to negotiate conventional disarmament obligations, provisions to harmonise obligations arising from various international instruments as well as confidence and security building measures.[17] The forum also has the twin function of negotiation and consultation by sitting in special committees and with assistance from open ended subsidiary working groups. A third function was a pragmatic reflection on conflict prevention and resolution - performed by the CPC's consultative committee. It must be mentioned here that the composition of the Forum was such that any CSCE member could chose to sit on it and its procedures for application of planned disarmament measures.

Another important advancement in the human dimension has been a coherent regrouping of all activities in this dimension under the aegis of the Office

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[16] Ibid.

[17] Ibid., p.6.

of Democratic Institutions and Human Rights (ODIHR). The ODIHR has been made the operational base of the High Commissioner of National Minorities as well as a partner in cooperation with the UNHCR and the European Bank for Reconstruction and Development. The ODIHR's objectives lie in the protection of national minorities ,tolerance and freedom of media.[18]

The Helsinki Document has broadened the human dimension field by introducing provisions on the entirely new subjects of indigenous populations, refugees and displaced persons as well as humanitarian law. Innovative and new themes such as management and vocational training, development of infrastructural capabilities in transport and communication and the conversion of military facilities were introduced under Basket II. Priority has been given to environmental issues and sustainable development - with special attention being given to the security of civil and military nuclear installations as well as forest management.

Another important feature has been the setting up of the Economic Forum - a specialised session of the Committee of Senior Officials which reviews the implementation of commitments under Basket II and gives a political stimulus to the transition towards free market economies as a contribution towards the build-up of democracy.

Helsinki II: An Appraisal

The overshadowing of the CSCE even in the post Cold War era has led to the question whether there is ever a chance of gaining anything at all. After all, the detailed discussions and negotiations seemed to lead to very little gains on the field. Helsinki II was no exception. The lack of a defined role in relation to other international organisations as well as the inability to keep up with the

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[18] Ibid., p.7.

"torrent of events of 1991-92" led to the CSCE being pushed into a backstage role.[19]

Helsinki II has enabled the CSCE to somewhat recover the momentum it lost in the aftermath of the signing of the Charter of Paris. The second half of 1992 has seen the CSCE taking more concrete action as compared to the "timorous freeze" before. In 1992, the CSCE fixed the responsibility of the Yugoslav civil war on Serbia and Montenegro, and froze Yugoslav participation in any further meetings.

Helsinki II led to useful decisions on institutions and mechanisms, with particular attention being given to the objectives of conflict prevention, crisis management, military security cooperation and the human dimension. Also the CSCE recognised itself as a regional arrangement under the UN Charter. However a major failing was that the decisions taken did not go far enough on institutions and structures - which was of course quite predictable in view of the firm opposition of some countries, notably the US. Again as far as peacekeeping was concerned, the nature of criteria that had to met made it practically impossible to carry out any mission.[20]

On the whole, Helsinki II seems to suffer from the criticism that enough progress was not made, but keeping in mind the "torrent of events" in 1991-92 it can be termed a small first step towards the concept of a secure Europe.

Budapest Summit (1994)

The next review conference (Summit) was held in Budapest (October 10-December 2, 1994) which issued "Towards a genuine partnership in peace". It

[19] Heraclides, n.11, p.173.

[20] Christopher Anstis, "CSCE Mark II: Back to Helsinki from Paris via Berlin and Prague", *NATO Review*, vol.42, no.2, April 1992, p.21.

was this declaration which provided for the metamorphosis of the CSCE into Organisation for Security and Cooperation in Europe (OSCE). The transformation of the CSCE into a fully institutionalised set-up was accompanied by some hard bargaining and diplomacy between Russia, NATO, and some moderate countries. Three basic approaches could be identified in the run-up towards the institutionalisation.[21]

The Russian-backed "maximalist approach" advocated the full institutionalisation of the CSCE with a legally binding charter, a security council (modelled on the UN Security Council) and "Round Tables" of the Balkans and the Mediterranean on security, stability and other cooperation matters. Russia visualised the new organisation as a priority security instrument stretching from "Vancouver to Vladivostok". The central role would also have entitled it to co-ordinate all other security institutions in the region from the NATO to the CIS. In all probability the CIS would have been confirmed as the priority security instrument in the area covering the territories of the former Soviet Union.

In contrast to this, the minimalist approach backed by many NATO countries saw only a need for minor readjustments of existing CSCE structures and instruments of action. The basic rationale behind minimalist strategy was to preserve the NATO as the most viable and important instrument in the security architecture. The minimalist strategy also reflected the Western move to deny the Russian dominated CIS any sufficiently important role at par with the institutions of Western Europe.

The third approach was a moderate one endorsed by the majority of states, willing to delegate to the CSCE new limited, but nevertheless real operational capabilities. Two main proposals were reflective of this approach. The

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[21] Victor-Yves Ghebali, "After the Budapest Conference: The Organisation for Security and Cooperation in Europe", *NATO Review*, vol.43, no.2, March 1995, p.24.

first proposal initiated by Austria and Hungary suggested the establishment of a "CSCE advisor on issues of stability and security" - a low profile mediator for the prevention of tensions not related to national minority issues. The second proposal which was put forward by Germany and the Netherlands aimed at stabilising the CSCE as a regional of the UN linking it at the same time to the already existing European and transatlantic institutions. The proposal advocated authorising the CSCE to refer any matter to the UN Security Council and if necessary to seek the help of other institutions in implementing peace keeping and peace enforcement measures.

Ultimately it was the minimalist approach that prevailed, though some elements of the German-Dutch proposal were also adopted. The main result of the Budapest Conference was the decision to transform the CSCE into an international organisation, without addressing the real chinks in the CSCE armour - consensus rule, the Secretary General's low political profile etc. The Budapest Conference was the forerunner to the Budapest Summit where the Summit Declaration recognised the "central role" of the CSCE as a security structure from "Vancouver to Vladivostok". The participants also expressed their determination to play a useful role in meeting the challenges of "post-Wall" Europe.

However the results of the Budapest Conference have been more in theory than in actual practice. The baptising of the organisation with a new name did nothing for its legal standing. Neither the nature nor the lack of legal international status of CSCE institutions have been addressed. Also the change in name was not accompanied by "any dramatic institutional rationalisation or streamlining".[22] The highly superficial changes which were made included the provision of a review conference in Vienna before each summit and a cut-down on the

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[22] Ibid., p.25.

frequency of the usually quite 'useless' biannual summits. Other changes agreed upon were that the Permanent Council could be convened only for emergency purposes and adequate representation of CSCE members in the Senior Council. These largely cosmetic changes in effect glossed over the key issues of the upgradation of the political status of the Secretary General and the transfer of the ODIHR to the central seat of the CSCE.

Lastly, institutionalising the CSCE had "no repercussions at the functional level". Though the Budapest Declaration did provide a systemic enumeration of the "future role and functions" of the organisation, it was a very sketchy and incomplete effort. The functions were enumerated in a generalised way: conflict prevention preventive diplomacy and peace-keeping and peace-building), crisis management, pan-European and sub-regional arms control (disarmament and confidence and security building), human dimension issues and economic cooperation (promotion of the market economy.

The OSCE was to be involved with setting standards, political consultation, and promoting good neighbourly relations. It also fell upon the OSCE to evolve a model of comprehensive security for the next century. However, the fact that all these tasks do not go beyond a discussion phase essentially limits the achievements of the OSCE.

The Lisbon Summit (1996)

In the 1996 Lisbon Summit some emphasis was made by the participating states to shift to a more operational phase. Discussion centred on the role of international organisations in all stages of the conflict cycle - conflict prevention, preventive diplomacy, and peace building as well as conflict resolution. There was a consensus on the declaration of the security model. The Final Document of the OSCE Lisbon Summit essentially articulated the vision of a common security space in Europe, free of dividing lines and in which all states are equal

partners. The OSCE was described in the Security Model Declaration as being "the inclusive and comprehensive organisation for consultation, decision making and cooperation in its region" having a "central role" in achieving the goal of a common security space.[23]

The emphasis was on a non-hierarchical security model which would complement the mutually reinforcing efforts of other European and transatlantic organisations particularly NATO which operate in the same geographic area. Commitments were also made to the cause of transparency in security arrangements as well as the need to conform to international law particularly in cases involving the use of or threat of force against the territorial integrity of member states.

All the participant states reaffirmed their will to fully respect their commitments relating to the human rights of national minorities. It was also decided to keep the OSCE flexible enough to deal with a wide spectrum of evolving challenges such as migration issues, economic, social and environmental threats to security, human dimension issues like free media and the ever present spectre of nationalism, chauvinism, xenophobia and anti-Semitism.

The Lisbon Summit has thus theoretically at least enjoyed more success than the previous summit at Budapest where the gains made even at the declaration level were modest. The Lisbon Summit was followed by an increased delegation of powers to the various institutions of the OSCE and the track record has started improving from then.

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[23] Giancarlo Aragona, "Lisbon and Beyond: The OSCE in an Emerging Security Structure", *NATO Review*, vol.45, no.2, March 1997, p.8.

OSCE ACTIVITIES AFTER THE FALL OF THE BERLIN WALL

In December 1994, the OSCE summit meeting had authorised the establishment of a 3,000 strong peace keeping force for the Nagorno-Karabakh region which was the focus of conflict between Armenia and Azerbaijan. However, the proposed force could not be sent in the absence of a formal ceasefire. The OSCE continued to provide a framework for discussion between the two countries through its eleven member Minsk Group which from early 1997 was co-chaired by France, Russia and the United States. The principles of a negotiated settlement based on self-determination and the territorial integrity of both Armenia and Azerbaijan which were formulated in a separate document at the Lisbon Summit meeting was not accepted by Armenia. However, in October 1997, intensified efforts by the Minsk Group saw a breakthrough in the form of Armenian acceptance of a peace plan. The plan which was prepared by the Minsk Group with the strong support of France, Russia and the United States however generated a serious political crisis in Armenia (the President of Armenia was dismissed in February 1998) such that it could not be implemented.[24]

In 1999 the OSCE was engaged through its missions or representatives in more than a dozen regions. Long duration missions were operated in Skopje (the Spillover Monitor mission), Bosnia and Herzegovina (including a separate one to Sarajevo), Croatia, Estonia, Georgia, Latvia, Moldova, Tajikistan and Ukraine.

The OSCE also sent a mission to Albania to provide Albania with "advice and assistance" in democratisation, establishment of independent media,

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[24] Adam, Daniel Rotfeld, "Europe: The Transition to Inclusive Security", *SIPRI Yearbook* (New York, N.Y., 1998), p.162.

protection of human rights and preparation and monitoring of elections. Working in close co-ordination with other institutions such as the WEU, Council of Europe and the EU, the OSCE presence was successful and effective.

In Croatia, the OSCE mission had to monitor the return of refugees and displaced persons on a case by case basis. The 1997 elections to the Croatian House of Counties were also monitored. The mission also assisted in the drafting of Croatian legislation and monitoring implementation of agreements on the two way return of all refugees and displaced persons and the protection of persons belonging to national minorities. In April 1997 the legislative and municipal elections in Croatia (including the Eastern Slavonia, Baranja and Western Srem region under UN administration were monitored by the OSCE. In June the Permanent Council agreed upon an increase in the OSCE presence in Croatia from 14 to 250 staff officers and to enhance the missions capacity to protect human rights in particular the rights of minorities and to monitor the implementation of legislation and other commitments concerning the return and treatment of refugees and displaced persons under a new mandate extending from December 31, 1998. Voter registration for the Bosnian elections were started in May 1997 and concluded by the end of June.

The OSCE mission to Belgrade was a result of the protests and tensions generated by the decision of the Yugoslav authorities to annul the results of the November 1996 municipal elections. Former Spanish Prime Minister Felipe Gonzalez was appointed by the Chairman in Office to investigate the situation and present reports to both the Yugoslav government and the OSCE. The Yugoslav government agreed to acknowledge the results of the election after Gonzalez made his report which stated that the elections reflected the will of the people. The report also suggested steps towards electoral and democratic reform.[25] The OSCE later monitored the elections which were held in

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[25] Ibid., p.163.

mid-September as scheduled. OSCE monitors also observed the presidential and legislative polls in September and the presidential elections in Montenegro in October.

Other OSCE activities involved assistance in the implementation of Russian-Estonian and Russian-Latvian agreements on retired military personnel and in promoting democratic institutions in Belarus. In September 1997, the Permanent Council decided to establish an OSCE Advisory and Monitoring group in Minsk. The OSCE High Commissioner on National Minorities was active in Croatia, Estonia, Georgia, Greece, Hungary, Kazakhstan, Latvia, Macedonia, Romania, Slovakia and Ukraine. The OSCE was also a signatory to and the guarantor of the "General Agreement on the Establishment of Peace and National Accord" in Tajikistan.

CHAPTER TWO

EUROPE AFTER THE FALL OF THE BERLIN WALL

The fall of the Berlin Wall has marked a new phase in the history of Europe. European developments in the 1990s have been tremendously influenced by the numerous changes that were taking place all over the continent. This chapter essentially discusses the changes and challenges that have since happened in the European landscape.

The most characteristic feature about the Cold War was the state of tension and mutual fear experienced by the United States and the Soviet Union. This spectre of fear and gloom haunted the European allies of both the super powers as well as the handful of neutral and non-aligned states.

With the fading of the Cold War, Europe has confronted new problems and new threats. The familiar rigidities of the rather strict and artificial division of the Cold War dissolved, to leave the Europeans muddling through a host of complex issues which are no longer simplifications of military and political factors alone. Instead some of these complex issues relate to the myths and legends of the civilisations of the region and are nearly as old as the inhabitants themselves - ethnic and territorial disputes, intense nationalism, trans-border migration and a lack of economic development are but some of the new problems that Europeans have had to grapple with in the recent past.

Today the major powers of post Cold War Europe are more secure militarily than ever before.[1] The nuclearisation of the major powers (minus Germany) has served to stabilize and pacify relations amongst themselves that the possibility of both nuclear and conventional war in Europe is extremely low.

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[1] Kim Edward Spiezio, *Beyond Containment: Reconstructing European Security* (Boulder, 1995), pp.90 and 92-93.

Moreover, the security landscape in Europe is characterised by a defence dominance where there is little to be gained and much to be lost by initiating conflict.

The hopes for an undivided and free Europe has been tinged by concerns that divisive issues which had been supressed during the Cold War era are once again re-emerging to threaten security. The changes in Eastern Europe and the unification of Germany had its repercussions in the West-West relationship itself, while the "New Atlanticism" policy of the United States created a fear amongst the West Europeans that the Americans were retreating back to a phase of isolationism.[2] The reduction in American troops in Europe and the upgradation of Germany to a "partner in leadership" have also contributed to the overall changes in the European security scenario, as have the conflicts in the Balkans and the Baltic regions.

Presently the major cause of insecurity has been the Pandora's box opened by the collapse of the Soviet empire.The empire whose "tyranny" was able to cover up all the conflicts and keep things under control suddenly vanished.Previously the conflict prevention ability had extended far beyond the traditional satellite boundaries; as seen in the multi-racial Serb-dominated state of Yugoslavia. The fear of Soviet intervention induced a disregard for existing antagonism. The Soviet empire was in fact a "Hobbesian Leviathan" where the outer skin of coercion and violence prevented the atomised constituent parts from falling apart.[3] However, with the end of the Cold War the "Leviathan" has lost its cohesive power; the end result being a break-up of the colossus into a disarray of randomly moving individuals immersed in chaos and anarchy. The Bosnian crisis is an example of this.

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[2] Barry Buzan and others, *The European Security Order Recast: Scenarios for the Post Cold War Era* (London, 1990), p.153.

[3] Gerhard Wettig, "A New Type of Challenge to European Security", *Aussen Politik* (Hamburg), vol.46, no.2, 1995, p.137.

POWER, PATTERNS AND ARCHITECTURE

To understand the emerging political pattern it is important to emphasise what has happened and what has not after 1989. The normal pattern in the international system has been one of Great Power rivalry based on a number of centres between which the smaller states attempted to manouevre.[4] When the Cold War ended, structural realists believed that the balance of power between the NATO and the Warsaw Pact which had kept the peace in a bipolar world would continue with the spheres of influence being still respected. The new bipolar world would still see a balance of power between a new NATO led by the US, but where the West Europeans would have more prominence and weight, and a more democratic Soviet Union giving the leadership to the Warsaw Pact.

However this was not to be and the ensuing developments made it apparent that the security system in Europe could be explained in two scenarios - either a pan-European security system with US leadership and participation by a weakened Soviet Union, with a gradual extension eastwards of the "Western zone of peace".[5] United Germany has been viewed as a stabilising factor in this scenario. Another optional scenario was a fragmented Europe, where states renationalised their foreign, economic and security policies. In this scenario unified Germany was seen as a destabilising factor.

The prospects for the continuation of the stable bipolarity diminished in 1991 with the dissolution of the Warsaw Pact and later of the Soviet Union. Though revived briefly after the Russian elections in December 1993 amidst a growing apprehension about the rise of ultra nationalism, this was not to be. As

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[4] Ole Waever, "Imperial Metaphors: Emerging Analogies to Pre-Nation-State Imperial Systems", in Ola Tunander and others, eds., Geopolitics in Post-Wall Europe: Security, Territory and Identity (London, 1997), p.66.

