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**OSCE –
Acknowledging its social construction and the consequences thereof**

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The anecdote

In answering the simple question, whether a house is warm, a first hand rationale would be to use a thermometer. However, identifying an exact temperature does not suffice in the absence of a preexistent codification of what warm means. Comparing the measured temperature with the set goal of warmth might give us the answer. Nonetheless, any bricoleur surely recognizes that a house is warm or not depending (at least) on the used construction materials – stone bricks versus wood, for example – and the thermo-isolation attributes, or in other words its structural characteristics.

On the topic

A generalization attempt¹ of the surveyed literature on the Organization for Security and Cooperation in Europe² reveals that the OSCE is a rather controversial actor. At one end of the effectiveness continuum, the OSCE is portrayed as merely a talk-shop while at the other end the organization is seen as an essential actor in the regional arena. The controversy however discloses a salient characteristic of the literature, the focus of most of the critics/supporters on the performance of the organization. Thus, two clusters of analysis foci can be identified: on the one hand, the leitmotiv of effectiveness versus ineffectiveness of the OSCE is pursued, and on the other hand, balance sheets concerning advantages/disadvantages of the OSCE in relation with other regional or intergovernmental organizations are drawn.

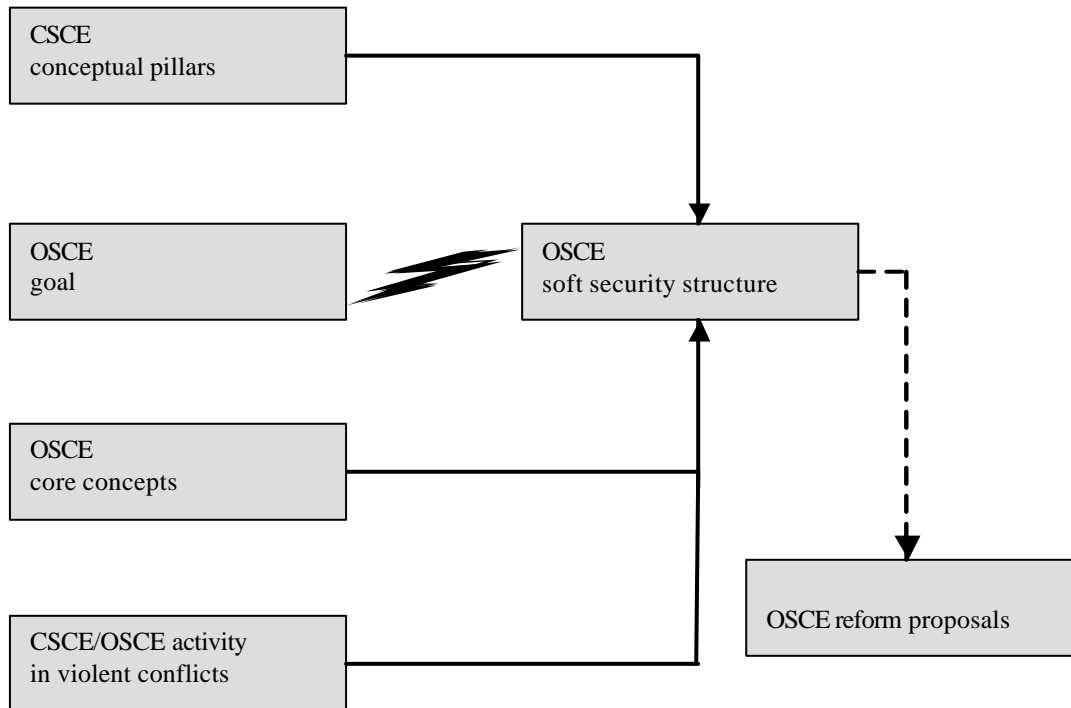
The opening anecdote, seemingly trivial, informs the current analysis, since it emphasizes the fact that in answering an effectiveness question underlying elements of the problem need to be clarified. Thus, drawing heavily on the intuition of the bricoleur, this paper will address a ‘pre-effectiveness’ – in a temporal analysis scenario – or a ‘sub-effectiveness’ – in a spatial analysis scenario – question. Along these lines, not performance, but organizational goal and structure will be the focus of the paper, since these and their intrinsic relationship shape the further performance of the OSCE. Placing a central importance

¹ Generalization is rarely methodologically fortunate, but given the space limits of the present exercise, it should be regarded as satisfactory. Please see the bibliography for the surveyed literature on the OSCE.

² Organization for Cooperation and Security in Europe and the acronym OSCE will be used interchangeable throughout the paper. Conference for Security and Cooperation in Europe and CSCE will also be used alternatively. I will use the term OSCE for the period after the January 1, 1995, the entering into force of the official change of name according to the Budapest Summit Document 1994, http://www.osce.org/documents/mcs/1994/12/4048_en.pdf, last accessed: 03.03.2007

on the distinction between hard and soft security, the paper will analyze the compatibility between the organizational structure and the declared goal of the OSCE.

Figure 1 – The structure of the paper



The study has three analysis segments. Tracing the roots of the Conference for Security and Cooperation in Europe and analyzing its functioning will permit the crystallization of CSCE culture and practice. The second research step will focus on today's OSCE, its objectives and institutions as to clarify the structural characteristics, and additionally to carve out the ultimate goal of the organization. In the assessment of the OSCE structure, a third analytical part will build on a previous study of CSCE/OSCE involvement in violent conflicts in South-Eastern Europe, Eastern Europe, Caucasus and Central Asia during the period 1990-2005.³ The analysis will be concluded with a rather policy-oriented touch by addressing the reform implications of the 'findings'. The model of (minor) structural reform, the path currently adopted by the OSCE, and the reform of the goal as the means of legitimizing bidirectional outsourcing will both be addressed.

³ Ioana Cismas, *OSCE, un construct idealist într-un mediu realist*, Lucrare de diploma, SNSPA, Bucuresti, 2006

Theoretical framework

Beyond lending internal coherence, the chosen theoretical framework –social constructivism⁴ – has two other major implications for this paper: it defines one of the variables and enables reconstruction models of the organization. Thus, before entering into detail on the above coordinates, a comparative glance at other possible theoretical frames will be put forward. By briefly pinpointing the disadvantages of mainstream theories in respect to the study of international organizations, a summary of the main reasons for choosing to look at the OSCE through the lenses of social constructivism will be outlined.