[5] Jane M. O. Sharp, "Appeasement, Intervention and the Future of Europe", in Lawrence Freedman, ed., Military Intervention in European Conflicts (Oxford, 1994), p.43.

the changes in recent years testify, European politics today is unfolding not between centres but around one centre, viz. integrated Europe.[6]

The post-Cold War system is characterised by all the major powers aiming for participation, none of them strictly defining another as an "enemy"; a result of the realisation that security is indivisible among the countries comprising of the European state system where all participants would be best suited for maintaining stability and peace in the system. Multilateral management of international security issues is an important building block in the new security system envisioned by the Europeans. "This conceptualisation suggests that the security of states is tightly coupled and highly interdependent."[7]

Old Institutions, New Developments, Changing Relationships

The pattern and dynamics of the whole European development in the post-Cold War period has been one of haphazard and knee-jerk reactions to individual developments. This has not been because of a lack of ideas and visions as to where Europe should be in the future but more as a result of a lack of political will coupled with the fears of rising costs - political, military and economic - if a certain pattern of action were to be followed.

The fall of the Berlin Wall and the process of German unification has had massive implications for the institutional structures in Europe. The institutions of the "post-wall era" were confronted with the double stress of adapting to the new relationships that were developing in Europe as well as increased competition amongst themselves. The presence of such a large number of institutions were seen in many quarters as an obstacle to efficient crisis management in Europe. It was felt that unnecessary overlapping and an unreliable division of labour had

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[6] Waever, n.4, p.67.

[7] Spiezio, n.1, p.70.

become common place. This view was particularly strengthened after the conflict situation in the former Yugoslavia showed how difficult it was for various international institutions to function together effectively.[8]

Thus, the major challenge has been the creation of a system where all institutions mutually reinforce the efforts of others, enhancing practical cooperation and reducing any rivalry or competition - a difficult situation, when one takes into consideration that the different organisations were in the first place created with different motives ,agendas and in different situations.

The break-up of the bipolar system had previously questioned the existence of many of these organisations including the CSCE, NATO and the Warsaw Pact. The Warsaw Pact was dissolved while others like the CSCE, the NATO and the WEU have adapted to the changes and modified themselves for the new scenario; particularly the CSCE which is muddling through a series of trial and error methods to become part of the European security "architecture." Today there exists a definite move to base an all European security system on the basis of existing institutions. An important challenge that the OSCE has faced in this regard is in matching ideals and capabililties. While it was in a position to legitimise actions the OSCE lacks the operational and military structures to implement its decisions. It is thus important here that the OSCE and NATO have amended their constitutional mechanisms to coordinate their actions.

Renationalisation Of Defence

One of the biggest dangers following the fall of the Cold War security architecture were the renationalisation fears experienced by Western Europe's political-military elites.[9] The removal of the single overwhelming threat that led to

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[8] Anne-Else Hojberg, "The European Security Structure: A Plethora of Organisations?", *NATO Review* (Brussels), vol.43, no.6, November 1995, p.30.

[9] Robert J. Art, "Why Western Europe Needs the United States and NATO", *Political Science Quarterly* (New York, N.Y., 1996), p.5.

identical threat perceptions and security priorities in West Europe simply meant increased importance for national priorities and considerations over foreign policy and security issues.[10] Defence budgets have been more vulnerable in most European states and decisions on defence priorities are taken more frequently in terms of national rather than Alliance interests. External security and alliance solidarity are less likely to hold the overriding importance in national decision making that they had during the Cold War. Thus the importance given to the trans-Atlantic relationship has been greatly reduced as the need for an external security guarantee need not be prized as before. The decision by Canada to withdraw her NATO assigned forces from Europe (except for peace keeping forces in the former Yugoslavia and Cyprus) and the US Administration's decision to set a ceiling of 100,000 on its forces in Europe was viewed in this regard. The moves in the American Congress to drastically cut down American forces in Europe as well as amendments requiring the Europeans to make larger contributions to their defence cannot be viewed lightly in this regard.[11]

Initial doubts about American "isolationist tendencies" do not seem to have been borne out by subsequent events. Moreover the fear that the four decade long multilateral approach in defence and security would be changed overnight into a nationalistic pursuit of policies would sound the death-knell of cooperation between Western Europe and the US on a wide range of subjects, has waned today. This has primarily been the result of the reluctance of Western governments to derail the existing process of West European integration. Despite their disagreements, no West European government (including France) envisioned a Europe sans a US presence. Their security needs having been

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[10] John Roper, "Europe After the Cold War", in Olav F. Knudsen, ed., *Strategic Analysis and the Management of Power: Johan Jorgen Holst, the Cold War and the New Europe* (London, 1996), p.64.

[11] Ibid.

taken care of for nearly four decades, they were not in a mood to be left in a lurch by any American withdrawal. At the same time it is interesting to note that the Americans are increasingly pressurising the Europeans for greater commitment in terms of resources and men for European security.[12]

A Broken Wall And Weak States

The newest challenge that post Cold-War Europe, particularly Eastern Europe, has had to face is the challenge posed by functionally weakened states. Previously such a phenomena was restricted to the Third World particularly in Africa, but now the concept has gained prominence in East Europe also.[13] The nature of the "soft state" viz. an authoritarian form of government which can no longer fulfill key functions relating to internal order. Societal upheavals and the evolution of structures which were detrimental to the interests of civil society were the immediate results.

The growth of organised crime at the expense of uncoordinated state authority often turns to be part of a vicious circle especially in those societies which are undergoing transformation in their economic and political structures as has been happening in Eastern and Central Europe.Excessive state action is often looked down upon by liberalists with the effect that risks that emanate from societal forces as for example organised crime cannot often be contained. It is unfortunate that the very norms that guarantee democratic order and general permissiveness cuts down the states ability to distinguish between the realms of the legal and the illegal - a phenomena which has created utter lawlessness in many parts of Eastern Europe as well as in the Commonwealth of Independent States (CIS).

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[12] Art, n.9, p.6.

[13] Wettig, n.3, p.140.

The German Question

The developments in the European landscape have been profoundly affected by the unification of Germany.The emergence of a economically and territorially larger Germany aroused concern, mistrust and sceptism. In one stroke Germany became a power against whom a counterbalance had to be arranged.[14] A host of questions have been raised regarding the future German role in European security. The security aspect is connected with the power balance in Europe.How can the Germans be organised politically and united without disturbing the existing balance of power in Europe and causing insecurity for other European states.This caveat basically arises from the geo-political and geo-strategic position that Germany occupies in Europe and the role that Germany thus derives from this.

The historically founded fear amongst her West European neighbours and allies of German hegemony and dynamism was confirmed when the Kohl government began to define Germany's national interests.The new found assertiveness in German economic and foreign policies created unease amongst her allies and neighbours. The German position on East Europe and the premature recognition of the breakaway republics of Croatia and Slovenia in December 1991 added fuel to the existing worries and unease. German moves to widen the European Community was seen by the West European elite especially the French as an attempt to expand the German sphere of influence.

However these fears have been unfounded. The Franco-German axis remains the starting point for all developments in Europe and Germany continues to be firmly anchored within the Western alliance.

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[14] Buzan and others, n.2, p.107.

THE OSCE IN THE POST COLD WAR ERA

International diplomacy has undergone a sea change since the end of the Cold War. The disappearance of bloc to bloc negotiations and of any "bridge building functions" by neutral and non-aligned states are hallmarks of the new era. Meanwhile, Conflict Prevention and Crisis Management have come to be key concepts in the security of Europe as visualised in 'post-Wall' Europe. The rules of the game having changed, it became mandatory for the OSCE also to adapt to the new situation. The new role of the OSCE has undergone qualitative and quantitative changes, since the fall of the Berlin Wall. Calls for the OSCE to attribute to itself an enhanced or even unlimited capability and role in settling all European conflicts have not been translated to actual practice. The Yugoslav experiment led to some disillusionment also. However, of late lofty ideals have given way to more practical thinking on the matter, resulting in the institutionalisation of the two decade long Helsinki process.

"CSCE watchers have tended to distinguish the CSCE or Helsinki process as it is more widely known, into two main periods: the process phase, from 1975 until 1990 and the institutional phase, from November 1990 onwards".[15] With the end of the Cold War the CSCE moved from the tight fisted East-West divide, to a new thinking on the fundamentals of European security. As the only institution truly representative of pan-European operation, the CSCE has been occupying an important place in both Western and Soviet 'post-Wall' strategies.

During recent years the role and significance of the OSCE can be understood by the documents it adopted and its activities mainly in conflict resolution and mediation. In 1990/91, the CSCE was seen as a successor of NATO and the future guardian of security in Europe.[16] Theoretically the institution

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[15] Alexis Heraclides, *Helsinki II and Its Aftermath: The Making of the CSCE into an International Organisation* (London, 1993), p.4.

[16] Josef Joffe, "The Future of European Security: An Atlanticist Perspective", in Charles L. Barry, ed., *The Search for Peace in Europe: Perspectives from NATO and Eastern Europe* (Washington, D.C., 1995), p.43.

was ideally positioned to inherit this task. However, this was not to be a reality for several reasons, an important one amongst them being the lack of concrete decision making capability.

From the time it was setup, the CSCE has suffered much in terms of decision-making and enforcement of relevant decisions. The act of using consensus in the decision making process has essentially meant that all members have equal weight in whatever policies and decisions that are formulated. Thus sovereign equality of member states would essentially mean theoretically that "Germany and Malta have equal voices and votes and so do the United States and tiny San Marino or Liechtenstein". This may produce a 'perpetual political discussion' and would be a serious impediment if a crucial issue of security and defence were to be solved."[17] Thus every member state is in possession of a veto which if used would stall the whole process of decision making, let alone allow the enforcement of the decision. The least common denominator: the consensus factor has thus essentially ensured in the past that actions were often frozen or diluted down so as to hardly have any impact at all.

A change in the value systems has however been accepted by Europeans as one of the major successes of the CSCE. Democratisation in its broadest sense is seen today as a precondition for the maintenance of peace and security. Respect for human rights along with democracy is seen today as a vital link between stability, peace and security: "An explanation for the incorporation of measures and mechanisms for conflict prevention, settlement and crisis management in its own mandate."[18]

However, at the same time European security was sought through the widening of both NATO and the EU. This has been so mainly because the OSCE

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[17] Werner J. Feld, *The Future of European Security and Defense Policy,* (Boulder, 1993), p.66.

[18] Ki-Joon Hoong, *The CSCE Security Regime Formation: An Asian Perspective* (Houndmills, 1997), p.149.

is seen by many policy makers as a very loosely organised body with certain inherent weaknesses.[19] "Apart from the fact that it extends beyond the European dimension through its 54 members and in territorial terms, it has too many shortcomings which can hardly be remedied for it to be a fundamental option."[20] The lack of strong instruments similar to those provided by Chapter VII of the UN Charter and its consensus based decision making process have proved to be a bane on any real action. If at all some achievement has been made in the form of consensus-based decisions, it has rarely been translated into actions due to the absence of an enforcement agency. The lack of an internationally binding contractual basis and thus operational basis, has hence effectively taken away the authority of whatever decisions that are reached under its mandate.

STRENGTHENING THE INSTITUTIONS

The revolutionary changes of 1989-90 which heralded the end of the Cold War offered the CSCE an opportunity to develop more and gain importance in a world previously divided into rival alliances. CSCE arrangements and agreements were extensively used by the Warsaw Pact countries to build bridges to the West, while the Helsinki Final Act created a normative basis for human rights among their citizens.[21] The CSCE also played a role in accentuating the demise of totalitarianism in the region, which essentially meant the demise of the value systems on which they were based. Norms set up by the CSCE regime like democracy, human rights, and the rule of law as a basis for political, social and

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[19] Adam Daniel Rotfeld, "Europe: The Transition to Inclusive Security", *SIPRI Yearbook 1998*, (New York, N.Y., 1998), p.160.

[20] Hans Arnold, "Security Options for Europe", *Aussen Politik* (Hamburg), vol.48, no.1, p.43.

[21] Charles Krupnik, "Europe's Inter-Governmental NGO: The OSCE in Europe's Emerging Security Structure", *European Security* (Ilford, Essex), vol.7, no.2, summer 1998, p.33.

economic life were also amongst the successes of CSCE. Europe was thus sought to transformed into a community of values.

However, commitments to these values has not brought about complete security and stability. Factors such as the tendency to use force to settle political disputes, aggressive nationalism, xenophobia, problems of displaced persons, environmental damage and economic difficulties brought about by the basic 'irrationality' of the command systems have severely challenged the pacification of the European state system.[22] Ethnic conflicts have simmered on for centuries despite the harsh authoritarian rule of the former communist command system and have played havoc with peace especially in the Balkans.

Understanding that *ad hoc* institutionalisation alone does not bring results, the OSCE has embarked on a number of other measures that complement the institutionalisation process and strengthen the organisation. These can be briefly discussed as follows:

Confidence and Security Building Measures (CSBMs)

Confidence-building measures aim at the "creation of conditions that justify a higher degree of trust and confidence that enhance the knowledge on actions and intentions of a rival and that reduce the damage, i.e. they want to reduce both the subjective and the objective causes of threat."[23] The aim of CBMs is thus basically the creation of a set of "norms and regimes" which make international relations more calculable. Confidence and Security Building Measures thus makes "a necessary contribution for an extension of the warning time with respect

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[22] Hoong, n.18, p.148.

[23] Hans Gunther Brauch, "Proposals for a Third Generation of Confidence- and Security Building and Risk-Reduction Measures: A Supplementary Element of Confidence Building Military Stuctures", in Furio Cerrutti and Rodolfo Ragionieri, eds., *Rethinking European Security* (New York,N.Y., 1990), p.69.

[24] Ibid.

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to a surprise attack through a higher degree of accountability of the intentions of an opponent and transparency of his military potentials".[24]

Confidence Building Measures were first initiated as a part of the 'Helsinki Process' and today occupy a high seat in CSCE diplomacy. Both the CBMs of the Helsinki process and the CSBMs of the Stockholm Conference (CDE) have contributed to the maintenance of stability in Europe during the days of the Cold War. However, the actual importance of these have increased in the 1990s with the collapse of the Socialist Bloc and the subsequent intra-state conflicts.

At the Paris CSCE Summit in November 1990, it was decided to establish permanent institutions, to serve as a channel of implementations for agreed CSBMs. The setting up of a Conflict Prevention Center (CPC), was to serve as the focal point in this regard. Further negotiations on CSBMs led to the *Vienna Document on Confidence and Security Building Measures 1990*, which considerably expanded the Stockholm regime and introduced more detailed provisions in the area of "constraining measures."[25] The Forum for Security Cooperation established by the 1992 Helsinki Follow-up Meeting, further developed the role of CSBMs, adopting a set of four additional measures viz. to increase openness in Defence Planning; a programme for Military Contacts and Cooperation; Principles governing Conventional Arms Transfers; and finally Stabilising Measures for Localised Crisis Situations of a non-obligatory character.

The Forum for Security Cooperation (FSC) also adopted the Vienna Document of 1994, on 28 November 1994, which expanded the provisions of the previous Vienna Document, on military information exchange and integrates in its framework, measures on defense planning and military contacts. The FSC simultaneously adopted a document, on the 'Global Exchange of Information' also obliging states to exchange annually information on their forces and territory. In

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[25] Heraclides, n.15, p.128.

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December 1994, the FSC also adopted a document containing 'Principles Governing Non-Proliferation', which was subsequently integrated in the 'Decisions of the Budapest Follow-up Meeting' in 1994. Headway has been made in regional CSBMs also. In 1996 an '"Agreement on CSBMs in Bosnia-Herzegovina" was adopted by the Federation of Bosnia-Herzegovina and the Republika Srspka. The Agreement outlined a set of measures to enhance mutual confidence and reduce the risk of conflict; transparency and confidence between the armed forces of the two entities have grown and contributed to the post-war rehabilitation process and the building of democratic and civil institutions in Bosnia and Herzegovina.

In 1997, the FSC chairman commissioned an '"exploratory study on a complete revision of the Vienna Document" which will help in the adaptation of new measures to enhance transparency, predictability and cooperation, which will complement the process of the CFE Treaty implementation.[26] An OSCE Seminar on Regional and Bilateral Confidence and Security Building and Open Skies took place in Sarajevo in February 1997. Between June and November of 1997, 'Open Skies 'voluntary demonstration overflights were undertaken by Hungary, Romania, Germany, Russia and the US. Regional initiatives have been undertaken by Russia in the Baltic Sea and by Turkey and Greece in the Aegean Sea as well as in Cyprus. These initiatives have however not enjoyed as much success as other initiatives have.[27]

Code of Conduct

The Code of Conduct on Politico-Military Aspects of Security' has been negotiated in the framework of the FSC and was adopted in the Budapest Review

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[26] Zdzilaw Lachowski and Patrick Heinrichen, "Confidence and Security Building Measures in Europe", *SIPRI Yearbook 1998* (New York, N.Y., 1998),), p.533.

[27] Ibid., p.540.

Meeting (10 October-6 December1994).[28] It is a catalogue of 43 standards and rules that includes both 'general commitments and more concrete obligations for participating states'. Essentially meant to regulate the security relations among the CSCE participating states by placing the "activities of armed forces of participating states explicitly within the OSCE's politically binding framework of human-dimension, security related, and other norms and obligations", the code "embodies the consensus among OSCE states to apply more consistently and frequently " established OSCE norms and regimes.[29] It also seeks to bridge "the gaps which until now have existed between provisions regulating military and security policy matters in peace on the one hand and in actual armed conflicts on the other hand, as well as between issues of external and internal security, and makes all these matters subject to democratic control."[30]

However the effectiveness of the Code of Conduct has been hampered by the fact the major threats to security today arise from economic problems, ethnic conflicts and human rights violations rather from military ones. The Chechnian crisis has often been used by many critics to illustrate this handicap.

Emergency Mechanisms

Investing in building peace and preventing conflict have for long preoccupied Europeans and it is with this in the background that many measures have been initiated to prevent bloodletting. Multilateral diplomacy usually seeks

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[28] Michael R Lucas, "The OSCE Code of Conduct and Its Relevance in Contemporary Europe", *Aussen Politik,* vol.47, no.3, 1996, p.223.

[29] Ibid., p.226.

[30] Heinz Vetschera, "Cooperative Security in the OSCE Framework: CSBMs, Emergency Mechanisms and Conflict Prevention", in von Bredow and others, eds., *European Security* (Houndmills, 1997), p.153.

to prevent conflict before it becomes violent. If this is not possible, then the next step is to contain and end the conflict before it spirals out of control.

Of the many questions attached to conflict mediation the most important one would be related to the timing of outside multilateral intervention. After all the points in the normal cycle of conflict is often extremely restricted to two stages (i) early on, so as to avoid the outbreak of hostilities or before the opposing actors harden their position and (ii) when all the parties to a conflict have fought themselves to exhaustion.[31] The crucial point in any conflict prevention and crisis management strategy is thus the initiation of the step from 'early warning to early action.' The need to prevent conflicts essentially meant that certain OSCE procedures more popularly known as mechanisms were usually activated in the first stage itself; the effort being made to defuse the crisis before the actors concerned resorted to bloodshed. "Among the many instruments that have been developed by the CSCE are the so called 'mechanisms' which currently relate to the following areas."[32]

- military issues(the Vienna Mechanism)

- human dimension issues (the Moscow Mechanism)

- serious emergency mechanism (the Berlin Mechanism)

All the mechanisms are built on a phased approach, starting with a simple classification of situations through consultations with the concerned states and leading to CSCE meetings, where 'impartial, comprehensive and on the spot fact-findings measures' are taken. Initiatives can be made by a 'limited number of states'. Based on the reports of the fact-finding missions "concrete

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[31] Sharp, n.5, p.46.

[32] Wilhelm Höynck, "CSCE Works to Develop Its Conflict Prevention Potential", *NATO Review*, vol.42, no.2, April 1994, p.17.

recommendations for specific CSCE involvement including the application of other CSCE instruments."[33]

The Military Emergency Mechanism: This mechanism relates to unusual military activities and the need for an emergency communications network as explained in Measure II (Risk Reduction) and Measure IX (Communications) of the Vienna Document. The Military Emergency Mechanism essentially concerns cooperation in military security and obligates member states to report and clarify 'hazardous incidents of a military nature' which might result in a disruption of peace, security and stability, by causing 'misunderstandings' in other participant states.

Serious Emergency Mechanisms: This mechanism is known as the Berlin Mechanism. It is generally "applicable to serious emergency situations which arise from a violation of one of the Principles of the Final Act or as a result of major disruption endangering peace, security and stability."[34] This mechanism was first activated at the beginning of the Yugoslav crisis. It has also been activated to manage the crisis in Nagorno-Karabakh.

Humanitarian Emergency Mechanism: More popularly known as the Moscow Mechanism, this is essentially a derivation of the provisions of the Vienna Follow-up meeting of 1986-89. It envisioned a system of missions of independent experts and rapporteurs to facilitate the resolution of a particular question or problem related to the human dimension. Missions typically gather the information necessary for carrying out its tasks and use its good-offices and

[33] Ibid., p.18.

[34] Hoong, n.18, p.142.

mediation services to promote dialogue and cooperation amongst interested parties. The Moscow Mechanism which entered into force in May 1992 is quite intrusive in that "missions of rapporteurs may be sent the support of six CSCE states after the application of the first and second phase of the Vienna Mechanism" if needed "against the will of the state concerned."[35]

Consensus Minus One Procedure

This procedure was essentially a reaction against the lack of unanimity in the CSCE decision-making process which always threatened to hamper whatever course of action that was agreeable to a majority of CSCE member states. The 'consensus minus one' procedure relates to what decisions the CSCE "could and should take against a state involved in cases of clear, gross and uncorrected violation of CSCE commitments related to human rights, democracy and the rule of law - if necessary (and most likely) without that states consent."[36] The deviation from the consensus principle was made at the Prague Council meeting (January 30-31, 1992).[37] Notably this procedure applies specifically to the 'human dimension": an area where the maximum threats to security in Europe exists today - "ethnic rivalries, mistreatment of minorities, resurgent racism and uncontrolled migration."

This procedure was first used to activate the Berlin Mechanism in Bosnia-Herzegovina, thereby brushing aside the Yugoslavian veto. It was subsequently also applied to suspend Yugoslavia from CSCE meetings till a further review of the action. The consensus minus one procedure has been an

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[35] Ibid., p.138.

[36] Christopher Anstis, "CSCE Mark II: Back to Helsinki from Paris via Berlin and Prague", NATO Review, vol.42, no.2, April 1992, p.23.

[37] Hoong, n.18, p.134.

important achievement in the institutionalisation of the CSCE. It has moderately helped the OSCE to shake off some of the criticism of being nothing but a 'talk-shop'.

Peace-keeping

The CSCE has followed a restrained course of action as far as peace-keeping is concerned, mainly because of the contentious nature of the subject. "Of the three most difficult issues under institutions and structures , peacekeeping was probably the one that caused the most anguish to delegations and foreign ministers."[38] The idea of peacekeeping as a function of the CSCE was first floated around the time of the 'Charter of Paris', but it gained prominence only after the then German Foreign Minister Hans-Dietrich Genscher launched the idea of "CSCE Peacekeepers" as he put it at the Moscow Human Dimension Meeting. The German proposal was tabled again at the CSCE Follow-up Meeting at Helsinki in March 1992.[39] The peacekeeping functions of the CSCE was a direct result of recognising the CSCE as a regional arrangement under Chapter VIII of the UN Charter.

The Helsinki Decisions of 1992 which included peacekeeping operations in "the panoply of means" available to the CSCE contained several principles to be followed within peacekeeping operations conducted by the CSCE. Importantly, all operations whether civil or military were to "conform to the major principles of UN practice", i.e., there would be no enforcement action; operations would require the consent of all the parties directly concerned, they would be conducted impartially and most importantly could not be considered a substitute for a

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[38] Heraclides, n.15, p.89.

[39] Rajendra K Jain, "Germany, NATO and the CSCE in the 1990s" in K. B. Lall and others ed., *EC 92, United Germany and the Changing World Order*, (New Delhi, Radiant, 1994), p.82.

negotiated settlement and therefore would be limited in time.[40] Moreover no CSCE mission would be dispatched before there was an "effective cease-fire, a written agreement between the CSCE and the parties concerned for the safety of international personnel."

The cooperation of the CSCE with other regional and trans-atlantic organisations such as the NATO, WEU, EU and the Commonwealth of Independent States (CIS), using their expertise or resources in peacekeeping was also provided for in the Helsinki Document. In keeping with its increased profile, a major peacekeeping operation is planned to support a future peace agreement in Nagorno-Karabakh, once the parties concerned agree to a cessation of hostilities.

Conflict Prevention Centre (CPC)

The decision to establish a Conflict Prevention Centre has been of significance; primarily because the all important function of reducing the risk of conflict has been entrusted to the CPC. Though its role was limited initially to just "support for the implementation of CSBMs, the Paris Chapter opened the possibility of its role as a potential lynchpin for an emerging new European security system."[41] The creation of a CPC was influenced heavily by the need to give support to the implementation of CSBMs and holding consultations of unusual military activities. The security landscape meanwhile had changed with more threats to security emerging today from low intensity conflicts linked to the human dimension rather than inter-state or inter-bloc wars. The CPC has responded by emerging as a "hub for mission support." However, this has not prevented the CPC from discharging its functions in the areas of arms control and

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[40] Victor-Yves Ghebali, "The July CSCE Decisions: A Step in the Right Direction", *Nato Review* , vol.40, no.4, August 1992, p.5.

[41] Hoong, n.18, p.95.

CSBMs. The CPC has been tasked with 'preparing and circulating surveys of exchanged annual information' before every Annual Implementation Assessment Meeting (AIAM). It also compiles and circulates surveys of suggestions made during the AIAM, which are intended to improve the implementation of CSBMs. The CPC also prepares on a regular basis, a factual presentation of the information exchanged in accordance with the Vienna Document. On the whole, the role and tasks of the CPC are steadily increasing, even though more attention is paid presently to human dimension issues.

The OSCE High Commissioner on National Minorities

The far reaching concept of a CSCE 'High Commissioner for National Minorities' was first proposed by the Netherlands at the Prague Council of January 1992 as an "instrument in dealing with minority questions at an 'early warning' stage" itself.[42] The High Commissioner is today at the core of the CSCE conflict prevention regime with its twin functions of providing 'early warning' and taking appropriate "early action."[43] The collection of information regarding minority issues and promotion of dialogues between the parties concerned is of utmost importance in this regard.

The first High Commissioner Max van der Stoel, the former Minister for Foreign Affairs of the Netherlands was appointed in January 1993, and since then been active in defusing ethnic tensions and national minority issues in the Baltic, Slovakia, Hungary, Romania, Macedonia, Albania, Ukraine and Central Asia. The activities of the High Commissioner are usually done with a minimum of publicity due to the sensitivity of the issues involved. The setting up of the office of the High Commissioner gave a further boost to the institutionalisation of the

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[42] Heraclides, n.15, p.100.

[43] Max van der Stoel, "Preventing Conflicts and Building Peace: A Challenge for the CSCE", *NATO Review*, vol.42, no.4, August 1994, p.11.

CSCE and was an acknowledgement of the importance of 'human dimension issues' in post-Wall Europe.

The Office for Democratic Institutions and Human Rights (ODIHR)

The ODIHR was originally setup as the Office for Free Elections with a free mandate of promote multiparty democracy under the Helsinki Document of 1992. Based in Warsaw, it conducts CSCE activities in conflict prevention in the human dimension. The main activities of the ODIHR are directed towards peacebuilding through election monitoring and providing advice on human rights and the rule of law as well as managing the Moscow Human Dimension Mechanism. It has emerged as one of the most important of the OSCE institutions, monitoring elections and referenda in various OSCE states starting with the federal, republican, regional and local elections in the former Yugoslavia (Serbia and Montenegro) in December 1992. In 1993, the ODIHR monitored the nationwide referendum and parliamentary elctions in Russia, the refendum in Latvia and the presidential election in Azerbaijan. The ODIHR has since been an important international observer in various parts of Central and East Europe as well as the former Soviet Union including Kazakhstan, Ukraine, Macedonia, Belarus and Moldova. Currently the ODIHR is actively involved in democratic institution building in Kosovo, Tajikistan and Uzbekistan.

Inter-Institutional Cooperation

Following the break-up of the totalitarian regimes and the struggle for power the new challenges of the post bipolar world are national, ethnic and religious conflicts. The Republic of Yugoslavia and the former Soviet Union were the theatres of much bloodshed and violence which the procedures and the mechanisms of the then existing security institutions including the CSCE could not contain.

The armed conflict in the former Yugoslavia brought home to the international community the weaknesses and helplessness of the various multilateral security institutions - the UN, NATO, the EU, the WEU, and the OSCE who all failed in turn to meet the challenge. It was thus realised that security in Europe would be possible only with sufficient cooperation among these multilateral institutions. The initial response was an attempt to adapt, making short term changes in their functioning. With the emergence of a new security landscape, "the existing organisations have responded to events as they have risen, trying to adapt to the changing conditions but putting off the adoption of basic decisions to a later date."[44] The setting up of, the North Atlantic Cooperation Council (NACC) in late 1991, the Partnership for Peace (PfP) in early 1994 and the Combined Joint Task Forces (CJTFs) in 1996 were primarily sparked off by the need for increasing security cooperation.

Events in the world stage have however, moved on to show the need for long term measures. Inter-locking and harmonising the activities of European institutions has started and the areas of inter-institutional cooperation are gradually widening. The evolution of a cooperative approach to European security has had a tremendous influence on the CSCE including its institutionalisation and its relationship with other security structures. Mutual institutional reinforcement has become particularly important in the present decade with the presence of a large number of institutions, which addresses issues of relevance to European security. A major process of adaptation and enlargement is already underway in all organisations in an attempt to stabilise the Central and East European countries within the framework of a broad European security system. In this process of harmonising and inter-locking, the OSCE "has become attached to and nested within the network of global and Western security

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[44] Zdzislaw Lachowski and Adam Daniel Rotfeld, "Inter-Institutional Security Cooperation in Europe: Past, Present and Future", in von Bredow and others eds., *European Security* (Houndmills, 1997), p.123.

arrangements."[45] Important inter-institutional links have been forged between the OSCE and other institutions like the UN, EU, NATO and the WEU. Today the OSCE is a "designated regional organisation of the UN and her numerous liaisons and cooperative ventures with UN activities, including the High Commissioner for Refugees and the Human Rights Commission.[46]

In the past, both the NATO and the European Community have played an important role in developing the Helsinki process, with most of the important initiatives taken by the CSCE being agreed upon by both.[47] The European Commission and many EU member states have come up with many proposals and initiatives, mostly coordinated through the EU presidency. "The Sanctions Assistance Missions to Yugoslavia and particularly the work in Republika Srpska (Bosnian Serb Republic) are visible forms of close OSCE-EU cooperation in security matters."[48]

There has been a "conceptual and politico-economic feedback effect between progress in CSCE and EC integration, which profits and reinforces one other."[49] However the major conceptual change has occurred in the NATO-CSCE relationship. Today NATO acts to a great extent within the CSCE as a core group and also as a partner. This partnership has been the result of efforts from June 1991, CSCE Berlin Council meeting.

[45] Krupnik, n.21, p.43.

[46] Ibid.

[47] Lachowski and Rotfeld, n.44, p.124.

[48] Organisation for Security and Cooperation in Europe (OSCE), *OSCE Handbook 1999* (Vienna: OSCE Secretariat, 1999), p.158.

[49] Reimund Seidelmann, "EC/European Union and the Establishment of a New European Security Order: The Present Debate", in K. B. Lall and others ed., *EC 92, United Germany and the Changing World Order* (New Delhi,1993), p.123.

At the Helsinki CSCE Summit in July 1992, it was decided to invite international organisations to CSCE meetings and seminars. It was also decided that the CSCE would in the future seek on a "case by case basis, the support of such international organisations, as well as other mechanisms, including the peace-keeping mechanism of the Commonwealth of Independent States (CIS), for CSCE operation.[50] The NATO's Brussels Summit Declaration "committed member states to further strengthen the CSCE being the only organisation comprising all European and North American countries, as an instrument of preventive diplomacy , conflict prevention , cooperative security and the advancement of democracy and human rights."[51] The NATO was also to support efforts to enhance the operational capabilities of the CSCE for early warning, conflict prevention and crisis management.

CONCLUSION

European security appears to be jeopardised by the new threats which have emerged, but the order which is emerging as of now shows that it will tend to become more and more Europeanised. A security policy which would meet the needs of the Europeans should basically concentrate on two aspects.[52]

An increased Europeanisation of the security architecture and a positive readjustment of the transatlantic ties to the changed scenario should be considered actively to overcome the present threats. Cooperation and stabilisation packages especially for the eastern parts of the continent is essential in order to ensure peace and security in Europe.

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[50] Werner Bauwens, and others, "The CSCE and the Changing Role of NATO and the European Union", *NATO Review,* vol.42, no.3, June 1994, p.22.

[51] Ibid.

[52] Arnold, n.20, p.48.

CHAPTER THREE

OSCE MISSIONS: A SURVEY, 1991-1999

Missions of preventive diplomacy and crisis management have become an important instrument of the Organisation for Security and Cooperation in Europe (OSCE) security regime for conflict management. Since its 1991 involvement in Yugoslavia and Nagorno-Karabakh, the OSCE has dispatched officials to several regional trouble spots and some of these have also led to permanent missions also. OSCE missions and field activities are the most important elements of the OSCE's work giving the institution an active presence in countries that require assistance. They are the medium through which political decisions are translated into action. OSCE missions have been involved in a variety of activities and have been an improvement on traditional military peacekeeping operations as they have been given "a more active role in negotiating and intervening."[1] OSCE missions address all phases of the conflict cycle: early warning, preventive diplomacy, conflict management and post-conflict rehabilitation. Mission goals are generally two fold - to facilitate political processes that can prevent or settle conflicts and to ensure that the OSCE community is kept informed of developments in countries where missions are present.

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[1] Heinz Vetschera, "Co-operative Security in the OSCE Framework: CSBMs, Emergency Mechanisms and Conflict Prevention", in Wilfried von Bredow, and others, eds., *European Security* (Houndmills, !997), p.155.

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The mandates, composition and operation of missions and other field activities are increasingly varied, underlining the flexibility of this instrument. However, for all missions, human dimension issues, democracy and building the rule of law are a central task. OSCE missions and field activities vary in size, ranging from four persons (OSCE Central Asia Liaison Office; the OSCE Centres in Almaty, Ashgabad, and Bishkek) to more than 2000 (Kosovo Verification Mission).

All missions cooperate with international and non-governmental organisations in their areas of work. Today the OSCE has missions in Kosovo (Former Republic of Yugoslavia), Bosnia and Herzegovina, Croatia, Estonia, Georgia, Latvia, Moldova, Tajikistan, the former Yugoslav Republic of Macedonia, and Ukraine. There is also an OSCE Assistance Group to Chechnya (Russian Federation), a Presence in Albania, an Advisory and Monitoring Group in Belarus, the Central Asia Liaison Office and OSCE Centres in Almaty, Ashgabat and Bishkek.