Kenneth Waltz' neorealism differentiates itself from classic realism, which identifies human nature as the fundamental cause of anarchy, by proposing a materialist structure of the international system. The ordering principle of the system is anarchy and the structure is defined by the distribution of capacities within it.⁵ Therefore, the logic of anarchic structure necessarily determines self-help behavior among states. To sum up, neorealism with its pregnant materialist character has four fundamental assumptions: the state is the major actor in international relations; the state is a unitary and rational actor; the relations among states are essentially conflictual and the international agenda is dominated by high politics.⁶ Thus, in the words of Barnett and Finnemore, neorealism is “the study of states and what states did.”⁷ Given these premises, the locus for international organizations is rather narrow. The creation and nature of international organizations are explained by the distribution of power. As such, these are created either by a hegemon or through the cooperation of great powers, becoming therefore the modality through which the interests of the powerful founders are institutionalized; in this account international organizations are extensions of the hegemon's interest or great power directorates.⁸

Given such a scenario, it makes little sense to discuss the structure and goal of the OSCE, and equally superfluous would be the attempt to reconstruct an organization.

Neoliberalism and neorealism share an individualist approach to structure, the former emphasizing however “expectations rather than power and interest”⁹. The neoliberal approach rests on four major hypotheses: both state and non-state actors are important in international

⁴ To be precise, I draw significantly on Alexander Wendt's theories in this field.

⁵ Kenneth N. Waltz, *Theory of International Politics*, (Boston: Addison Wesley, 1979), pp. 100 - 101

⁶ Kelly Kate S. Pease, *International Organizations: Perspectives on Governance in the Twenty First Century*, (Upper Saddle River, New Jersey: Prentice Hall, 2000), pp. 42 - 45

⁷ Michael Barnett, Martha Finnemore, *Rules for the World. International Organizations in Global Politics*, (Cornel University Press, 2004), p. vii

⁸ Kelly Kate S. Pease, *op.cit.*, pp.47- 51

⁹ Alexander Wendt, *Social Theory of International Politics*, (Cambridge: University Press, 1999), p. 31

relations; the state is not necessarily a unitary, rational actor; the nature of the international relations is a complex of conflict and cooperation; the international agenda can be dominated by a vast array of issues.¹⁰ International organizations become answers to cooperation problems in as far as they solve issues of incomplete information and increased transaction costs.¹¹ As such, neoliberals portray states as actors who answer to stimuli steaming from a system of rewards, and therefore are more optimistic in what respects the role of organizations in the global arena. Nonetheless, the central rationale behind the existence of international organizations is instrumentality, in other words organizations are “instruments created to serve state interest”¹².

By using the neoliberal framework, it would be rather difficult to explain the ongoing existence of an organization that does not further the interest of its members, does not help in promoting cooperation, and, therefore, is not an “efficient or effective servant of member interests.”¹³ In addition, attempts of reconstruction intended at legitimizing the actions of an organization and not at enhancing cooperation by mitigating its costs would be either obscure or simply senseless.

Constructivist theories challenge modern realism and liberalism, since constructivists, according to Ruggie, rediscovered Weber’s conclusions: “We are *cultural* beings, endowed with the capacity and the will to take a deliberate attitude towards the world and lend it *significance*.”¹⁴ As such, in *Social Theory of International Politics*, Alexander Wendt questions the materialist structure of the international system, one promoted by both neorealism and neoliberalism and introduces the following two nucleic assumptions¹⁵:

1. The structure of international politics is a social one (as opposed to strictly material);
2. This social structure configures the identities and interests of actors (not merely their behavior).

¹⁰Kelly Kate S. Pease, op.cit, pp. 59 - 60

¹¹ Keohane concludes that international organizations primary assist self-interested state actors in circumventing collective action problems, encouraging cooperation, basing his argument “on the major lesson from game theory, the one of the sensitiveness of behavior to different information opportunities.” See Robert O. Keohane, „Relatiile Internationale: Vechi si Nou”, in Robert. E Goodin and Hans-Dieter Klingemann (ed.), *Manual de Stiinta Politica*, (Iasi: Polirom, 2005), p. 408

¹² Michel N. Barnett, Martha Finnemore, “The Politics, Power and Pathologies of International Organizations”, *International Organization*, Vol. 53, No.4, (Autumn, 1999), p. 703

¹³ See supranote 12.

¹⁴ Max Weber as quoted in John Gerard Ruggie, “What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge”, *International Organization*, Vol. 52, No. 4, 1998, op.cit., p. 856 (emphasis in original)

¹⁵ Alexander Wendt, *Social Theory of International Politics*, (Cambridge University Press, 1999), p. 372

According to Wendt, materialism itself explains relatively little, national interest and identities being formed by ideas and not by material forces per se. The structure of the international system is formed by distributions of ideas, as inter-subjectively constituted endogenous variables, not as external, *given* ones.¹⁶ The part of these ideas, the one shared by actors, forms the culture of the anarchic system; as such, anarchy can take diverse forms – not necessary the Hobbesian model of total war – according to “the culture which is adopted through the interaction of states and the shaping of state interest.”¹⁷ Wendt proposes three types of anarchy according to the ‘embraced’ type of culture: the Hobbesian, the Lockean and the Kantian anarchy. In the Hobbesian culture, the agents are enemies, and they are “constituted by representation of the Other as an actor who (1) does not recognize the right of Self to exist as an autonomous being, and therefore (2) will not willingly limit its violence towards the Self.”¹⁸ In the Lockean culture agents interact as rivals, and unlike enemies they “expect each other to act as if they recognize their sovereignty [...] as a right and therefore not to try to conquer and dominate” one another.¹⁹ The role structure of friendship characterizes the Kantian culture.²⁰

Along these lines, treating an organization as a self-standing subject in international relations does make sense. Barnett and Finnemore develop a constructivist approach rooted in Weberian institutionalism, and argue that the “rational-legal authority that IOs embody gives them power independent of the states that created them”.²¹ These bureaucracies make rules, through which they regulate, but also *constitute* the social world. Interesting here is to note that the good guy – bad guy dichotomy as a predilect label applied to the international organization – states relationship is not necessarily correct. International organizations can become “obsessed with their own rules at the expense of their primary missions”²², become therefore *themselves* inefficient. However, adaptation and change are possible, but usually these are “path-dependent” due to in the rules encoded experience and the organizational culture.²³

¹⁶ Alexander Wendt, “Anarchy is what States Make of it: The Social Construction of Power Politics”, *International Organizations*, (Vol. 46, No. 2, 1992), p. 403-410

¹⁷ Kathleen R. McNamara, „Review on Social Theory on International Politics”, *The Journal of Politics*, (Vol. 63, No. 3, 2001), pp. 997 - 999

¹⁸ Supra note 14, p. 260

¹⁹ Supra note 14, p. 279

²⁰ Supra note 14, p. 298

²¹ Michel N. Barnett, Martha Finnemore, “The Politics, Power and Pathologies of International Organizations”, *International Organization*, Vol. 53, No.4, (Autumn, 1999), p. 699

²² Michael Barnett, Martha Finnemore, *Rules for the World. International Organizations in Global Politics*, (Cornel University Press, 2004), p. 3-9

²³ See supra note 22.