Missions and other field activities are usually established by a decision of the OSCE Permanent Council, with the agreement of the host country. They are usually deployed for an initial period of six months to a year and renewed if necessary. Most mission members are seconded by participating States and come from a civilian or military background. Missions are led by a Head of Mission who is from an OSCE participating State, and appointed by the Chairman-in-Office. Mission activities are supervised and supported by the Secretariat's Conflict Prevention Centre, the Department for Administration and Operations, and the Chairman-in-office. The mission concept dates from the early 1990s. They grew out of the need to deal with intra-State conflicts in the period of post-Communist transition.

Today South East Europe is the area of highest concentration for OSCE field activities. The OSCE has five field activities in the region, including its four biggest: the Kosovo Verification Mission, the OSCE Mission to Bosnia and Herzegovina, the OSCE Mission to Croatia and the OSCE Presence in Albania. The fifth is the Spillover Monitor Mission to Skopje. The Balkans is also the region to which the OSCE dispatched its first missions to Kosovo, Sandjak and Vojvodina in September 1992, and to Skopje (former Yugoslav Republic of Macedonia), also in the fall of that year. Missions and other field activities are also present in the Caucasus, Eastern Europe, two of the Baltic States and Central Asia.

OSCE and the Minsk Conference (Nagorno-Karabakh, 1992-99)

The OSCE became involved in the Nagorno-Karabakh conflict on 24 March 1992, when the Ministerial Council (at an "Additional Meeting" in Helsinki) took the decision to convene, as soon as possible, a conference under the auspices of the CSCE to provide an ongoing forum for the negotiation of a peaceful settlement of the armed conflict that had been raging between Armenia and Azerbaijan since 1988 over the contested region of Nagorno-Karabakh.

The Conference which was to have taken place in Minsk, was supposed to include 11 participants: the direct parties (Armenia and Azerbaijan), the CSCE Troika of the time (the Czech and Slovak Republic, Germany, Sweden), the host country (Belarus) and a limited number of interested states (France, Italy, the Russian Federation, Turkey and the USA).

The Minsk Conference was never held, owing to lack of agreement among the parties to the conflict. However, its designated participants have been meeting as the "Minsk Group" (but without Armenia and Azerbaijan) in an ongoing attempt to hammer out a political solution on the basis of United Nations Security Council resolutions 822, 853, 874 and 884 (1993).[2]

In 1993, following intensive efforts, the Minsk Group proposed an "Adjusted Timetable" based on a step-by-step approach consisting of a series of measures including withdrawal of troops from occupied territories, restoration of all communications and transport, exchange of hostages and prisoners of war, unimpeded access for international humanitarian relief efforts to the region, establishment of a permanent and comprehensive cease-fire to be monitored by the OSCE, and the formal convening of the Minsk Conference.

Those arrangements were not accepted. However, the parties to the conflict agreed on 12 May 1994 to observe an informal cease-fire brokered by the Russian Federation.[3] Since then, apart from a few incidents, the cease-fire has held. In September 1994, encouraged by the end of armed hostilities, participating States began to explore the possibility of organising a peacekeeping force. No consensus was reached on the question of "third party" peacekeeping, but the December 1994 Budapest Summit Meeting intensified the CSCE's efforts in relation to the conflict.

A OSCE High-Level Planning Group (HLPG) was established on 20 December 1994, made up of military experts from OSCE participating States and is

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[2] http://www.osce.org/indexe/fa-min.htm.

[3] Ibid.

mandated to: make recommendations for the Chairman-in-Office on developing a plan for the establishment, force structure requirements and operations of a multinational OSCE peacekeeping force for Nagorno-Karabakh. The HLPG is adapting the concept to the current stage of negotiations. In order to invigorate peacemaking efforts in the region, the Chairman-in-Office decided, in August 1995, to appoint a "Personal Representative of the Chairman-in-Office on the Conflict Dealt with by the OSCE Minsk Conference." His task is to represent the Chairman-in-Office in matters relating to the Nagorno-Karabakh conflict (particularly in achieving an agreement on the cessation of the armed conflict and in creating conditions for the deployment of an OSCE peacekeeping operation); to assist the HLPG, to assist the parties in implementing and developing confidence-building, humanitarian and other measures facilitating the peace process, in particular by encouraging direct contacts; and to report on activities in the region and co-operate, as appropriate, with representatives of the United Nations and other international organisations operating in the area of conflict.

Efforts by the co-chairmen of the Minsk Conference (at that time Finland and the Russian Federation) to reconcile the views of the parties on the principles for a peaceful settlement of the conflict have been unsuccessful. However, at the 1996 Lisbon Summit the Chairman-in-Office made a statement that was supported by all participating States, with the exception of Armenia. The statement said that three principles should form part of the settlement of the Nagorno-Karabakh conflict: the territorial integrity of the Republic of Armenia and the Azerbaijan Republic; the definition of the legal status of Nagorno-Karabakh in an agreement based on

self-determination and conferring on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan; and guaranteed security for Nagorno-Karabakh and its entire population, including mutual obligations to ensure compliance by all Parties with the provisions of the settlement.

In 1997 the Chairman-in-Office decided to enlarge the composition of the Co-Chairmanship to include three representatives: France, the Russian Federation, and the United States. On 31 May, these Co-chairmen elaborated a new peace initiative based on a two-stage approach.[4] The first stage included demilitarisation of the line of contact and the return of refugees. The second stage included a proposal on the status of Nagorno-Karabakh. This initiative failed to find a consensus amongst the different parties with Armenian and Karabakh authorities rejecting the OSCE peace plan. The Karabakh authorities also ruled out any vertical subordination of the region to Baku and insisted that the actual ground situation (areas of Azeri territory were occupied by the Karabakh forces)then be taken into account.[5] Meanwhile France, which had actively worked to bring out the peace proposal threatened to pull out from the whole process unless the conflicting sides made a serious study of the plan.[6] By mid-June the French threat seemed to have worked with the Armenians and the Karabakh authorities who responded to OSCE

[4] Summary of World Broadcasts- British Broadcasting Corporation Monitoring, BBC (herein after referred to as SWB-BBC) (London), part 1, Former USSR (hereinafter cited as SU), SU/2934, 2 June 1997, p.F/2.

[5] Ibid.

[6] Ibid., SU/2941, 10 June 1997, p.F/4.

proposals.[7] The French position was effectively reinforced when the French, Russian and US presidents issued a joint statement on 22nd June 1997 expressing "deep concern and hoping that the conflict would be resolved soon."[8] The peace proposal however fell through later as the Armenian opposition opposed the signing and ratification of a peace treaty with Azerbaijan.

In 1998 the co-chairmen of the Minsk Conference intensified their efforts to draw up a proposal to which the parties could agree. Azeri agreement to US proposals for settling the conflict in May 1999 also evoked little response from the Armenians. So far no consensus has been reached on a basis for formal negotiations.

The OSCE Missions of Long Duration to Kosovo, Sandjak and Vojvodina (September 1992-)

The Missions in Kosovo, Sandjak and Vojvodina were the first OSCE missions to be deployed, in September 1992.[9] The Mission to Kosovo was based in Pristina (with offices in Pec and Prizren); the Mission to Sandjak was headquartered in Novi Pazar (with a permanent presence in Priepolje); and the Mission to Vojvodina was located in Subotica. All three of these missions shared an integrated office in Belgrade.

Under a preventive diplomacy mandate, the missions were called on to perform four main functions: promotion of dialogue between relevant authorities and

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[7] Ibid., SU/2947, 17 June 1997, p.F/2.

[8] Ibid., SU/2952, 23 June 1997, p.B/14.

[9] Vetschera, n.1, p.155.

representatives of the populations and communities of the regions concerned; collection of information on all aspects concerning violations of human rights and promotion of solutions to such problems; management of points of contact for solving problems identified; and provision of information on relevant legislation on human rights, protection of national minorities, free media and democratic elections. This was pioneering work in the field of reporting, information and good offices, and set a precedent for subsequent OSCE field activities.

The missions' mandate was not renewed since June 1993[10] since the Former Republic of Yugoslavia (FRY), which had been suspended from the CSCE in 1992 took issue with its restricted participation in the activities of the CSCE and announced that it would co-operate only if it were given equal status with other CSCE participating States. The missions were withdrawn and their activities were taken up by a watch group in Vienna which, with the support of the Conflict Prevention Centre, tracked developments in those regions of the FRY and reported to the Permanent Council on a weekly basis.

On several occasions (particularly in the spring and summer of 1998), the Permanent Council called on the authorities of the FRY to accept the immediate return of the missions. This has so far not happened although the creation of the 2000-strong Kosovo Verification Mission gives the OSCE an unprecedented presence and role in the region.

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[10] Ibid., p.156.

Spillover Monitor Mission to Skopje (September 1992-)

The Spillover mission to Skopje was deployed in September 1992.[11] The objectives of the mission are to "monitor developments along the border" between the former Yugoslav Republic of Macedonia and Serbia and in other areas of the host country that might be affected by a spillover of the conflict in the former Yugoslavia.

Since March 1998 the mission has performed this role also by monitoring the Macedonian border with Kosovo. The mission performs preventive diplomacy functions. Initially its responsibilities included alerting the international community to external threats at the borders of Macedonia and to follow closely the evolution of inter-ethnic relations. Gradually, the Mission has shifted its priorities from the first objective to the second. In a complex political environment, it has succeeded, through its permanent presence and specific initiatives, in playing a constructive and stabilising role in the country. It has, for example, provided assistance to the host country in conducting a Council of Europe-sponsored political census (1994).

In 1995, it helped, with the support of the High Commissioner on National Minorities, to defuse ethnic tensions relating to the establishment of a private Albanian University in the Tetovo region; and in 1998 the Mission, working together with the ODIHR and the Government, contributed to the creation of a new body of electoral law.[12] The Mission is also engaged in work relating to the OSCE's

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[11] Ibid.

[12] http://www.osce.org/indexe/fa-sko.htm.

economic dimension in an effort to promote the economic growth that is crucial to general stability and security.

Mission to Georgia (December 1992-)

Established in December 1992 with the objective of promoting negotiations between the conflicting parties so as to reach a "peaceful political settlement", this is one of the older missions of the OSCE. The missions mandate refers both to the South Ossetian conflict as well as the Abkhazian conflict.[13] In relation to Georgia as a whole, the Mission's mandate was to promote respect for human rights and fundamental freedoms and assist in the development of legal and democratic institutions and processes, among other things, monitoring elections and advising on the elaboration of a new constitution, the implementation of citizenship laws and the establishment of an independent judiciary. Many of these objectives have been achieved, often in co-operation with the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the Council of Europe. There is also close co-operation with the United Nations and its agencies, as well as non-governmental organisations.

In August 1993, the Mission "developed a CSCE Concept for a Settlement of the Georgian-Ossetian Conflict."[14] The Mission has been working to facilitate a political settlement to the Georgian-Ossetian conflict, to eliminate sources of tensions among the parties and to promote political reconciliation. It has also worked

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[13] Vetschera, n.1, p.156.

[14] http://www.osce.org/indexe/fa-geo.htm.

with the parties and the international community on ways of defining the political status of South Ossetia within Georgia.

The Mission also monitors the tripartite peacekeeping forces deployed in the region, liaises with the Joint Control Commission (established to direct and control the Joint Peacekeeping Forces), and collects information on the military situation. In March 1994, the Permanent Committee decided to further expand the mission, widening the scope of objectives to "promote respect for human rights and assist in democratic institution building", thus expanding the tasks beyond the conflict areas to cover the whole of Georgia.

Initially the mission concentrated on South Ossetia, since the leading role in Abkhazia was played by the UN. However the mission has closely followed the conflict in Abkhazia with a view to support the United Nations peace-making efforts in the region. This involves looking at ways of accommodating the aspirations of the Abkhazians while maintaining the territorial integrity of Georgia. By appointing an officer to the United Nations Human Rights Office established in Sukhumi, the OSCE has been able to play an active role in promoting compliance with human dimension standards in Abkhazia.

Mission to Estonia(February 1993-)

Deployment began in February 1993, with a mandate to "promote stability, dialogue and understanding between the communities in Estonia."[15] According to the terms of its mandate, the Mission was specifically entrusted with maintaining

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[15] Vetschera, n.1, p.156.

contacts with competent authorities on both the national and the local level (in particular with those responsible for citizenship, migration, language questions, social services and employment) as well as with relevant NGOs, political parties, trade unions and mass media organisations. The Mission was also authorised to collect data and serve as a clearing-house for information, technical assistance and advice on matters relating to the status of communities in Estonia and the rights and duties of their members.[16]

The mission quickly established good working contacts with the Estonian government and the Russian minorities. The Mission has been monitoring government policy and legislation relevant to the promotion of dialogue and understanding between the communities in Estonia. It has been following in particular developments related to citizenship issues, including amendments to the citizenship law which are intended to ease naturalisation for children of stateless parents born in Estonia after 1991.[17]

The rapport which was initially built up by the mission has been used to good effect by the OSCE to contribute to the integration process in Estonia through practical influence, awareness programmes and a number of concrete projects, many of which have been supported by NGOs, national institutions, international organisations and foreign donors.

The Mission has been following and supporting the Estonian Government Integration Strategy which has been under way since the autumn of 1997 and which

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[16] http://www.osce.org/indexe/fa-est.htm.

[17] Ibid.

aims to: change attitudes related to persons who are not ethnic Estonians; reduce the number of persons with undetermined citizenship; develop the Estonian educational system as the central factor of integration; improve the knowledge of the Estonian language among persons who are not ethnic Estonians; reduce regional isolation of such persons; and promote the political integration of Estonian citizens who are not ethnic Estonians.

Also the mission has encouraged the creation and functioning of NGOs and assisted them in obtaining and exchanging information with a view to achieving awareness of the potential of NGOs in civil society.

Mission to Moldova (February 1993-)

The mission to Moldova was established on 4 February 1993 and actual deployment began on 25 April 1993, from Chisinau.[18] The objective of the mission was to "facilitate the achievement of a lasting comprehensive political settlement," on the basis of CSCE principles and commitments, of the conflict in the Left-bank Dniester areas of the Republic of Moldova in all aspects.[19]

The mission gathers and provides information on the situation, including the military situation, in the region, investigates specific incidents and assesses their political implications. It has also been working to encourage the implementation of an agreement on the complete withdrawal of Russian troops from the country, and it

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[18] Vetschera, n.1, p.156.

[19] http://www.osce.org/indexe/fa-mol.htm.

monitors the activities of the Joint Tripartite peacekeeping force made up of Moldovan, Transdniestrian and Russian units.

On 20 July 1994 it reached an agreement with the Joint Control Commission (JCC - the body overseeing the security zone established between Transdniestria and Moldova) under which it was authorised to move freely within the security zone, so as to investigate specific incidents and to attend meetings of the Commission. The agreement was renewed in September 1997.[20] On the basis of principles of co-operation with the JCC agreed upon in 1996 and endorsed periodically since then, the Mission has attempted to facilitate the peacekeeping operations supervised by the JCC. The Mission's contributions have included behind-the-scenes mediation when the work of the JCC became deadlocked, the development of new rules of procedure for JCC meetings, and consultations with the Joint Military Command and with peacekeeping units in the field.

The mission also provides advice and expertise as well as a framework for other contributions in such areas of a political settlement as effective observance of international obligations and commitments regarding human rights and minority rights, democratic transformation and repatriation of refugees. For example, the Mission has advised the Government of Moldova on language legislation; it follows court proceedings; it has extended its mediation services in areas regarded as sensitive by both sides, such as education and transport; and, together with the ODIHR, it has contributed to monitoring parliamentary and presidential elections in Moldova.

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[20] Ibid.

Meanwhile, the Mission established contacts with both the Moldovan Government and the leaders of Tiraspol and is actively involved in monitoring the situation and promoting dialogue. One of the Mission's most important and challenging tasks is to provide advice and expertise on the definition of a special status of the Transdniestrian region. It has elaborated proposals on a special status for Transdniestria that have been considered by the parties concerned as a basis for the negotiating process. Although no final and comprehensive settlement has yet been reached, meetings between the President of Moldova and the leader of Transdniestria resulted, on 5 July 1995, in a confidence-building agreement on the non-use of force and economic pressure. The agreement was signed by the two parties as well as by the Russian mediator and the head of the OSCE mission. The OSCE Secretariat is the depository of the agreement.

On 8 May 1997 the presidents of Moldova, Russia and Ukraine along with the Transdniestrian leader and the OSCE Chairman-in-Office signed, in Moscow, a "Memorandum on the Basis for Normalisation of Relations between the Republic of Moldova and Transdniestria" in which the two parties to the conflict stated that their aim was the consolidation and immediate definition of their relations, the definition of the status of Transdnestria, and the division and delegation of competencies.

In 1998 the work of the Mission received praise from all sides, who expressed the hope that the OSCE would continue its active involvement.[21] The Mission was represented at the Odessa high-level meeting on Moldova (19-20 March 1998) during which the parties negotiated a text on Measures of Confidence and the

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[21] SWB-BBC, part 1, SU/3544, 26 May 1999, p.D/5.

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Development of Contacts and a Protocol on Several Priority Steps to "Activate the Political Settlement of the Transdniestrian Problem." An agreement on Russian military property in Eastern Moldova was also accepted by the concerned authorities. The Mission continues to assist the parties at all stages of their negotiations.