Thus, the choice to look at the OSCE through social constructivist lenses is an explicit choice to address the OSCE not merely as the sum of its members. Yet another major implication of the chosen theoretical framework is the 'permission' for reconstruction models.

Methodological elements, hypotheses and clarification of concepts

Eisenhardt's typology, referring to the functions a case study can fulfill, lists description, testing of a theory and theory generation²⁴. The present case study is undertaken with the aim of achieving descriptive inference, which shall further allow for causal inference. In addition, no divergence with the goal of a case study, proposed by Geering, can be signaled: a case study is an "intensive study of a single unit for the purpose of understanding a larger class of similar units"²⁵. However, the paper pursues rather the internal validity path, without necessarily insisting on extrapolation, and as such without having the 'higher' aim of validation of other cases.

The *Marple method* used in this study, is at a first glance at least bizarre, however, further explanations will render its utility. Suggested by Robert O. Keohane and obviously inspired by the famous Agatha Christie's novels in which the detective is in the same time theoretician and empiricist, it allows as starting point of the research few theoretical hints, followed by the formulation of hypotheses compatible with already gathered proves and concludes with normative models.²⁶ In other words, a deconstruction of the OSCE will be attempted in order to flesh out the goal and the structure of the organization; the analysis of these will then permit the evaluation regarding the need for, respectively lack of need for reconstruction. Based on the outcome of such an analysis ways forward or models for reform will be highlighted.

In order to test the hypothesis of the study (H), i.e. there exists an incompatibility between the goal of the OSCE and the organizational structure, two working hypothesis will be used (wh1, wh2).

²⁴ Kathleen M. Eisenhardt, "Building Theories from Case Study Research", *The Academy of Management Review*, Vol. 14, No. 4 (October 1989), p. 535

²⁵ John Geering, "What Is a Case Study and What Is It Good For?", *American Political Science Review*, Vol. 98, No. 2 (May 2004), p. 342

²⁶ Robert O. Keohane, "Relatiile Internationale: Vechi si Nou", in Robert. E Goodin and Hans-Dieter Klingemann (ed.), *Manual de Stiinta Politica*, (Iasi: Polirom 2005), p. 405-406

Figure 2 – Hypotheses

H: There exists an incompatibility between the goal of the OSCE and the organizational structure.

wh1: The OSCE goal implies measures subscribed to both soft and hard security dimensions.

wh2: The structure of the OSCE is a soft security oriented one.

The previous incursion in the Wendtian constructivist theory is essential for the derivation of the definition of structure employed in the current paper. To paraphrase Wendt and add the Barnett – Finnemore touch, the OSCE is *what states and the OSCE itself make of it* and its structure is therefore understood as a corpus of three elements:

1. shared ideas or culture;
2. material resources, which gain significations precisely through the first element;
3. practice.

In Wendt's exposé, practice refers to the interaction of states, which then produces, reproduces and transforms the culture.²⁷ In the present account, practice does not account solely for the interaction of the OSCE participating states, it refers also to the actions of the OSCE as an autonomous entity. The decisions of the participating states and the actions of the institution per se will be considered in the third analytical segment of this paper.

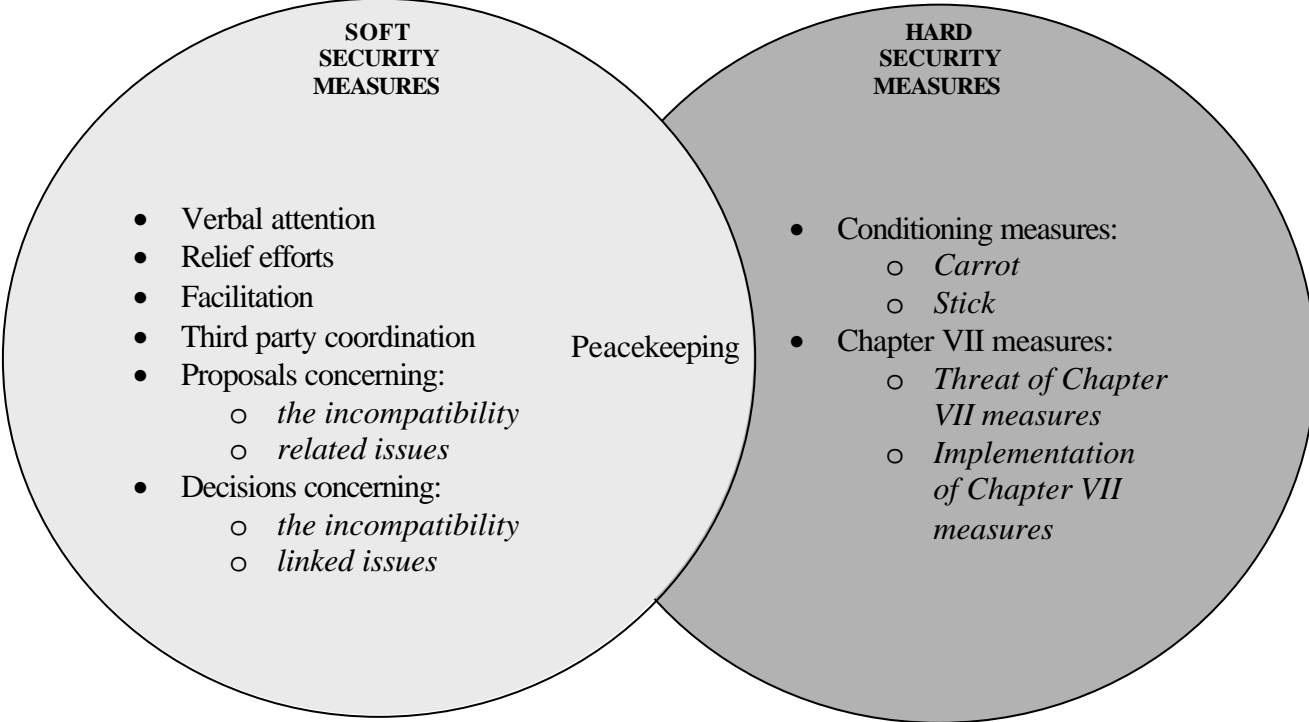
In addition to the definition of the structure, it is also necessary to clarify what soft and hard security are taken to mean for the purpose of the current study. In realist thinking, a hard security threat is one of military nature²⁸ and usually that is the sole security problem perceived as important. However, here not the military character is the main differentiation factor between a hard and soft security approach, but the use of coercion. Coercion then can

²⁷ It is also important to stress that the process of transforming the culture through practice is an "incremental and slow" one. See Alexander Wendt, *Social Theory of International Politics*, (Cambridge University Press, 1999), p. 418

²⁸ See, for example, for a discussion of the traditional/realist view on security and the change from national to human security, Gary King, Christopher J. L. Murray, "Rethinking Human Security", *Political Science Quarterly*, Vol. 116, No. 4. (Winter, 2001-2002), pp. 585-610.

be either of military or of economic nature²⁹. A soft security approach, on the contrary, would assume the employment of persuasion measures as opposed to coercive ones.