Mission to Latvia (November 1993)

The OSCE Mission to Latvia was deployed on 19 November 1993 with the mandate of the mission consisting of the following elements: "provision of advice to the Latvian Government and authorities on citizenship issues and related matters; provision of advice to institutions, organisations, and individuals; and gathering of information and report on developments relevant to the full realisation of OSCE principles, norms and commitments."[22]

The Mission's main focus has been on the process of integrating the substantial non-citizen population into the mainstream of Latvian society. This involves closely following and giving advice on the drafting of specific relevant legislation (citizenship issues, language, education, employment, stateless persons) and the monitoring of its implementation, for example the issuing of non-citizen passports and naturalisation testing.

The Mission also undertakes initiatives, often together with NGOs, to improve mutual understanding between communities in Latvia. As the Mission works with the Latvian Government on ways of promoting peaceful integration in Latvia, it

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[22] Vetschera, n.1, p.157.

welcomed the outcome of the referendum of 3 October 1998 which was in favour of implementation of the amendments to the Citizenship Law adopted by the Saeima (Parliament) on 22 June 1998, aimed at facilitating the acquirement of Latvian citizenship by the non-Latvian population.[23]

Since the withdrawal of Russian military personnel from Latvia in 1994, the Head of the OSCE Mission to Latvia has acted as OSCE Representative to the Latvian-Russian Joint Commission on Military Pensioners. The Commission handles problems connected with the retired Russian military personnel who stayed in Latvia after the bulk of Russian forces was withdrawn in 1994.

Another case where the OSCE gives assistance in the implementation of bilateral agreements in Latvia is through the OSCE Representative to the Joint Committee on the Skrunda Radar Station. On 30 April 1994, Latvia and Russia signed an "Agreement on the Legal Status of the Skrunda Radar Station during its Temporary Operation and Dismantling." In June 1994, Latvia and Russia requested CSCE assistance in the implementation of the Agreement. A Joint Latvian-Russian Implementation Committee under the chairmanship of the OSCE was established in May 1995. The Agreement was monitored by international inspection teams twice a year, beginning with the initial baseline inspection in August 1995.

On 31 August 1998 the Russian Federation fulfilled its obligation to switch off the Skrunda radar station. The completion of this process can be regarded as an important confidence-building measure. Currently, the radar station is being

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[23] http://www.osce.org/indexe/fa-lat.htm.

dismantled. Under the agreement, this process must be completed by 29 February 2000.[24]

Mission to Tajikistan (February 1994-)

The OSCE was involved in Tajikistan at an early stage itself through a CSCE representative. The Mission to Tajikistan was established on the basis of a decision made at the Rome Ministerial Council Meeting in December 1993.[25] The Mission was deployed in Dushanbe on 19 February 1994. On 1 October 1995 the Mission opened three branch offices in Kurgan-Tube, Shartuz and Dusti. In April 1998 an OSCE presence was established in the Garm region.

The Tajikistan Mission was given a broad and flexible mandate to support political reconciliation, democracy-building and respect for human rights in Tajikistan.[26] It was tasked with maintaining contact with and facilitating dialogue and confidence-building between the various regionalist and political forces in the country, actively promoting and monitoring adherence to OSCE norms and principles, promoting ways and means for the OSCE to assist in the development of legal and democratic institutions and processes and keeping the OSCE informed of developments. The Mission also follows the human rights situation, of returning

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[24] Ibid.

[25] Vetschera, n.1, p.157.

[26] Ibid.

refugees and displaced persons in the country with a view to facilitating their reintegration into Tajik society.[27]

In the following year, on 29 February 1996, the Permanent Council further expanded the mandate of the Mission. It gave it the additional task of offering assistance and advice to the independent Ombudsman institution supporting the ODIHR in the conduct of a comprehensive review of the institution's first year of operation and the presentation of a written report to the Council.

Much of the Tajikistan Mission's work relates to the human dimension. It has been actively involved in the promotion of equal rights for all citizens and the improvement of the living conditions of jailed persons. Field offices tackle a number of issues such as ownership and occupation of homes and land, fair treatment of prisoners and army draftees (including the release of illegally detained persons), locating missing persons, assisting with the development of the local media, gender issues, human rights education, and equal distribution of humanitarian aid by local authorities. Together with the United Nations Mission of Observers in Tajikistan (UNMOT), the Mission is the focal point for election questions, on which the two Missions alternately host meetings attended by representatives of all the international organisations concerned with the issue of elections in Tajikistan.

The Tajikistan Mission is also involved in the process of national reconciliation. The Mission is a guarantor of the Tajik Peace Agreement reached in June 1997.[28] The OSCE has been working for the implementation of the

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[27] http://www.osce.org/indexe/fa-taj.htm.

[28] SWB-BBC, part 1, SU/2957, 28 June 1997, p.G/1.

"Agreement", and particularly the protocols dealing with political issues, the return of refugees, and military issues.

The Tajikistan Mission also plays an active role in the meetings of the Contact Group that monitors the implementation of the General Agreement. It also supports the Commission for National Reconciliation through its involvement in the issues of constitutional amendment, legislation on political parties, elections and the mass media. The Tajikistan Mission has been quite successful in containing the violent conflict that had erupted between the government and the opposition. In May 1999, the Tajik Parliament adopted a resolution on general amnesty for opposition fighters.[29] Also the government and the opposition have reached an agreement to hold the presidential and parliamentary elections by February 2000.[30]

Mission to Ukraine (November 1994-)

The Mission to Ukraine was deployed in November 1994 with the aim of facilitating a dialogue between the central government and the Crimean authorities concerning the autonomous status of the Republic of Crimea within Ukraine.[31] From the outset, the Mission concentrated its work on the issue of the status of Crimea as an autonomous part of Ukraine. A round table organised in May 1995 in Locarno (Switzerland) at the initiative of the OSCE Mission and the HCNM contributed considerably to improving the dialogue between the authorities in Kiev and

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[29] Ibid., SU/3536, 17 May 1999, p.G/12.

[30] Ibid., SU/3544, 25 May 1999, p.G/l.

[31] Vetschera, n.1, p.157.

Simferopol on outstanding problems.[32] The Mission also actively supported and contributed to the March 1996 round table organised by the HCNM in Noordwijk (Netherlands) for the purpose of reconciling the Crimean Constitution with the Constitution of Ukraine. The Mission has provided legal advice to the Ukrainian Government and the Crimean authorities on the legal framework for an Autonomous Republic of Crimea within the Ukrainian State.[33]

Much of the Mission's current work relates to issues associated with Crimea's multi-ethnic population and with the return to Crimea of over 250,000 deported people and their descendants, the overwhelming majority of whom are Crimean Tatars. A round table organised by the Mission and the HCNM in Yalta (September 1995) provided a useful opportunity to start reviewing the various existing problems.

Since then, the Mission, working closely with the HCNM, the UNHCR, the International Organisation for Migration (IOM) and the UNDP, has been monitoring the implementation of Ukrainian legislation on the acquisition of citizenship by Crimean Tartars and has been working to provide resettlement assistance. For example, the Mission and the UNHCR are working with the Ukrainian and Uzbek authorities to publicise the modified citizenship regulations concerning the relinquishment of Uzbek citizenship, an issue that affects some 65,000 Crimean Tartars among the scattered deportee communities on the peninsula. In June 1998, a second international donor conference, chaired by the HCNM Max van der Stoel,

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[32] Ibid.

[33] http://www.osce.org/indexe/fa-ukr.htm.

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raised several million dollars for use in helping with the reintegration of former deportees. This is part of a long-term assistance process.[34]

The Mission is increasingly concentrating its efforts on the still unresolved economic and social problems of Crimea. It has also organised a number of seminars, conferences and workshops relating to economic and environmental issues in Ukraine. As the Mission succeeded in fulfilling some of the tasks included in its mandate the Permanent Council decided on 11 December 1997 to reduce its strength from six to four staff members. The first mission to Ukraine was successfully completed in April 1999.[35]

The Central Asia Liaison Office (March 1995-)

Created on 16 March 1995 by the Permanent Council, the Central Asia Liaison Office (CALO) started working in Tashkent, Uzbekistan, in June 1995. Besides a Head of Office, it currently includes two human dimension experts and one economic/environmental expert.[36] The Office was established to link the five Central Asian participating States more closely with the OSCE as part of the strategy, initiated in 1992, for the integration of its "Recently Admitted Participating States." The Office now serves to implement the OSCE "Consolidated Programme of Activities in and towards Central Asia."

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[34] Ibid.

[35] SWB-BBC, part.1, SU/3527, 6 May 1999, p.E/1.

[36] http://www.osce.org/indexe/fa-cal.htm.

The tasks entrusted to the Central Asia Liaison Office consist of facilitating contacts and promoting exchange of information with the Chairman-in-Office and with other OSCE institutions, establishing and maintaining contacts with local universities, research institutions and NGOs, promoting OSCE principles and commitments and co-operation between countries of the region within the OSCE framework, and helping in the organisation of OSCE events such as regional seminars and visits to the area by high-level OSCE delegations. The CALO works in close co-operation with the ODIHR on a number of projects relating to the human dimension, particularly as concerns the development of civil society, gender issues, migration and election assistance.

The Liaison Office has helped to organise OSCE seminars on regional security and confidence-building, drug trafficking and crime prevention, stable and transparent economic legislation to facilitate economic and social transition, regional stability, regional environmental problems and co-operative approaches to solving them, implementation of human rights and sustainable development in the Aral Sea region. Other activities include the monitoring of the implementation of the human dimension commitments of the five Central Asian participating States and the maintenance of close ties with local human rights NGOs.

The OSCE Assistance Group to Chechnya (April 1995-)

The group was mandated by the Permanent Council on 11 April 1995 and began its work on 26 April 1995. No limits have been set on the duration of the Group's work. The Group has performed two basic functions: conflict resolution and

post-conflict rehabilitation. During the conflict the Group was actively engaged in mediation activities. One of its main aims was to promote the peaceful resolution of the crisis and the stabilisation of the situation in the Chechen Republic in conformity with the principle of the territorial integrity of the Russian Federation and in accordance with OSCE principles.[37]

It sought to do this by pursuing dialogue and negotiations, where appropriate through participation in round table discussions, with a view to putting in place a cease-fire and eliminating sources of tension. The Group was also instructed to promote respect for human rights and fundamental freedoms and establish the facts connected with their violation; help foster the development of democratic institutions and processes, including the restoration of local organs of authority; assist in the preparation of possible new constitutional agreements and in the holding and monitoring of elections; and support the creation of a mechanism guaranteeing the rule of law, public safety, and law and order.

To work towards these ends, the Group developed direct relations with all parties concerned, reported on the evolution of the situation and advanced mediation proposals. Negotiations under the auspices of the OSCE led to the signature, on 30 July 1995, of an Agreement on Military Issues calling for an immediate cessation of military hostilities, the release of detained persons, and the withdrawal of troops.[38] The implementation of the agreement was to be supervised by a Special Observer Commission made up of representatives of the OSCE and of

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[37] http://www.osce.org/indexe/fa-che.htm.

[38] Ibid.

the parties. However, the implementation of the agreement was overtaken by events and the Assistance Group found itself in the middle of violent hostilities. Nevertheless, the Group remained in Grozny, monitoring developments and assisting the parties in the search for a constructive solution capable of producing a peaceful settlement of the conflict.

The Head of the Group, Ambassador Tim Guldimann of Switzerland, undertook intensive diplomatic efforts, which, in May 1996, led to direct talks between the parties to the conflict resulting in a cease-fire accord. Soon thereafter, the OSCE played a decisive role in the negotiation and signing, in Nazran, of two follow-up protocols concerning a cease-fire and cessation of hostilities, measures to settle the armed conflict, and the setting up of two commissions to locate missing persons and to free forcibly detained persons.

This work was interrupted by the battle for Grozny in August 1996. In the aftermath of the fighting, the Group was instrumental in getting the settlement process back on track, acting as a facilitator between Russian and Chechen officials. The Group played a leading role in the organisation of the presidential and parliamentary elections that were held in Chechnya on 27 January 1997. These elections marked a decisive step forward towards a peaceful settlement of the crisis in Chechnya. The emphasis of the Group's work then changed to post-conflict rehabilitation. This involved facilitating the return of humanitarian organisations, promoting contacts with regard to prisoner exchange and the exhumation of bodies, assisting with agreements on demining, and monitoring the human rights situation.

They also assist with the reconstruction of the Chechen economy and infrastructure and the training of public officials.

This work, which is continuing, is of vital importance since at this time the OSCE Assistance Group is the only international body active in Chechnya.

Mission to Bosnia-Herzegovina (December 1995-)

The OSCE Mission to Bosnia and Herzegovina was established at the Budapest Ministerial Council Meeting on 8 December 1995 in order to carry out the tasks delegated to the OSCE in the General Framework Agreement for Peace in Bosnia and Herzegovina (also known as the Dayton Peace Accords). It started its work on 29 December 1995, initially relying on an already existing but much more limited OSCE mission that had been operating in Sarajevo since October 1994.[39]

The Mission to Bosnia and Herzegovina has its headquarters in Sarajevo and has five regional centres in Banja Luka, Bihac, Mostar, Tuzla and Sokolac, twenty smaller field offices and a centre in Brcko. The Mission has over 200 international staff members, making it one of the OSCE's bigger missions.[40]

The basic function of the Mission is to promote peace, democracy and stability in Bosnia and Herzegovina. This implies important responsibilities in regard to elections at all levels of government, democracy-building, judicial reform, human rights promotion and monitoring (in particular in support of the Ombudspersons

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[39] Vetschera, n.1, p.157.

[40] http://www.osce.org/indexe/fa-bih.htm.

throughout the country), and also the implementation of regional stabilisation measures concluded in the aftermath of the Dayton Peace Accords.

Beginning from scratch, the Mission successfully contributed to the conduct of general elections (September 1996), municipal elections (September 1997), national assembly elections in Republika Srpska (November 1997) and national elections (September 1998). This involved: establishing the Provisional Election Commission; adopting electoral rules and regulations; providing organisational, training and financial support for Local Election Committees; supervising the registration of voters (inside the country and around the world); certifying parties and candidates; providing voter education and assistance to political parties; training and deployment of international election supervisors; counting and certification of election returns; and implementing election results. These elections were an important part of the post-war rehabilitation process and the building of democratic institutions and civil society in Bosnia and Herzegovina.[41]

From a human dimension perspective, the Mission devised and is implementing an overall strategy aimed at strengthening civil society, the democratisation of public institutions, promotion of freedom of the media, and human rights monitoring. Media development is also a major consideration and is being pursued through media monitoring (particularly during elections).

The Mission monitors the implementation of the two basic instruments for regional stabilisation negotiated in the context of Articles II and IV of Annex 1-B of the Dayton Peace Accords: the 1996 Vienna Agreement on CSBMs and the 1996

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[41] Ibid.

Florence Agreement on sub-regional arms control. It also supports visiting inspection teams, verifies military information and provides assistance in arms reduction.

The satisfactory implementation of Articles II and IV has allowed for the commencement of negotiations on regional arms control as foreseen in Article V of the Dayton Peace Accords. The Copenhagen Ministerial Council Meeting appointed Ambassador Henry Jacolin as Special Representative of the Chairman-in-Office for the negotiations. Since the process involves States from both within and outside the region, it has been agreed that the region will remain undefined.

In carrying out its various activities, the Mission closely co-operates with the Office of the High Representative, SFOR, the European Community Monitoring Mission, the United Nations International Police Task Force, the United Nations Mission in Bosnia and Herzegovina, the United Nations High Commissioner for Refugees and a number of other international and non-governmental organisations.

OSCE Mission to Croatia (April 1996-)

Established by the Permanent Council on 18 April 1996, the Mission to Croatia began operations on 4 July 1996. Headquartered in Zagreb, it also carries out its work in three regional co-ordination centres (Knin, Vukovar, and Sisak) and 16 field offices. With its permitted upper limit of 250 personnel, the OSCE Mission to Croatia is the OSCE's second largest mission, after the Kosovo Verification Mission.[42]

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[42] http://www.osce.org/indexe/fa-cro.htm.

The OSCE Mission to Croatia assists with and monitors the implementation of Croatian legislation and agreements and commitments entered into by the Croatian Government on the two-way return of all refugees and displaced persons, the protection of their rights, and the protection of the rights of persons belonging to national minorities. The Mission's purpose is also to assist in and advise on the full implementation of the laws enacted and to monitor the performance and development of democratic institutions, processes and mechanisms. This involves a wide range of human dimension issues : human rights in general, minority rights, local democracy, respect for the rule of law, freedom of the media, and legislative reform.

The Mission is authorised to make specific recommendations to the Croatian authorities and refer, where appropriate, urgent issues to the Permanent Council. In implementing its mandate, the Mission co-operates with the High Commissioner on National Minorities and the ODIHR, and draws on their expertise. It also works closely with other international bodies or institutions active in Croatia such as the Council of Europe, the European Community Monitoring Mission (ECMM), the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and NGOs.

The Mission is particularly active in places where there are unresolved problems involving refugees and displaced persons (property, housing, education, amnesty). This work took on particular importance in January 1998 when the Croatian Government recovered full sovereignty over the Danubian region following the expiry of the mandate of the United Nations Transitional Administration in

Eastern Slavonia, Baranja and Western Sirmium (UNTAES). Previously, the OSCE had supported the work of UNTAES, in confidence-building and reconciliation as well as in the development of democratic institutions, processes and mechanisms at the municipal and district/county levels.

With the withdrawal of UNTAES, the OSCE became the main international actor in Croatia and enlarged the scope of its activities to cover some of the work formerly carried out by the United Nations. One of the most important tasks in this regard is police monitoring. On 15 October 1998, with the expiry of the mandate of the United Nations Police Support Group, the Mission took on the role of monitoring the work of the local police in the Croatian Danubian region. The force, which numbers approximately 120, is the first police monitoring operation carried out by the OSCE.

OSCE Presence in Albania (April 1997-)

In response to the breakdown of law and order throughout Albania at the beginning of 1997, and on the basis of emergency reports by the Personal Representative of the Chairman-in-Office, Dr. Franz Vranitzky, the Permanent Council established on 27 March 1997 an "OSCE Presence" in Albania. The "Presence" started working in Tirana on 3 April 1997.[43]

The OSCE presence was created in order to provide a flexible co-ordinating framework within which other concerned international organisations could play their part in their respective areas of competence in support of a coherent stabilisation

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[43] http://www.osce.org/indexe/fa-alb.htm.

strategy. In addition, the Permanent Council specifically directed the OSCE (in co-operation, with the Council of Europe) to advise the Albanian authorities and assist them with democratisation, the development of free media, the promotion of respect for human rights and the preparation and monitoring of elections.

In conjunction with a Multinational Protection Force (established, on the basis of United Nations Security Council resolution 1101, to facilitate, under Italian command, the delivery of humanitarian assistance) and in co-operation with a cluster of intergovernmental and non-governmental organisations, the OSCE Presence contributed to stabilising the situation. It helped to stop the breakdown of law and order and put the country on the path towards democratisation, beginning with its efforts in assisting and in monitoring the parliamentary elections of June and July 1997.

The OSCE presence served as a "flexible co-ordinating framework" for international assistance to Albania in concert with the Albanian Government. This included humanitarian and economic assistance as well as monitoring of the parliamentary procedure and assistance in the drafting of a constitution, particularly through the OSCE-sponsored Administrative Centre for the Co-ordination of Assistance and Public Participation. Since September 1998 the OSCE together with the European Union has led a "Friends of Albania" Group, which brings together in an informal forum, those countries and international organisations that are active in providing Albania with financial support, technical assistance and other forms of aid. Field offices in Vlore, Shkoder and Gjirokaster carry out work in the fields of human rights

and the rule of law, democratisation and civil rights, electoral assistance, media-monitoring and institution-building.

Faced with the deterioration of the crisis in neighbouring Kosovo (FRY) in early 1998, the participating States decided to give the Presence a border-monitoring role. A border-monitoring field office was opened in Bajram Curri in March 1998 and several other temporary offices were established by the end of 1998. The reports of these monitors (working closely with the European Community Monitoring Mission (ECMM) and the United Nations High Commissioner for Refugees (UNHCR) kept the international community informed about the deteriorating humanitarian and security situation along the Albania/Kosovo province border during the escalation of the crisis in the spring and summer of 1998.

The OSCE Advisory Group and Monitoring Group in Belarus (February 1998-)

A decision was taken by the Permanent Council on 18 September 1997 to create an Advisory and Monitoring Group (AMG) in Belarus for the purpose of assisting the Belarusian authorities in promoting democratic institutions and in complying with other OSCE commitments. The Group began work in Minsk in early February 1998.[44]

With its manifold activities, very often supported by specialists from international organisations and member countries, the Group serves as a point of orientation in general and on projects for legislation concerning democratic institutions and procedures, as well as monitoring compliance of the country with

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[44] http://www.osce.org/indexe/fa-bel.htm.

international commitments in the fields of human rights, the rule of law and democracy in particular.

The AMG has been assisting in the preparation of a new electoral law and new legislation relating to the penal code and to penal procedures. Other projects on which the AMG has given advice since its deployment include draft laws on local elections, training domestic observers, recommendations on the draft Ombudsman law, human rights training, analysis of mass media and recommendations for more pluralistic structures (including possible alternatives to the State- and Government-controlled television and radio monopoly), as well as an analysis of the economic situation.

The AMG has also created occasions for open dialogue in the context of seminars and conferences on issues important to the development of democracy and the rule of law in Belarus. Examples include a seminar on "Free and Fair Elections" in April 1998 and a seminar on "Democracy, Social Security and Market Economy" in September 1998.

The AMG maintains relations with representatives of civil society, political parties, NGOs and academic and other educational institutions with the purpose of activating consultations among all parties concerned on issues relating to democratisation of the country, and the role of political opposition as well as of citizens and NGOs in the observance of the rule of law and human rights.

OSCE Centres in Central Asia (July 1998-)

On 23 July 1998, the Permanent Council decided to establish three new OSCE Centres in Almaty, Ashgabat and Bishkek.[45] The Centres, which opened in early 1999, are designed to promote the implementation of OSCE principles and commitments as well as the co-operation of Kazakhstan, Turkmenistan and the Kyrgyz Republic within the OSCE. In their work, special emphasis is placed on the regional context in all OSCE dimensions, including the economic, environmental, human and political aspects of security. The Centres facilitate contacts and promote information exchange with the Chairman-in-Office, other OSCE institutions and the OSCE participating States in Central Asia, as well as co-operation with international organisations and institutions. They also maintain close links with local authorities, universities, research institutions and NGOs.

OSCE Kosovo Verification Mission (October 1998-)

The Kosovo Verification Mission (KVM) is the largest, most complex and most challenging mission the OSCE has ever undertaken. The KVM will verify the FRY's compliance with United Nations Security Council resolutions 1160 and 1199; "it will verify maintenance of the cease-fire, monitor movement of forces, provide assistance in the return of refugees and displaced persons, supervise elections, help in forming elected bodies of self-administration and police forces, and promote human rights and democracy-building."[46]

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[45] http://www.osce.org/indexe/fa-centr.htm.

[46] http://www.osce.org/indexe/fa-kvm.htm.

The mission was established following an agreement between the OSCE and the Federal Republic of Yugoslavia signed in Belgrade on 16 October 1998 by the then OSCE Chairman-in-Office, Polish Foreign Minister Bronislaw Geremek, and Yugoslav Foreign Minister Zivadin Jovanovic. It allowed for the creation of a mission numbering about 2,000 unarmed verifiers from OSCE participating States. The term "verifiers" rather than "monitors" or "observers", was chosen for these OSCE personnel because they are actively seeking information to enable the Mission to verify compliance with specific provisions of a decision. The mission was established by the Permanent Council on 25 October 1998.

The mandate of the KVM includes the following tasks: "to verify compliance by all parties in Kosovo with United Nations Security Council resolution 1199, i.e., to ensure that the parties maintain a cease-fire and withdraw security units used for civilian repression, to improve the humanitarian situation and to allow for the safe return of refugees and displaced persons, and to enter into a meaningful dialogue about a political solution of the crisis. Instances of progress and non-compliance are reported to the OSCE Permanent Council, the United Nations Security Council and other organisations:

"to maintain close liaison with the FRY, Serbian and, as appropriate, other Kosovo authorities, political parties and other organisations in Kosovo and accredited international and non-governmental organisations to assist in fulfilling its responsibilities;

to supervise elections in Kosovo to ensure their openness and fairness in accordance with regulations and procedures to be agreed;

to assist in the establishment of Kosovo institutions and police force development in Kosovo", and

"to report and make recommendations to the OSCE Permanent Council, the United Nations Security Council and other organisations on areas covered by United Nations Security Council Resolution 1199."[47]

The mandate of the KVM was established to run for one year, with extensions at the request of either the Chairman-in-Office or the FRY Government. Deployment of the KVM began in October 1998. Mission headquarters is located in Pristina, with a liaison office in Belgrade. Regional centres are located in Pec, Prizren, Kosovska Mitrovica, Pristina and Gnjilane.

In carrying out its mandate, the KVM co-operates closely with a number of international and non-governmental organisations, in particular the United Nations (and many of its agencies, notably the United Nations High Commissioner for Refugees), NATO and the International Committee of the Red Cross (ICRC).

OSCE MISSIONS: A CRITIQUE

OSCE missions enjoyed a fair amount of success in the Baltic states leading the way out of a deadlock . Though the withdrawal of the Russian troops and the status of the minorities were never formally linked, in reality there was a close link between the two. It was through the intervention of the CSCE missions that the problem was resolved and the issue linkage between the two became unblocked.[48] By late 1994, all the Russian forces except those permitted to stay until 1998, to operate the Skrunda radar station in Latvia had left the three Baltic states. The

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[47] Ibid.

[48] Christoph Bertram, "Multilateral Diplomacy and Conflict Resolution", *Survival* (London),vol.37, no.4, winter 1995-96, p.69.

Joint Latvian-Russian Implementation Committee established in May 1995, under the Chairmanship of the OSCE thus dissolved the political deadlock, long before the situation actually degenerated into military action. Also the problems associated with the integration of the ethnic Russians into the Latvian system has been greatly solved. In May 1999, the Latvian legislators agree to implement a bill for "the protection of employees language".[49]

Meanwhile in Estonia, the OSCE missions helped the government to formulate and implement successfully integration programmes for those who were not ethnic Estonians (basically Russians). The programme has been successful and well received amongst both the Estonian and Russian communities. This is evident from the fact that in May 1999, Estonian president Lennart Mari suggested a new role of "teaching conflict prevention" for the OSCE mission which had successfully carried out its mandate of restoring and promoting integration.[50]

In Croatia where the OSCE's mandate included assistance in and monitoring of refugees, the OSCE has enjoyed a moderate measure of success. Though the OSCE drew flak from the Croatian government for the OSCE report that the process of Croatia's " fulfilment of committments" have slowed down, the OSCE assistance has been accepted.[51] In June 1999, the Croatian Foreign minister Mate Granic informed the OSCE Chairman that 58,200 Serbs had returned from the Former

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[49] SWB-BBC, part 1, SU/3527, 6 May 1999, p.E/1.

[50] Ibid., SU/3530 E/4, 10 May 1999, p.E/1.

[51] SWB-BBC, part.2, Central Europe, the Balkans (hereinafter cited as EE), EE/3541, 22 May 1999, p.A/1.

Republic of Yugoslavia and the Republika Srpska.[52] The return of ethnic Serb refugees have been more successful compared to the return of Croats to the Republika Srspka.[53]

The OSCE mission to Georgia are amongst those which had some overall success. In June 1997, the Georgian Foreign Minister had proposed an international conference for the peaceful settlement of the problem with the participation of the OSCE.[54] The two areas of conflict in Georgia - South Ossetia and Abkhazia, has been the focus of OSCE activities, basically in conflict resolution and democratic institution building. The OSCE stand on South Ossetia has however not been acceptable to the South Ossetians who have proclaimed themselves to be independent. In May 1999, the OSCE declared the South Ossetian parliamentary elections "illegal".[55] In Abkhazia, the OSCE which co-operates with the United Nations Human Rights office has not been able to find a solution to the bloody conflict yet. Violence has claimed the lives of both Georgians and Abkhazians - in June 1999, five Georgians were taken hostage following the killing of Abkhaz policemen.[56] This has belied the hope of the for a peaceful settlement of the crisis in the near future.

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[52] Ibid., EE/3554, 7 June 1999, p.A/1.

[53] Ibid.

[54] SWB-BBC, part 1, SU/2947, 17 June 1997, p.F/4.

[55] Ibid., SU/3539, 20 May 1999, p.F/3.

[56] Ibid., SU/3552, 18 June 1999, p.F/5.

The intervention of the OSCE in the Nagorno-Karabakh conflict between Armenia and Azerbaijan has come to nought as repeated initiatives by the Minsk Group have been unacceptable to the combating sides. Little progress has been made apart from discussions between the actors to the conflict. Different proposals which have been made by the Minsk Group have had little effect so far. The principal difficulty that the OSCE has faced in the conflict has been the hard-line stance taken by the Armenian opposition, who have prevented successive Armenian presidents from signing and ratifying a peace treaty.[57] Tensions between Azeri and Armenian sides have not helped either, with even shooting at OSCE monitors being carried out by both sides.[58]

OSCE missions of long duration to Kosovo, Sandjak and Vojvodina have met with little success either, though they were the first missions to deployed. Since 1993, the mandate of these missions have not been renewed because of the Yugoslav government's decision not to cooperate (in protest against its suspension from the OSCE). Repeated requests by the Permanent Council, to allow the mission to continue its work have not been heeded to, by the authorities in Belgrade.

In Moldova also, little progress has been made in the actual settlement of the conflict, despite intense efforts by the OSCE. The status of the Trans-Dniester region continues to be in question even as all the sides agreed to a peaceful negotiation for the same. The importance of the OSCE in the Moldovan crisis has however been underscored by the call from all actors in the conflict, to the OSCE to

[57] Ibid, SU/2934, 2 January 1997, p.F/2.

[58] Ibid., SU/3157, 21 February 1998, p.E/4.

make more energetic efforts at mediation.[59] Meanwhile, Moldovan President Petru Lusinschi's statement that Moldova was ready to "define by means of dialogue the status of the Dniestr region as an autonomous region of Moldova with broad powers" have raised hopes that the efforts of the OSCE have not been in vain. Lusinschi's acceptance of the OSCE' s role is seen as an indicator that the problem would be solved soon.[60]

The first mission to Ukraine which successfully completed (on 30 April 1999) its mandate of assisting the Ukrainian government in stabilising the situation in Crimea has been a positive encouragement of the OSCE conflict resolution mechanisms. According to the head of the Euro-Atlantic integration directorate of the Ukrainian foreign ministry, Vladymyr Belashov, Ukraine is all set to start a new form of cooperation with the OSCE in implementing specific projects in Ukraine including a review of human rights.[61]

Meanwhile in nearby Belarus also the OSCE has played an invaluable role in democratisation and institution building. Despite initial hitches, the Belarusian authorities have been co-operating with the OSCE.[62] In June 1997, the Council of the Belarusian National Assembly's House of Representatives (lower house of Parliament) adopted a statement that the "peoples deputies were ready to take part in a dialogue on issues of improvement within the constitution in force and

[59] Ibid., SU/3544, 26 May 1999, p.D/5.

[60] Ibid., SU/3550, 2 June 1999, p.D/5.

[61] Ibid., SU/3551, 3 June 1999, p.D/3.

[62] Ibid., SU/2938, 6 June 1997, p.D/6.

legislation" under the aegis of the OSCE.[63] Earlier they had supported the OSCE declarations on electoral consultations in May and the OSCE assessment of the local elections in April.[64]

The OSCE mission in Albania despite its short presence, has been instrumental in stabilising the situation there. The Albanian presence was strongly supported by Italy who had previously experienced the fallout of the crisis in Albania. The Italian Foreign Minister Lamberto Dini pushed for a quick solution to the problem of Albanian refugees in Italy.[65] Since then the Italian proposals for aid and a multinational mission has stabilised the situation.[66] The Italian initiative was followed up by the Germans also when the then Foreign Minister Klaus Kinkel assured the Albanian government of full support for the democratic process as well as in terms of emergency aid and long-term economic projects.[67]

Nearby Macedonia also enjoyed the benefits of an OSCE mission. The functions of preventive diplomacy have helped the republic to overcome the destabilising effects caused by the entry of 277,000 refugees from the former Republic of Yugoslavia. Though Macedonian President Kiro Gligorov urged a lasting stationing of NATO troops , peace has held in the country.[68]

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[63] Ibid., SU/3558, 10 June 1999, p.D/8.

[64] Ibid., SU/3558, 11 June 1999, p.D/3.

[65] SWB-BBC, part 2, EE/2883, 3 April 1997, p.B/5.

[66] Ibid., EE/2892, 14 April 1997, p.B/3.

[67] Ibid., EE/2904, 28 April 1997, p.B/5.

[68] Ibid., EE/3556, 9 January 1999, p.A/4.

OSCE's impact on crisis management was minimal in Yugoslavia especially in the initial phase. It was difficult to reach an agreement between the fifty odd members, some of them with historical ties to Yugoslavia. When Belgrade vetoed a CSCE peace conference the latter was forced out of a direct management role. The fact that all missions had to be approved by Yugoslavia represented a strong limiting factor.[69] As the Yugoslav crisis continued even Russia joined those who had lost faith in the capabilities of the CSCE.[70] However, since 1996, the situation has changed. In Bosnia-Herzegovina the OSCE mission continues to perform the tasks assigned to it by the Dayton Peace Accord. Initial failure at not being able to prevent, contain and end the conflict has now changed. Currently the OSCE is engaged in building up the institutions of democracy in the region. The OSCE's importance was in view when in June 1999, the Bosnian President Alija Izetbegovic provided the OSCE with details on foreign support for the Federation's military budget.[71] The Bosnian episode remains a pointer to the fact that OSCE missions can succeed only when there is agreement among the actors in a conflict to suspend hostilities and begin the process of negotiation. In Bosnia it was the use of NATO airpower

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[69] Maurice Cremasco, "Successes and Failures of International Institutions in the Post-Yugoslav Crisis", in Marco Carnovale, ed., *European Security and International Institutions after the Cold War* (New York, N.Y., St. Martin's Press, 1995), p.36.

[70] Dmitri Trenin, "International Institutions and Conflict Resolution in the Former Soviet Union", in Marco Carnovale, ed., *European Security and International Institutions after the Cold War* (New York, N.Y., St. Martin's Press, 1995), p.63.

[71] SWB-BBC, part 2, EE/3558, 11 January 1999, p.A/2.

combined with sanctions on Yugoslavia which finally forced the Serbs to the negotiating table.[72]

In Tajikistan the OSCE has evolved into a guarantor of the Tajik Peace Plan which is still holding good despite provocations from both sides. Complaints by the opposition leader from the Democratic Party of Tajikistan Jumabay Nayazov that the peace process has become deadlocked however has not degenerated into violent conflict.[73] In May 1999, the Tajik Parliament adopted a resolution on general amnesty of opposition fighters; a move which has set the Tajik society on the road to peace and stability.[74] Moreover under the agreements reached under OSCE mediation, the government and the opposition have agreed upon the holding of[75] presidential elections by 6 November 1999 and parliamentary elections by February 2000.