Figure 3 - Soft and hard security measures



A threshold that precisely differentiates a hard security measure from a soft one is rather difficult to establish, any such attempt being ultimately arbitrary. For the purpose of the third analytical part of the paper, the two concepts have been operationalized by merging the ‘Lund toolbox’ and ‘Eliasson ladder’³⁰ of conflict management measures. Thus, to exemplify, verbal attention can include declarations of concern, condemnation/support for the actions or actors. Implementation of Chapter VII measures, on the other hand, means enforcement action by the United Nations, a regional organization or a state-actor.

²⁹ Coercive measures could be as well of environmental nature, for example. If one agrees that ethnic and low-income communities will be affected the most by the effects of climate change, it can be argued that withholding a new treaty that mitigates these effects could represent a coercive measure of environmental nature for such communities. However, taking such variables into account, would render the operationalization of concepts extremely difficult in the current study.

³⁰ Michael Lund and Ian Eliasson as quoted in Frida Möller, Magnus Öberg, Peter Wallensteen, “Conflict Prevention in Ethnic Conflicts, 1990-1998”, Paper presented at the ISA Annual Convention, Honolulu, Hawaii, 2005, pp. 11-12. See also Frida Möller, Peter Wallensteen, “Conflict Prevention: Methodology for Knowing the Unknown”, Uppsala Peace Research Papers No. 7, Department for Peace and Conflict Research, Uppsala University, 2003, pp. 4-7.

Analytical demarche

I. The conceptual pillars of the CSCE

The Conference for Security and Cooperation in Europe did not appear in a void of historical developments; hence, its birth certificate is surely to be identified in the détente era,³¹ détente that had major implications on the core concepts of the CSCE. With this historical context in mind, the main conceptual pillars of the CSCE will be discussed – ‘broad Europe’, comprehensive security, follow-up meetings and confidence and security building measures – and thus the implication for the structure and practice of the Helsinki process will be pinpointed.

The concept of *broad Europe*, translated in the CSCE membership³² reaching from Vancouver to Vladivostok, hints to the ambivalent logic underlying the negotiations for the Helsinki Final Act. On the one hand, the CSCE negotiations were marked by a realist thinking that prescribed a need for a balance of power. Therefore, it was necessary to prevent the domination of the conference by the Soviet Union ‘by virtue of its sheer size’³³. On the other hand, there was a prevalent Lockean desire for compromise. If the realist mindset has become synonymous to the Cold War period, the push towards compromise requires explanations and these ought to be traced to the significance of détente.

Suri proposes the understanding of the détente as a counterrevolution to the social turmoil of the 60s.³⁴ In his account, rather domestic dissent and protest – as opposed to nuclear parity³⁵ – pressured political leaders to respond by attempting to relax the foreign

³¹ See for the OSCE and the détente period Victor Yves Ghebali, *La diplomatie de la détente : la CSCE, d'Helsinki à Vienne (1973-1989)*, (Bruxelles : E. Bruylant, 1989).

³² The use of the term membership is improper since the CSCE and today the OSCE have ‘participating states’ and not ‘member states.’

³³ Bjørn Møller, “NATO, OSCE, EU: Role Models for Africa?”, Copenhagen Peace Research Institute, 2003, p. 28

³⁴ Robert S. Snyder, “The Times They Were A-Changing”, *The Review of Politics*, Vol. 66, Issue 3, (Summer 2004), p. 532. – Add to bibliography

³⁵ Wallenstein, and several other commentators of the era, pinpoint the main common interest of the Cold War super-powers to be the management of conflict, since nuclear parity had been obtained and MAD (*mutually assured destruction*) was a certainty. Peter Wallenstein, “American – Soviet Detente: What Went Wrong?”, *Journal of Peace Research*, Vol. 22, No.1, 1985, pp. 1-3; J.I. Coffey, “Detente, Arms Control and European Security”, *International Affairs*, Vol. 52, No. 1, 1976, pp. 39 – 52. The common interest has been translated in a series of agreements: *Non Proliferation Treaty* 1968, *Anti-Ballistic Missile Treaty* 1972, *Strategic Arms Limitation Talks Agreement I and II* 1972, 1979 respectively.

tensions. “At its core, détente was a mechanism for domestic fortification”³⁶. Regardless of where the push for détente came from, strategic concerns or domestic pressure, relaxation was sought, but without however implying a substantive change in the conflict coordinates. In other words, the efforts were not directed towards the elimination of the conflict, but rather towards the regulation of a fundamentally irreconcilable relation, with the aim of achieving ‘quiet’ coexistence through the maintenance of the status quo. It is against this particular background that the Helsinki Final Act’s odd design for the conference - one that envisaged Europe beyond its European borders³⁷ - needs to be regarded.

The concept of *comprehensive security*, at the center of the Helsinki process, is regarded as one (other) essential element for the success of the negotiations for the 1975 Final Act.³⁸ The concept is an innovative mutation by shifting the boundaries of security from ‘hard’ military issues to comprise also ‘soft’ human rights aspects. Such a mutation, or in other words the securitization³⁹ of economic and human dimensions of cooperation, is a particular extraordinary exercise given the context of the Cold War *Realpolitik*. Thus, comprehensive security means that the provisions of the Act do not consider a unique aspect of security, but have an across-the-board approach. In CSCE language, the concept is pictured under the three-basket formula:

- Basket 1: Politico-military aspects of security, including the Decalogue⁴⁰ and confidence building measures.
- Basket 2: Economic and environmental cooperation, with focus on domains such as economy, sciences and environment.

³⁶ Jeremi Suri, *Power and Protest: Global Revolution and the Rise of the Détente*, (Cambridge, MA: Harvard University Press, 2003), p. 213.