In Chechnya, the OSCE mission played a vital role in bringing about a cease-fire between the Russian Federal troops and the Chechen separatists. By June 1998, the Russian Interior minister Vladimir Rushyalo announced that the cease-fire was holding despite minor incidents and provocations. He also claimed that the situation had stabilised on the Chechen-Dagestan border.[76] However, the mood in Russia has changed following the establishment of autonomy in Chechnia. The

[72] Bertram, n.48, p.70.

[73] SWB-BBC, part 1, SU/3533, 13 May 1999, p.G/3.

[74] Ibid., SU/3536, 17 May 1999, p.G/12.

[75] Ibid., SU/3543, 25 May 1999, p.G/1.

[76] Ibid., SU/3568, June 1998, p. B/8.

Moscow Mayor Yuriy Luzhkov's call for granting complete independence to Chechnya reflects a changing attitude amongst the Russian elite, who have accepted the ground realities.[77]

Meanwhile, a memorandum brought out by the Ministry of Ethnic policy in Russia suggested the evacuation of the few Russians remaining in Chechnya.[78] The memorandum noted that fewer than 29,000 Russians live presently in Chechnya, with most being pensioners. The establishment of Shari'ah law in the republic has for all purposes put them into the position of outcasts. The memorandum also gave very little chance of the Chechen-Russian talks being fruitful. Hence overall while the OSCE has been able to contain the violence in the conflict, it has failed in implementing policies of integration of non-ethnic Chechens in the Chechen society.

In Central Asia the activities of the OSCE unlike those elsewhere have been low profile activities. These are mainly related to conflict prevention in the human dimension rather than conflict resolution and crisis management as elsewhere. The OSCE works in close co-ordination with Non-Governmental Organisations (NGOs) there as OSCE activities are required to have liaisons with NGOs.[79]

Meanwhile in Kosovo, the OSCE has been completely overshadowed by the NATO whose air-power was instrumental in making the Serbia under Slobodan

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[77] Ibid.

[78] Ibid., SU/3577, 3 July 1999, p.B/3.

[79] Charles Krupnick, "Europe's Intergovernmental NGO: The OSCE in Europe's Emerging Security Structure", European Security (Ilford, Essex), vol.7, no.2, summer 1999, p.48.

Milosevic back off from promoting ethnic cleansing in Kosovo.[80] Under the terms of the "Ahtisaari-Chernomyrdin Plan" it was for NATO troops acting under the UN mandate who are to maintain the peace in Kosovo.[81]

The OSCE has had its fair share of success in some regions while it has been overshadowed in others by the other institutions in Europe. Its field activities and missions is likely to continue on in the various regions it is currently operating in. It has received a positive response from the majority of the areas that it has sent missions to. For a relatively young organisation it seems to be no mean achievement, especially when the fact is considered that consensus is hard to come by in a world where all actors strive their best to protect their own interests. OSCE field activities will continue to play an important role in keeping Europe secure in an age of new threats and dangers.

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[80] The Times of India (New Delhi), 5 June 1999, p.14.

[81] Ibid.

CHAPTER FOUR

THE MAJOR EUROPEAN POWERS AND THE OSCE

Europe has played a major role in mitigating the insecurities of the international system because "its population assets, economic wealth, technological prowess, management of communications, historical experience and cultural influences are bound to affect the stability of the international system as a whole."[1] Europe is today no longer a source of "structural weakness in global security as it was in the past". Essentially Western Europe has enjoyed since 1945, the security of a community linked by a web of "shared values and interests" the acceptance of multiple mechanisms for the peaceful settlement of disputes and the absence of a real military conflict amongst them. And in the context of the East, the Western Bloc guarded itself zealously, aligning with the United States to ward off the threat posed by the Soviet Union. Since the end of the East-West confrontation, a new feature of the European security community is the quest to integrate rather than exclude, as had been done previously, Eastern Europe and the components of the former Soviet Union.

The wave of initiatives which led to the convening of the Conference on Security and Cooperation in Europe were the result of differing expectations amongst the key actors in the European scenario. The initial proposals were a bloc to bloc affair, but as time passed by the later initiatives reflected the presence of a non-bloc section also, that is to say a number of neutral or non-aligned states as well. The proposals also changed from its purely

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[1] Michael Pugh, "European Contributions to Global Security" in von Bredow and others eds., *European Security* (London, 1997), p.194.

propaganda direction to increasingly realistic action oriented ones which reflected the serious intentions of its sponsors.

However it would be far-fetched to think that the different states were all acting solely for the welfare of the European and international systems, with hardly a thought to where their interests lay. Just as in human beings, governments too are influenced by the promotion of self interests more than any other factor. Hence it is "reasonable to assume that actors set the goals they want to achieve in regime negotiations."[2] The whole Helsinki Process has thus at varying times seen the promotion of different ideals and goals by member states, each intending to advance its own interests as much as possible in the promotion of stability and cooperation. Using a variety of tactics, participants in the Helsinki process have essentially "sought to further their own diverse, long-term, strategical objectives."[3]

Foreign policy approaches to the CSCE during its initial phase can broadly be divided into three approaches: firstly the Warsaw Pact countries (excluding Romania) under the leadership of the Soviet Union whose primary interests lay in the international sanction of the post-war territorial and political status quo in Europe, especially Eastern Europe.

Secondly the Atlantic Alliance members who wanted further progress in the easing of tensions, coupled with certain changes in Eastern Europe that would in effect alter the mentioned political and territorial *status quo* in this region.

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[2] Ki Joon Hoong, *The CSCE Security Regime Formation: An Asian Perspective* (Houndmills, 1997), p.12.

[3] Ljubvoje Acimovic, *Problems of Security and Cooperation in Europe* (Alphen aan den Rijn, The Netherlands, 1981), p.107.

Thirdly the approach favoured by the Neutral and Non-Aligned (NNA) states as well as by Romania, who wanted to foster the process of détente and eliminate "bloc divisions and confrontations engendered by the Cold War."

Conflicting interests amongst the different actors have at times complicated and protracted the entire negotiation process However compromise has been reached several times through issue linkages overriding different vested interests.

WESTERN AND SOVIET "POST-WALL" STRATEGIES

Since the end of the Cold War, the US administration considered "the CSCE to be ideally suited to the task of promoting and consolidating democratic values and institutions in Eastern Europe and the former Soviet Union."[4] It was also hoped that the CSCE would make valuable contributions in the realm of international conflict management through its activities related to confidence-building measures, conflict mediation and conflict resolution. The then Secretary of State, James Baker, proposed a number of specific steps that could be taken to strengthen the CSCE both politically and institutionally.[5] The steps recommended included a more regular process of consultation among member states; the creation of a permanent secretariat; the establishment of an "election monitoring office" as well as a "Conflict Prevention Centre" to promote confidence, predictability and transparency through exchanges of military

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[4] Kim Edward Spiezio, *Beyond Containment: Reconstructing European Security* (Boulder, 1995), p.52.

[5] Ibid.

information and discussions of unusual military activity.[6] The Russian Federation meanwhile has had little objection to the institutionalisation of the CSCE; rather they have been advocating what Victor-Yves Ghebali calls a "maximalist approach" to the question of CSCE evolution.[7] In the post Cold War era, the Russian State has been struggling with itself, and in order to try and distract the attention from its internal weakness and confusion, the Russian leadership has been putting on "big-power airs and graces."[8] Russian policy has been to extend its neo-liberal position wherever possible in their "near abroad" territory of the former USSR i.e.: the present region of the Commonwealth of Independent States (CIS) and its satellite states. To that end, Russia has viewed the OSCE as a means of consolidating its position in post Cold War Europe.[9] Russia of course does not fail to play the role of the wronged whenever there is any talk of expanding the NATO to include the East European and Central Europeans. Paradoxically within Russia there is talk within some quarters of the need to try and join the NATO or have a special relationship with NATO.[10]

The response of the majority of the European states however, has been to adopt a phase by phase transition attributing to the CSCE, new limited

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[6] Ibid.

[7] Victor-Yves Ghebali, "After the Budapest Conference: The Organisation for Security and Cooperation in Europe", NATO Review (Brussels, vol.43, no.2, March 1995, p.24.

[8] Joerg Kastl, "European Security without Russia", Aussen Politik (Hamburg), vol.48, no.1, 1997, p.32.

[9] Ibid.

[10] Yevgeny Primakov, "Global Scene, European Security and NATO Expansion: The Russian Perspective", Mainstream (New Delhi), vol.35, no.23, 17 May 1997, p.26.

operational capabilities in its process of institutionalisation. The proposals by Germany and the Netherlands at the Budapest Conference of 1994, which aimed at strengthening the role of the CSCE as a UN regional arrangement and at the same time provided for it to be linked to other European and transatlantic institutions were partially incorporated in the Budapest Decisions.[11]

THE BRITISH ROLE IN THE CSCE

Since the early part of this century, British influence and power in international affairs has been on the decline. The decline was gradual with its implications being not clearly perceived until after the Second World War. An immediate consequence of this realisation was an abandonment of unilateralism and a decision to seek closer and more permanent economic, political and military ties with other powers. The traditional balance of power policy was modified such that Britain had concern with the affairs of European politics. Michael Palmer was one of those to propose a broadbased and sustained dialogue through a number of conferences.[12] The idea was to overcome bloc divisions and bring about an active cooperation between the East and the West in dealing with security related aspects. The United States and Canada were to provide a counterbalancing effect to the presence of the Soviet Union, in this scenario.

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[11] Ghebali, n.7, p.25.

[12] Michael Palmer, *The Prospects for a European Security Conference* (London: Chatham House, 1971), p.56.

Palmer's idea was suitably adapted and presented at a meeting of the Foreign Ministers of the four Great Powers in Berlin by the then British Foreign Secretary, Anthony Eden who put forward a plan for the normalisation of the European security scenario. At the Geneva Summit Conference (18-23 July 1955) of the four Big Powers, a revised version of the Eden Plan was presented: where emphasis was laid on the unification of Germany and the conclusion of a European Security Pact. The initiatives for the convening of the CSCE was thus given a boost by the British proposals.

On many key issues, Britain was one of the main negotiators for the West seeking compromises with the East. Though a new entrant in the European Economic Community (EEC), Britain managed to be in the limelight of efforts in co-ordinating the activities of the EEC at the Helsinki Conference: occupying a place which should have been filled by France. British negotiations did show some grasp of political realism as it pursued the basic aim of the West. Britain was however not to take as much interest in the CSCE later during the Cold War era as she did in the NATO. The lukewarm interest that she displayed essentially stemmed from a confusion over defining a role for herself in European affairs.

From 1945 to 1989, the British elite worked within the rationale set out by Churchill and the Wartime Coalition defining Britain as a world power operating within "three circles", each in the descending order of importance: the transatlantic special relationship with the United States; the British Empire and the Commonwealth; and lastly Europe. Throughout the Cold War period, British positions were essentially an extension of the United States' and Britain did not see the CSCE as much more than a forum where endless discussions and negotiations could take place, where hardly any action could take place.

The "unfreezing" of Europe offered tremendous new opportunities for British foreign policy. It also placed upon them a obligation to choose to decide how well equipped they were to deal with the consequences of 'peace'. The change in policy and expectations are of some interest as it was closely connected to other events which were influencing British policy. Early setbacks and failures have now ensured that some of its previous isolationist tendencies have been shaken off as it moves towards a greater involvement on the continent.

For decades British foreign policy was closely allied to that of the United States so much so that it was criticised for being subservient to the Americans. The Continental states especially France perceived Britain not only as an American lackey, but also as downrightly hostile to the security interests of the Europeans. But today Britain has been pushed into a clear second position after Germany in American strategic thinking: in the changed power structure, it is Germany, not Britain which matters. It is no longer a matter of choice but one of necessity that the British involve themselves in European affairs.

In 1990, Margaret Thatcher departing radically from her infamous 'Bruges speech' set the tone for Britain's commitment to Europe.[13] The call for a European 'Magna Carta' to be agreed upon at the Paris Summit of the CSCE was part of the British attempt to claim an inalienable place in 'European culture'. The British experience was to be set up as the cornerstone of the 'new broader Europe of free democratic countries.

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[13] Peter Stothard in <u>The Times</u> (London), 6 August 1990, p.8.

Britain's main area of concern within the OSCE has been 'dispute settlements' - the peaceful resolution of disputes which had the potential to develop into an armed conflict. British contributions to crisis management and conflict prevention took the form of three steps - early warning and the development of what it called "prophylactic diplomacy"; political crisis management by offering the parties to a conflict the use of a political framework whereby their differences could be settled; and an "operational conflict prevention" following the outbreak of hostilities, which could range from fact-finding missions to peace-keeping forces.[14]

The essential change in the British outlook came with a bit of introspection. The last thirty years have seen both the Conservatives and the Labour party struggle to adjust to the declining importance of Britain to the United States and the shrinking of the Commonwealth's military and political ties. Now it has all changed. Europe is no longer America's first and foremost foreign policy commitment and the British no more important than the Germans and the French amongst America's European allies. Moreover Germany is today Britain's most important economic partner and France a country with whom close political and military ties are shared. And as American involvement shrinks, the British have to take more interest in European affairs. The feeling in Conservative Government circles that Britain was either 'different or superior' to other nations has perforce given way to a more conciliatory attitude, necessitated by realpolitik and economics.

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[14] Alexis Heraclides, *Helsinki II and Its Aftermath: The Making of the CSCE into an International Organisation* (London, 1993), p.36.

British governments and policy influencing elites are increasingly sensitive about the threat to their permanent seat in the UN Security Council in the wake of contenders like Japan and Germany emerging. Being more active in peacekeeping and other international activities including the OSCE is seen as a way to offset its economic weakness and to reconfirm its status. Thus in all probability Britain is all set to play a greater role within the OSCE

THE GERMAN ROLE IN THE OSCE

Germany has always been an active participant in the affairs of the CSCE from the time it was set up. It was the human dimension in the CSCE process which had a strong attraction for the Federal Republic of Germany (FRG), who saw it as a promising step to the ultimate goal of unification. Initially German expectations were focused on the necessity of ensuring peace in Europe between the East and the West. The CBM's of the Helsinki process raised these expectations. German participation increased once the Helsinki process got under way: the FRG was influenced by the fact that the CSCE would provide new opportunities to further its *Ostpolitik* and to resolve some of its problems. The basic support of the NATO countries for the FRG on matters of vital interest (Berlin and unification) gave them further incentive, despite the fact that German insistence on the same as a precondition for the process it did give rise to some irritation amongst her allies at times.

With the end of the Cold War and the subsequent German unification, the German strategy of keeping peace in Europe was to make use of the various institutions existing in the 'European architecture.' The thinking was that the

CSCE would be the forum where conflicts would be recognised early, prevented, mediated and settled through peaceful means.[15]

Unification essentially meant a significant change for Germany's foreign policy from what had existed before. Two decisive handicaps of German diplomacy - "the bi-polarity of the East-West conflict and the German separation" basically vanished. Before unification German security was always in a state of high tension and danger because of its position in the heart of Europe between East and West. Suddenly the Germans found themselves of having to evaluate and adapt their foreign policy altogether to a new scenario. It was in the German interest to clear the way for processes that would assemble the nation. There has been a tendency in German thinking to give "less focus on formal 'questions' like states and borders".[16]

With unification Germany found herself an emergent power economically and militarily. The tradition of Ostpolitik and contacts with Eastern Europe found the Germans in a favourable position to take advantage of the new economic opportunities in the east. Growing German power however led to uneasiness amongst her neighbours. In the early 1990's, Europeans feared that Germany might lay claim to territory outside the existing two German states (1937 borders). But the integration of East and West Germany was a big challenge that has kept the newly united country busy for a long time. Moreover there was little appeal in taking territories that were hardly German in population and whose economic and

[15] Harald Müller, "Military Intervention for European Security: The German Debate", in Lawrence Freedman, ed., Military Intervention in European Conflicts (Oxford, 1994), p.125.

[16] Barry Buzan and others, The European Security Order Recast: Scenarios for the Post Cold War Era (London, 1990), p.150.

environmental condition were far worse than that of East Germany. The economic prosperity enjoyed by the Western state in the post-war years have on the other hand made the Germans realise that "under modern economic conditions wealth and power do not require control of a large territory."[17]

The "renunciation of the threat or use of force" was a pointer to the post-war foreign policy of Germany. In his address to the international conference on "A European Peace Order and the Responsibility of the two German States" in Potsdam (8-10 February, 1990) the then Minister for Foreign Affairs of the FRG Hans-Dietrich Genscher stressed that the European states can and should live together without mutual fear and in peaceful cooperation."[18] Genscher expounded the need to convert the CSCE process to become a "Magna Carta of a stable European order based on human rights and fundamental freedoms."[19]

Thus for Germany, security policy before the end of the bipolar order in Europe already existed of more than just defence oriented peace-keeping safeguards. It was thus viewed as a policy which sought opportunities and possibilities to "resolve international conflicts by political and economic means without the use of military force."[20] Security policy for the Germans has hence "always been a policy of stabilisation and order."

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[17] Ibid., p.236.

[18] Hans-Dietrich Genscher, "German Responsibility for a Peaceful Order in Europe", in Adam Daniel Rotfeld and Walter Stützle, *Germany and Europe in Transition* (New York, N.Y., 1991), p.21.