³⁷ These signatories of the Helsinki Final Act are: Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, German Democrat Republic, Federal Republic of Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxemburg, Malta, Monaco, The Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, Union of Socialist Soviet Republics, the United Kingdom, the United States of America and Yugoslavia.

³⁸ Comprehensive security served as a force lobbying for compromise, since any of the baskets taken separately would have, most probably, rendered an agreement impossible due to the diverging interests of the USSR and the USA. See Maresca on the operational goals of the West, John J. Maresca, *To Helsinki: the conference on security and cooperation in Europe 1973-1975*, (Duke University Press, 1985), p.6

³⁹ On the concept of securitization see Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis*, (Boulder CO: Lynne Rienner Publishers, 1998), 21-47.

⁴⁰ The principle comprised by the Declaration on Principles Guiding Relations between Participating States (commonly called Decalogue) are: I. Sovereign equality, respect for the rights inherent in sovereignty; II. Refraining from the threat or use of force; III. Inviolability of frontiers; IV. Territorial integrity of States; V. Peaceful settlement of disputes; VI. Non-intervention in internal affairs; VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief; VIII. Equal rights and self-determination of peoples; IX. Co-operation among States; X. Fulfilment in good faith of obligations under international law. See Helsinki Final Act, 1975, http://www.osce.org/documents/mcs/1975/08/4044_en.pdf, last accessed: 03.02.2007

- Basket 3: Cooperation on the human dimension, with the accent falling on human contacts, information, culture and education.⁴¹

The above discussed ‘desire’ for compromise was the catalyst for the agreement upon the concept of comprehensive security. According to Krause, the least controversial aspects were the once comprised in the second basket, since both parts regarded economic cooperation as beneficial – access to advanced technology for the Eastern bloc and new markets for the Western one. The Soviet Union was foremost interested in Basket 1, the Decalogue fulfilling a function of ex post facto legitimization of the post-1945 borders and implicitly of the Soviet political control over Central and Eastern Europe. The Western participating states’ main interest resided in Basket 3, the content of which was in resonance with the rapprochement policy through which a gradual liberalization of the communist regimes was envisaged.⁴²

The fourth basket of the Helsinki Act outlined the means of *per se* functioning of the CSCE. In stark contrast to the North Atlantic Treaty Organization⁴³ and the Warsaw Pact Organization⁴⁴, the other bodies dealing with security issues in Europe, the CSCE was precisely what its name stated: a conference. The nature of the three was fundamentally different and the arrangement of their functioning portrayed this difference. The CSCE, defined in the Helsinki constitutive document as the “multilateral process of improving security“, was to be continued by the organization of meetings hosted in rotation by the participating states, the host being equally responsible for a technical secretariat.⁴⁵ Thus, *the follow-up meetings* were nothing else than a flexible, loose mechanism of consultation between the opposing Cold war blocs. The practical functioning of the forum, then, was heavily dependent on the precise security relations that it was trying to improve. As such, a worsening in the East-West relations simply meant a deterioration of the forum. Indeed, the follow up meetings in Belgrade (4 October 1977 – 8 March 1978) and Madrid (11 November

⁴¹ See supra note 40.

⁴² Joachim Krause, op.cit., pp. 6-11

⁴³ NATO is a collective defense organization, originally of the Western bloc, an “alliance”, “the fundamental role of [which] is to safeguard the freedom and security of its member countries by political and military means.” See NATO presentation <http://www.nato.int/nato-welcome/index.html>, and for details of the principles and functioning see North Atlantic Treaty, <http://www.nato.int/docu/basic/txt/treaty.htm>, last accessed: 10.03.2007

⁴⁴ The Warsaw Treaty Organization was a collective defense organization of the Eastern bloc, which established among others a Joint Command of the armed forces of its members. For further details see Treaty of Friendship, Co-operation and Mutual Assistance, http://www.php.isn.ethz.ch/collections/coll_pcc/wapa_treaty.cfm, last accessed: 10.03.2007

⁴⁵ Expert meetings were also to be held, See Helsinki Final Act, 1975, pp. 57-58, http://www.osce.org/documents/mcs/1975/08/4044_en.pdf, last accessed: 03.02.2007

1980 – 9 September 1983) were among the few contacts between the opposing blocs in a period when the détente policy was abandoned both in the USSR and the USA. Thus, the success of the first meeting was relatively modest, while the second witnessed a breakthrough as a result of bargaining between basket 1 and basket 3 provisions and their implementation.⁴⁶ The Madrid follow-up conference opened the door for the strengthening of the confidence and security building measures regime started in Helsinki.

Confidence and security building measures (CSBMs), as their name fittingly suggests, are aimed at forging trust and, in the context of the Cold War period, they were intended at dispersing the particular dense fog of uncertainty dominating the military domain. The overall goal of the CSBMs is to reduce the probability of a conventional attack, and implicitly of a nuclear one.⁴⁷

In practice, CSBMs are a set of decisions through which the parts undertake, among others, to invite representatives of other states as observers to their military activities that reached a certain threshold of armed forces, to notify in advance the holding of military exercises, to put forward calendars of annual military activities and to abstain from prior unannounced military maneuvers.⁴⁸ The by the Madrid conference mandated *Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe* (1984- 1986) set fourth a second generation of CSBMs, which were to be developed further by the later Vienna Conference (4 November 1986 – 19 January 1989) and subsequent meetings.⁴⁹

In the literature, CSBMs are portrayed as one of CSCE's main activity in the security field. Indeed CSBMs were essential, although identifying them as main cause of – or reason for, depending on the viewpoint – the 'long peace' might be an over-stretch of their true

⁴⁶ On the end of the détente era, the tensions, negotiations and compromises see Stefan Lehne, *The Vienna Meeting of the Conference of Security and Cooperation in Europe 1986-1989. A Turning Point in the East-West Relations*, (Boulder, Col.: Westview Press, 1999), pp.16-19 as quoted in Joachim Krause, op. cit., 12.

⁴⁷ The underlying logic is the following: if one of the parts intended to launch an attack, the CSBM regime would have assured a greater period of prevention for the opposing part, and implicitly a better policy of defense, reducing the chance of an effective offensive and thus making the option of an initial attack less attractive. The most plausible scenario that envisaged a nuclear attack in Europe was the escalation of a conventional war; consequently, the reduction of the probability of the latter happening had direct implications on the avoidance of a nuclear war. See Fred Chernoff, "Negotiating Security and Disarmament in Europe", *International Affairs*, Vol. 60, No. 3, p. 430

⁴⁸ Volker Ritberger, Manfred Efinger, Martin Mendler, "Towards an East – West Security Regime: The Case of Confidence - and Security Building Measures", *Journal of Peace Research*, Vol. 27, No. 1, 1990

⁴⁹ Kemp and co. identify three stages in the evolution of CSBM: The Helsinki Final Act regime (1975-1986), the Stockholm Document regime (1986-1989) and the Vienna Document regime (since 1990). See Walter Kemp, Michal Olejamik, Victor – Yves Ghebali, Andrei Androsov and Keith Jinks (ed.), *OSCE Handbook*, 3rd Edition, OSCE: Vienna, July 2002, p. 120

effectiveness.⁵⁰ Nevertheless, of importance for the current study is the nature of the CSBMs as instruments developed by the CSCE with the aim of fostering security; and it is this nature of *voluntary* commitments, enshrined in *political* declarations – the breach of which could not trigger legal consequences – that circumscribe them to the soft security realm. In this context, it is further essential to note that the *Conventional Armed Forces in Europe Treaty* (CFE), ‘the cornerstone of European security’ although negotiated within the framework of the CSCE, is not a CSCE document as such.⁵¹ As Sapiro notes “it was agreed beforehand, however, that the negotiations would be autonomous and that they would not be formally linked to the CSCE process”⁵². Equally, the Open Skies Agreement, although usually associated with the CSCE, is not one of the Conference’s documents. Overall, characteristic for the CSCE in the military field were non-legally binding commitments, as opposed to hard-law instruments.

To sum up the section on the functioning of the CSCE and to conclude on the attributes of its structure and practice two antagonisms will be put forward: conference versus organization and participant states versus member states. The chosen formula of a series of conferences implied its lack of legal personality, which was further translated into exclusively *political* obligations of the CSCE acts. The range of sanctions for states acting in *mala fide* or as free riders is rather limited, consisting merely in reputation damage. Further, the CSCE was created and functioned as a purely intergovernmental forum – as opposed to one comprising elements of supranationalism – aimed at improving security through dialogue as opposed to imposing security through force.

The functioning of the Conference during a quarter of a century reveals the CSCE culture as one belonging to the “Lockean anarchy”⁵³; although perceiving each other as rivals, the practice of the participating states is one based on compromise, a form of interaction which facilitates ‘survival’. The culture, state practice, corroborated with the lack of material

⁵⁰ Chigas attributes to the OSCE’s CSBM and to the principles of the Decalogue the ‘long peace’. See Diane Chigas, “Preventive Diplomacy and the OSCE: Creating Incentives for Dialogue and Cooperation”, in Abram Chayes, Antonia Handler Chayes (ed.), *Preventing Conflict in the Post-Communist World: Mobilizing International and Regional Organizations*, (Washington: D.C Brookings Institution, 1996), p. 34

⁵¹ The treaty aims at reducing the aggregate level of conventional weapons in Europe and is a legally binding document ratified by the CSCE participating states which are/were also members of NATO or the Warsaw Pact. See Richard A. Falkenrath, “The CFE Flank Dispute: Waiting in the Wings”, *International Security*, Vol. 19, No. 4. (Spring, 1995), pp. 118-144.

⁵² Miriam Sapiro, „Changing the CSCE into the OSCE: Legal Aspects of a Political Transformation”, *The American Journal of International Law*, Vol. 89, No.3, 1995, p. 632, footnote 5

⁵³ A Lockean anarchy where states perceive other states as rivals, but conform to the notion of ‘live and let live’, See John M. Hobson referring to the Wendtian term in “Review on Social Theory of International Politics”, *The American Journal of Sociology*, (Vol. 106, No. 2, 2000), p. 520 - 521

resources of the forum itself, crystallize the CSCE structure as one belonging to the soft security dimension, where not coercion is dominant, but rather persuasion.

II. The OSCE construct

The beginning of the 90s, marked by the fall of the Iron Curtain throws the Conference in an identity crisis. The CSCE represented the ‘round table’ around which the two main powers of the Cold War and their allies gathered; once the blocks vanished, the existence of this meeting mechanism started to be questioned. Three consecutive summits, Paris – 1990, Helsinki – 1992 and Budapest – 1994, reinvented the CSCE, and developed a new mission: the CSCE was envisaged to become the manager of a historical change answering in this way to a set of new challenges⁵⁴.

The current OSCE construct – understood as a corpus of objectives and institutions – is the product of compromise resulted from the different, at times divergent, interests and visions of the participating states. While some pictured the future of the CSCE as the new ‘security umbrella’ of Europe, the Western Europeans intended to draft a surrogate organization for those states wishing to join the existent Euro-Atlantic structures – EU and NATO – and the United States were opposing an OSCE challenging NATO’s supremacy.⁵⁵

The following segment of analysis will firstly look at the conceptual pillars on which the OSCE is build and then at the institutional design of the organization; a third analytical step will focus on the goal of the OSCE, while the last section will briefly address the financial resources intended to sustain the functioning of the organization.

II.1. OSCE core concepts

The concept of comprehensive security central to the CSCE design witnessed continuity, allowing for a “broad understanding of security” which strikes a balance between human, economic, and military aspects of security⁵⁶ in the new organizational framework. As pointed out in the previous section, this inclusionary concept of security was a middle ground

⁵⁴ At the beginning of the 90s the CSCE was witnessing the disintegration of several of its participating states: The Soviet Union, Yugoslavia and Czechoslovakia. The violence that erupted in the USSR and especially in Yugoslavia posed an immense challenge to the Conference.

⁵⁵ Chigas, Diane, op.cit, p. 35

⁵⁶ Heiko Borchert and Wolfgang Zellner, “The Organization for Security and Co-operation in Europe (OSCE) and its Contribution to the Stabilization of Central and Eastern European Countries”, *Columbia International Affairs Online*, January 2003, p.6

approach that managed to reconcile the different priorities of the East and West. In holding on to comprehensive security, the participating states de facto signaled that although the Cold War found an end, new differences, the ones related to 'how to proceed' existed. Throughout the 90s and (maybe even more) today, the importance allotted to particular baskets was and is highly disputed.