[19] Ibid. p.20.

[20] Peter Schmidt, "German Security Policy in the Framework of the EU, WEU and the NATO", *Aussen Politik,* vol. 47, no.3, 1996, p.211.

Throughout the 1990's the German position has been consistently in favour of the CSCE emerging as a "framework of stability for the dynamic, dramatic and in some respects revolutionary developments in Central and Eastern Europe including the Soviet Union. The Germans have tried to take on a even more active participating role in the CSCE process from the end of the Cold War when they realised that their own survival lay in containing the problems of the East using the CSCE processes. For this reason they have deliberately chosen to play an active role in the institutionalisation of the Helsinki process. The collapse of communism in Central and Eastern Europe and the subsequent changes in the international and European order demanded "new and far-reaching security policy orientations from Germany" particularly. Together with other members of the CSCE the German government expressed its hope in the Paris Charter of November 1990 that a European security system could be established which was based "on the peaceful cooperation of equal states and in which, on principle, the threat and use of military force no longer played a role."[21] Hopes were expressed that this could have a positive effect on neighbouring states, many of whom were being torn apart by civil war.

In the run-up to the Helsinki Summit of 1992, the German approach was based on the premise that the CSCE after having been a forum for dialogue and standard setting should now become an instrument of active policy aimed at stability, the final objective being a "European peace order". Further developments of CSCE instruments and mechanisms and bodies were vital for maintaining stability and preventing conflicts in Europe. For the achievement of

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[21] Ibid.

conflict prevention and crisis management, the CSCE mechanisms were to have four functions viz. "information, consultation, cooperation and concerted action".

Germany proposed that "early warning indicators" and early risk analysis"; both in the field of security as well as human dimension be developed. The human dimension inputs was to include inputs coming in from Non Governmental Organisations as well as from individuals. The need for bilateral and multilateral talks leading to a peaceful compromise as well as the need for fact-finding and rapporteur missions were also highlighted by Germany in various meetings of the CSCE including the Helsinki (1992) and Budapest (1994) Summits. Mandatory third party participation in arbitration and conciliation have also been proposed by the Germans. However one of the strongest moves came in the form of a proposal for "concerted action" which essentially meant that action was to be initiated against violations of basic standards especially human standards. Germany has also been a strong supporter and co-sponsor of the concept of a High Commissioner for minorities questions.

At Helsinki in 1992, Foreign Minister Hans-Dietrich Genscher added a word of caution on the CSCE decision making process vis-a-vis its operative weaknesses which had been revealed in Yugoslavia and Nagorno-Karabakh. He insisted that the CSCE be made into a viable "regional international arrangement" (within the meaning of Chapter VIII of the UN Charter) minus the bureaucratic-legislative appendage of a normal inter-governmental organisation. A proposal was also made to the effect that the CSCE should have its own "blue helmets" to adopt peacekeeping measures on its own.

Another important German contribution has been the concept of "steering committees" to support the Chairman-in-Office (CiO) in various conflict resolution

initiatives. German proposals for conserving the environment has also created some interest in the CSCE. However the German argument for "Green Helmets" had few takers in the CSCE and the proposal was ultimately adopted in a very diluted way at the Helsinki Summit of 1992.

Immediately after unification hopes ran high in the German population that military conflicts were becoming less relevant. However after the Gulf war and the Yugoslav crisis doubts began to rise about the utopia that was built up in the wake of the CSCE Paris chapter.

German participation in the Gulf and other UN sponsored peacekeeping operations though highly restricted raised a number of questions within the country as well as from neighbours and allies. German insistence on granting recognition to the breakaway republics of Croatia and Slovenia attracted flak for being hegemonistic. German policy hence has been to use the institutions including the CSCE to allay fears of allies and neighbours alike.

German leaders were aware that they should tread carefully. Given the dependence of the 'strongest economy' in Europe on exports and trade, the understanding was that inter-dependence mattered. In the Bonn Conference (April 1990), Germany had been a prime mover behind deepening the economic aspect of the CSCE with suggestions that bordered on institutionalisation.[22] The Germans understood that it was the CSCE with its multiple institutions that would enable them to grow. Moreover the post-Wall era essentially meant that they were no longer placed between 'East and West' but in the centre of Europe, as

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[22] This proposal however found no takers amongst its own western allies.

part of the Europe that was destined to become one geographical entity, ceasing to be marks of political and economic differences.

The logical conclusion was that it was not just German history but also the geographical position that conferred upon Germany a "special responsibility for the peaceful future of Europe", and that German actions and thinking were of utmost importance to the rest of the continent. There was a need to focus on a balanced 'Ostpolitik' which would not put western integration on the back-burner. They understood that Ostpolitik and western integration had to move forward side-by-side. Helmut Kohl urged the Western leaders to assume an "open and flexible attitude towards reform oriented countries of Central and South Eastern Europe." German commitment to the CSCE process was further strengthened when Kohl announced his ten point programme thereby affirming that the CSCE process remained as an important link in the "pan-European architecture."[23]

Multilateralism has become a key component of German foreign policy. In 1998, the German Foreign Minister Joschka Fischer suggested the convening of a stabilisation conference of the OSCE for South-Eastern Europe, when hostilities cease and a secure environment for the return of refugees is established.[24] He also suggested that the mission to Bosnia-Herzegovina should be merged with the "Office of the High Representative" under a prominent official with broad powers conferred by the Dayton Agreement: the idea being to provide better focus at a reduced cost. According to Fischer, the new OSCE Mission to Yugoslavia would have to deal with reconstruction, refugee return and political

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[23] Reinhard Stuth, "Germany's New Role in a Changing Europe", Aussen Politik, vol.43, no.1, 1990, p.21.

[24] http://www.osce.org/shtml/events/wsj-barry.html

stabilisation in Kosovo, Montenegro, Sandjak and Serbia proper. Germany also pushed for a stronger mission with a new mandate for Macedonia and a new approach to the existing missions in Croatia and Albania.[25] Within the domestic scene also, the four major parties : "the Christian Democratic Union (CDU), their Bavarian Christian Social Union (CSU) partners, the Social Democratic Party (SPD), and the Liberals (FDP), all endorse multilateralism in security affairs."[26]

A member of major international security institutions, Germany has a strong interest in inter- institutional cooperation. The German policy is for an effective and strong security order where all the institutions reinforce and complement each other.

THE ROLE OF FRANCE IN THE OSCE

France is today "trying to move with the times in post-Cold War European security developments."[27] France simply matters in European security for reasons that are obvious: its substantial, independent nuclear power, its multifaceted special relationship with Germany and its growing ties with Britain in defence matters simply mean that France is today at the "center of European political ties and peacekeeping enterprise."[28]

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[25] Ibid.

[26] Reinhardt Rummel, "The German Debate on International Institutions", in Marco Carnovale ed., European Security and International Institutions After the Cold War (New York, NY., 1995), p.179.

[27] http://www.indu/resources/inss111.gif., Mc Nair paper 43, Chapter 1, p.1.

[28] Ibid., p.2.

For four decades France has played an important and complex role in European security and it will continue to do so. All European nations had emerged weakened after the war, and caught up between the two superpowers. France, devastated by the war was no exception.

Nationalism based on military strength was a thing of the past and the new nationalism which emerged was based on weakness; which was but sufficiently strong to sabotage attempts to build a new European order. Gaullism with its stress on grandeur, uniqueness and France's historical mission essentially meant that France had insulated herself against the rest of Europe while abrogating to herself the right to be the arbiter between the two superpowers, with the promise that France alone could give Europe strategic independence.

France could not find its true place of grandeur 'under the sun' within the conference and could not particularly fulfil the role that it had aspired since the days of de Gaulle - a champion of détente and peace in the West. The lacklustre performance of the French was essentially a result of its dual policy; efforts to consolidate its position within the European Economic Community (EEC) weakened its negotiating position with the Soviet Union while 'solo performances' with the Eastern Bloc strained ties with the Western allies.

Disagreements with the allies over the question of confirming special rights and responsibilities of the four former occupying powers in Germany further weakened the French position. France adopted a non-committal attitude to any follow up for the conference which set it apart further from a large number of its allies. Thus France was not able to recognise its desire to be at the fulcrum of West European organisations. However France later realised that the CSCE was a forum where it could play some role and gain attention as a spokesman for

Europe. Hence the French typically exhibited an attitude of making those proposals in the CSCE which would best highlight its interests.

Though the French have supported the CSCE process, the human dimension process did not exactly find much favour especially at a time when the French nation was battling against nationalism in Bretagne and Corsica.

At the Madrid meeting it was the French proposal which provided a middle ground; stressing on an agreement for concrete CBM's before shifting to a disarmament phase. The French proposal suggested the building up of trust amongst member states through a limited number of detailed, verifiable CBM's and consequently achieving a reduction of conventional armaments. By the middle of 1981, the French proposal was taken up by NATO and the Neutral and Non Aligned countries which later led to a provisional draft text of the Concluding Document which was acceptable to both East and West in 1983.

During the initial negotiation process the national interests of the French were on particular display, especially in the definition of 'Principles of the CSCE'. The French proposal that "participating states mutually recognise their sovereign equality" was a reflection on the sovereignty of the nation state.

France also wanted to preserve the special status vis-a-vis Germany, that it had acquired as one of the four occupying powers. However this encountered resistance from other countries especially the NNA group which saw this a sanctioning of the status quo and hegemony by the great powers.

During the Vienna Follow-up Meeting of 1989, France sponsored the idea of conducting negotiations on conventional forces within the CSCE framework as opposed to the position of the United States which focused on CSBMs. When the Vienna meeting began in 1986, France had two objectives - firstly the desire to

make sure that the negotiations were of a transitional nature and would be eventually replaced by conventional disarmament negotiations amongst all participating states and secondly the creation of a structural link between the CFE and the CSBM negotiations.

In the Helsinki Follow-up Meeting of 1992, the main proposal on peaceful settlement of disputes was the French proposal for a 'European Court of Conciliation and Arbitration', commonly known as the Badinter Plan. However this was strongly opposed by Turkey, Canada, the United States and Britain who were 'anti-judicial'. The British presented a counter-proposal which aimed at complementing and reinforcing the Valletta Mechanism, by establishing a 'Conciliation Commission'. The ultimate outcome was a compromise proposal brought forward by the US termed "Direct Conciliation."

At the Helsinki Summit (1992), France was very much involved with the question of turning the CSCE into a regional inter-governmental organisation. France took a strictly legal line proposing that the CSCE should become a "fully fledged international organisation" so as to have the "requisite legal status of action."[29] Security in the French view was seen as including military security as well as wider security based on the principles of inter-state relations. France believed that both these could best be addressed in a pan-European security treaty. Also France proposed a forum for regular consultations on security matters, which would include a codification of the principles governing the relations between states in the security sphere in a legally binding text - an "Armed Forces Limitation Treaty" which was either separate or part of an overall

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[29] Heraclides, n.14, p.34.

pan-European security. Other French proposals included "expanding the role of the Conflict Prevention Centre, the setting up of the OSCE as a forum to serve as a depository of agreements on security, a communications network and data bank, to offer assistance in verification. The CSCE was also to have the capability to establish fact-finding missions.

The French position on the issue of CSCE peacekeeping operations was also a reflection of France's traditional distrust of the United States. Initially France was against any involvement of the NATO in CSCE peacekeeping operations. But the French later agreed to a compromise, during discussions between Bush and Mitterand at the G-7 Summit in Munich in July 1992.

The French have always had a capacity for unpleasantly surprising even close allies; a result of the national ambition to matter and fashion the international system. The OSCE is also naturally seen as a forum where French perceptions must influence and balance the decision making process. Initial lethargy has vanished and in the post-Cold War era, Europeans find themselves dealing with a new France which has much to gain even as the Americans disengage from Europe. The French desire to be the spokesman of Europe will ensure increased participation in OSCE structures in the future.

CHAPTER V

SUMMARY AND CONCLUSIONS

The Organisation for Security and Cooperation in Europe (OSCE) has undergone a process of continuous change since its formation, in 1975, from an *ad hoc* forum to an international organisation. In the process of change, the OSCE has left its mark on some issues and failed in some others. There is no doubt that it did provide an environment for reducing security threats due to inter-state military tensions through the creation of Confidence and Security Building Measures (CSBMs) and other security regimes including the Treaty on Conventional Armed Forces in Europe (CFE). The CSCE arms control regime has contributed to the predictability and transparency in military activities. However, the end of the Cold War has essentially seen new security threats emerging. Ethnic conflicts have been of principal concern to the CSCE in the nineties. The institutionalisation of the CSCE into an international organisation was itself fuelled on by the need to enhance the conflict prevention regimes arising from the ethnic conflicts in Europe. The offices of the High Commissioner of National Minorities and the Office for Democratic Institutions and Human Rights (ODIHR) have carried out several missions for short term and long term conflict prevention.

From its inception in 1975, the OSCE has provided 'a unique pan-European security forum' where all European countries as well as the US and Canada could address their security interests. Through the setting up of this pan-European community the OSCE has contributed to the convergence and promotion of common values and norms which go a long way in preventing and containing conflicts. The regimes and mechanisms set up by the OSCE,

especially in the field of arms control have greatly contributed to the transparency and predictability of military activities. Similarly a number of measures have been developed for the constructive management of ethnic and nationalistic conflicts. The OSCE has a fair share of successes and failures in these. If in the Balkans, the OSCE has not been able to contain the violence, it was the same institution only which led the way in the Baltic, resolving a situation which had the potential to grow into a nasty confrontation between the newly independent Baltic republics and Russia. Activities in Central Asia also have been of considerable success.

It is true that the OSCE has not been able to use its influence to contain violence and conflict in South-East Europe. Having no military force at its disposal has essentially meant that peacekeeping operations and conflict management operation are still a long way from becoming a successful reality. Moreover, the OSCE has been able to do much in the field of economic growth; the danger of uneven and unequal economic growth leading to potential conflicts is a reality in present-day Europe. Nor has it played the role of a 'core' capable of providing leadership in European integration. The OSCE seems to have played more of a peripheral role in the European security system. The recognition of the OSCE as a regional organisation under chapter VIII of the United Nations Charter has brought an increased importance to the OSCE. The OSCE has the authority to sanction and legalise actions, that other regional institutions like the NATO or the WEU may take in order to preserve peace and security. However the OSCE has also suffered much on its decision making capabilities and 'urgent action'; because of its large membership and vested interests among the different actors. The strategic interests of the former Soviet Union and the Atlantic Alliance did not allow the CSCE to attain success in its activities in the initial phase. Even later

when the CSCE was institutionalised the West initially did not take much active interest in stabilising the crises in East Europe. In fact, it was much later only when they understood that the problems in the East would not lie quarantined within the eastern borders, that initiatives started to be taken. In the 1990's the issue of peacekeeping was one of the most controversial of all issues with France outrightly opposing the involvement of the NATO in CSCE peacekeeping. However, Europe is today finding out that it is no longer possible to live in isolation even as events across frontiers affect one another.

An important achievement of the CSCE has been its contribution towards the democratisation of the Central and East European countries. Democratisation has always been seen as an important pre-condition for a pan-European security community; supported by the fact that there has not been a war between the democratic countries in Europe since the end of the World War. The offices of the High Commissioner and the ODIHR have played an important role in promoting the essential value of democracy : that is respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief" by establishing this as a primary principle of the OSCE. Monitoring of elections and referenda in different countries have thus contributed to an overall widening and deepening of democracy in Europe. The introduction of CSBMs in Europe have reduced the possibility of a surprise attack. Structural and operational control regimes initiated by the OSCE have increased the degree of openness, transparency and the predictability of military activities. The CFE Treaty eliminated the possibility of large scale military offensives in Europe during the Cold War. However, after the end of the Cold War era, the CSCE arms control regime has lost its previous significance and relevance. Today in

place of the arms control regime, a conflict prevention regime spearheads the activities of the CSCE in peace building and crisis management. The emergence of a conflict prevention regime is a reflection of the new issues of the present era. The adoption of the Vienna and Moscow mechanisms in the human dimension is aimed at preventing conflicts in the human dimension from spilling over into military conflicts. Conflict prevention activities in the form of early warning, early action, preventive diplomacy and crisis management are today an integral part of the activities of the High Commissioner and the ODIHR. The lack of means of enforcement however still remains a serious shortcoming in this regard. The OSCE is today amongst the many Inter-Governmental Organisations (IGOs) working within a multilayered European security architecture. Security in Europe is a factor dependent on the relationships between these various organisations. Security in Europe cannot be understood without accounting for the relationship between the OSCE and other security organisations. Inter-institutional relationships are bound to play a crucial roe in determining the future importance and development of the OSCE.

THE FUTURE OF THE OSCE

A great deal of attention has been focused of the OSCE as the basis for developing a European security system. The usefulness of the OSCE in norm-setting and regime formation has been outstanding despite the limitation of being a "soft security organisation." Peacekeeping and economic facilities of the OSCE are bound to further develop on the future. However, it is quite unlikely that the OSCE will assume any "hard security options" from the NATO or the WEU.

Military structures for rapid action will continue to be a distant dream as such deployments would require consensus by its fifty-five odd members. The OSCE's best bet still remains in its evolution through norms and regimes as an organisation with comparatively higher legal status; its ability to sanction action in Europe which is then carried out by the NATO or any other organisation is likely to gain importance, even as it sends its own missions to the field. The degree of autonomy and moral authority that the OSCE possesses will thus essentially help in filling those gaps in the European security architecture left by other Inter-Governmental Organisations.

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