At the Paris Summit, the CSCE heads of state and government agreed upon three major commitments, meant to actualize the principles enshrined in the Decalogue: solid commitment for democracy based on human rights and fundamental freedoms, prosperity through economic freedom and social justice, equal security for all states.⁵⁷ The human dimension of security notably gained salience at the beginning of the decade through the Moscow Document (1991) which unequivocally interpreted the Helsinki Decalogue. The participating states "categorically and irrevocably declare that the commitments undertaken in the field of human dimension of the CSCE are matters of direct and legitimate concern to all participating states and do not belong exclusively to the internal affairs of the State concerned."⁵⁸ In 2004, the Commonwealth of Independent States with its main actor the Russian Federation openly expressed its discontent with the priorities and functioning of the OSCE. Among the dissatisfactions, the strongest contestation was raised by the unbalanced development of the three dimensions of security with the "unjustified" expansion of the human dimension in the detriment of the economic and foremost the military aspects.⁵⁹

There is no doubt a tension embedded in the concept of comprehensive security and therefore how the balance is struck between the baskets is an ongoing negotiation process. This means (that the CSCE had and) the OSCE has at its ideational base a concept that is constantly contested, and thus shaped and reshaped. Hence, the structure of the OSCE embodies the characteristic of fluidity.

The CSCE functioned as a series of conferences and its acts had sole political obligation. This type of 'moral ascendant' persisted in the new organizational framework. The Ministerial Council gathered in Rome in 1993 adopted the Decision concerning *Legal Capacity and Privileges and Immunities*, which established that CSCE and its institutions are

⁵⁷ The Paris Summit also established the base for institutionalization of the CSCE, institutionalization seen as needed in order for the new commitments to become reality. See Paris Charter for a New Europe, p. 3-14

⁵⁸ See Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, p. 29

⁵⁹ Victor – Yves Ghebali, "Growing Pains at the OSCE: The Rise and Fall of Russia's Pan-European Expectations", *Cambridge Review of International Affairs*, Vol. 18, No. 3, 2005, pp. 379-381. See also Moscow Declaration, July 2004, <http://www.great-britain.mid.ru/pressrel/pres16-04.htm> and Astana Appeal, September 2004, <http://www.great-britain.mid.ru/pressrel/pres26-04.htm>, last accessed: 20.05.2007

not endowed with international legal capacity. States were to confer on CSCE institutions domestic legal personality as necessary for these to perform their functions.⁶⁰ The explicit will for continuity in what respects the political character of OSCE commitments is to be found in article 22 of the Final Document of the Budapest Summit, which stipulates that “the text of the Budapest document [...] is not eligible for registration under Article 102 of the Charter of the United Nations”. In sum, the Organization for Security and Cooperation in Europe is not based on an international treaty/agreement and has no legal personality in international law. The main implication is the lack of legal force of OSCE’s decisions; non-compliance then does not have legal consequences, the array of sanctions being limited to a politico-moral registry. Compliance with agreed commitments becomes a question of moral obligation. Needless to say that if one looks at other organizations, dealing with or touching on security issues in the European region (NATO, the European Union, the Council of Europe and the Commonwealth of Independent States), the OSCE is indeed the sole organization lacking international personality.

“Co-operative security” is another concept coined by the OSCE. Although cooperation does not necessary imply an intergovernmental formula nor consensus as general rule for the adoption of decision, in OSCE language it is taken to mean precisely the above or “that all 56 states enjoy equal status”⁶¹. Thus, the Organization maintained the CSCE intergovernmentalist approach and the predilection for decision-making through consensus, thus often making the process to reach a decision as important as the decision itself.⁶² It is rather intuitive that an organization using consensual decision-making requires a strong sense of shared values, interests and priorities. The absence of a common understanding of these coordinates is evident from the dissensions regarding which security dimension should be emphasized in the OSCE activity.⁶³ Besides the traditional East-West cleavage, the CSCE/OSCE of the 90s witnessed doctrinal divisions along East-East and West-West lines.⁶⁴

⁶⁰ See Decision concerning Legal Capacity and Privileges and Immunities and CSCE and the New Europe – Our Security is Indivisible, Rome, 1993, pp.16-17 and Miriam Sapiro, op.cit., pp. 631-637

⁶¹ *Fact Sheet: What is the OSCE?*, Vienna, January 2007, http://www.osce.org/publications/sg/2006/09/13554_53_en.pdf, last accessed: 07.05.2007

⁶² Walter Kemp, Michal Olejarnik, Victor – Yves Ghebali, Andrei Androsov and Keith Jinks (ed.), op.cit., p. 11

⁶³ See the discussion above on the concept of comprehensive security and the fluidity of the OSCE structure as a result of the contestation of which security basket should be predominant.

⁶⁴ See for example Chigas, Diane, op.cit, p. 35. Further, the case of Yugoslavia’s disintegration is exemplary. The question of Slovenia and Croatia’s recognition (which had both proclaimed independence in 1991) brought with it a doctrinal division in the former Western bloc. Germany insisted that humanitarian concerns should prevail and thus Slovenia and Croatia should be recognized as full fledged states, hence making any Yugoslav Army attack on the two illegitimate and illegal. France and the UK embraced the 1975 principles enshrined in the

Lacking a shared understanding of the values and priorities, the decisions reached through consensus tend to be rather of soft character, since hard security issues are by their nature rather divisive⁶⁵. Consequently, despite the by many commended OSCE flexibility, the consensus rule renders the organization rather inflexible when it comes to hard security issues.

In order to mitigate such decisional stiffness, two derogations from the consensus rule have been agreed on, the Prague introduced *consensus minus one*⁶⁶ and the Stockholm *consensus minus two*.⁶⁷ However, in practice the CSCE/OSCE made only once appeal to the above mechanisms, in 1992 in the case of Yugoslavia's suspension.⁶⁸

A significant departure from the CSCE tradition is the renunciation of the conference type forum and the decision to establish an organization. Subsequent summits and ministerial councils set the institutionalization process in motion. Thus, if the Paris Charter represented the cornerstone of the transition, the Budapest summit witnessed a momentum, since it established the change in name from CSCE to OSCE.

It is interesting to note, on a symbolic level, that although the forum is now called organization, the notion of participating states as opposed to member states has been retained. In fact, the perpetuation of the term participating states reinforces the ambiguous character of the change that was discussed in this section. An 'organization' usually refers to an entity endowed with international juridical personality, however as pointed out the OSCE lacks such attribute. It might seem then that the OSCE is a rather 'unfinished'⁶⁹ organization.

Decalogue, specifically the integrity of States, arguing that recognition would wrongly signalize the readiness of the international community to protect the sovereignty of new states. Mike Bowker, "The Wars in Yugoslavia: Russia and the International Community", *Europe – Asia Studies*, Vol. 50, No. 7, 1998, p. 1248.

⁶⁵ This point will be verified in the analysis of CSCE/OSCE's involvement in the management of violent conflicts. See also Ioana Cismas, op.cit. However, the point is rather intuitive. Consensus is easier to reach for verbal attention (e.g. joint declaration condemning the parts for engaging into conflict) than for a measure under chapter VII (e.g. enforcement action).

⁶⁶ In specific situations, where massive violations of human rights are observed, through the *consensus minus one* mechanism actions can be undertaken without the consent of the CSCE state perpetrating such acts. *Prague Document on Further Development of the CSCE Institutions and Structures*, 1992, p. 17, para. 16

⁶⁷ The *consensus minus two* mechanism can be appealed to in the case of a dispute between two CSCE states, which are then to accept the decision of the Ministerial Council and seek conciliation. *OSCE Peaceful Settlement of Disputes*, Stockholm, 1992, pp. 53-54.

⁶⁸ Walter Kemp, Michal Olejarnik, Victor – Yves Ghebali, Andrei Androsov, Keith Jinks (ed.), *OSCE Handbook*, 3rd Edition, OSCE, Vienna, July 2002, p.15.

⁶⁹ The attribute of 'unfinished' would be identified by those considering political obligations – soft law – as an interim step toward harder legalization. In such an account, the OSCE would be a full-fledged organization once its acts are legally binding. See for the concepts Abbott, Kenneth W., Snidal, Duncan, 2000, *Hard and Soft Law in International Governance*, *International Organization*, Vol. 58, No. 3, pp. 421-422. For the critique of the current lack of personality of the OSCE see *Common Purpose: Towards a More Effective OSCE*, Final Report

Nonetheless, as this section stresses, the unique format of the OSCE is precisely what its founders intended, its architects designed and the activity of the organization embraced and developed. To sum up, the culture of the OSCE as it was shaped by the interaction of the states in the process of institutional transition is marked by Lockean attributes. Lockean refers to a specific nature of the actors – rivals – and to particular modalities of interaction – ‘live and let live’. States interact as rivals since they contest each other’s views on the values and priorities the organization ought to stand for. The interaction between the rivals then is not a zero sum game, but it follows a logic of compromise in which divergent positions are watered down until a common standpoint is achieved.

II.2. Institutional design of the OSCE

The lack of a treaty with statutory role is the element most often regarded as defining for the OSCE’s intensely quoted flexibility. The explicit commitment towards organizational flexibility is to be found in the Budapest Summit Document (1994): “In its organizational development the CSCE will remain flexible and dynamic. [...] The CSCE will regularly review its goals, operations and structural arrangements.”⁷⁰ Indeed, in what respects the institutions and operations the CSCE/OSCE experienced tremendous change and adaptation. In the remainder of the section, a brief description of the current institutional outlook of the organization will be put forward.⁷¹

The summits and the ministerial councils are the highest decision-making pseudo-institutions. Both organisms are clear indicators of the strong intergovernmentalist approach dominating the OSCE. The summits are periodical meetings of the heads of state and government, intended to take place once every two years. Their role is to set priorities and strategic guidelines for the functioning of the organization.⁷² The Ministerial Council takes

and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE, Vienna, 27 June 2005, p.19

⁷⁰ See *Towards a Genuine Partnership in a New Era: Budapest Summit Document, 1994*, p. 4, para. 29, http://www.osce.org/documents/mcs/1994/12/4048_en.pdf, last accessed: 03.03.2007

⁷¹ The description of the institutions is based on CSCE/OSCE official documents (summits, ministerial councils etc.), on information provided by the OSCE webpage (www.osce.org) and draws on the OSCE Handbook. (Walter Kemp, Michal Olejarnik, Victor – Yves Ghebali, Andrei Androsof, Keith Jinks (ed.), OSCE Handbook, 3rd Edition, OSCE, Vienna, July 2002, pp. 20- 39). For the graphic representation of the institutions see Annex I.

⁷² Between 1999 and 2007 summits have not been convened and some Ministerial Council meetings did not result in a Final Document (Vienna 2000, Ljubljana 2006). Among the interpretations put forward is the vanishing in importance of the OSCE or the deep disagreements regarding the organizational future. See Robert L. Barry, *The Future of the OSCE*, BASIC Special Report 2003.1, British American Security Information Council, <http://www.basicint.org/pubs/futureosce-fin.pdf>, last accessed: 02.02.2006 and Randolph Oberschmidt, Wolfgang Zellner, *OSCE At The Crossroads*, Working Paper No. 2, Hamburg: Center for OSCE Research, 2001

place at least once per year (the years without a summit). The Foreign ministers of the participating states have the main power of decision between the summits and their main task is the evaluation of OSCE activity against the set political objectives.

The Permanent Council with the seat in Vienna is the body responsible for the running of the day-to-day business of the organization. The Senior Council initiated in order to prepare the meetings of the Ministerial Council, to implement its decisions and monitor daily work of the OSCE has become an obsolete organism.⁷³ The Permanent Council today performs most of its activities, thus since 1997 the Senior Council meets exclusively as the Economic Council.

The Forum for Security Cooperation institutionalized the conferences dealing with military issues in the past. The organ meets weekly in Vienna and its main tasks relate to arms control, disarmament and CSBMs. However, recently the activity of the forum is mostly related to implementation issues while negotiations for updated arms control regimes stall.⁷⁴ Unlike NATO, the OSCE does not have a unified command, nor does it have unified operational armed forces.⁷⁵ The OSCE related treaty, the CFE, is equally facing a deadlock with the Russian Federations' recent withdrawal.⁷⁶

The Chairman-in-office fulfils executive and coordination tasks, including monitoring of conflict prevention activities, conflict management and post-conflict rehabilitation. The Chairmanship functions according to a rotating principle with a mandate of one year. The Chairman can appoint its personal representatives to deal with emerging conflicts and is assisted by the Secretary General. Several reports criticize the confusion, overlap and lack of teeth of both the Chairman and Secretary General.⁷⁷ The Secretariat with its main seat in Vienna and a branch in Prague offers operational support to the organization. As part of the Secretariat, the Center for Conflict Prevention with responsibilities in early warning, conflict

http://www.core-hamburg.de/documents/16_working_paper_2.PDF, last accessed: 14.02.2006

⁷³ In 2006, the Senior Council has been officially dissolved and its attributions, with the exception of the economic ones, which rest with the Economic Council, have been entrusted to the Permanent Council. See OSCE, Ministerial Council Decision No. 04/06, OSCE Senior Council, 26 July 2006.

⁷⁴ See a critique of the current activity of the Forum for Security Cooperation in Wolfgang Zellner (ed.), *Managing Change in Europe*, Center for OSCE Research, Working Paper 13, Hamburg, 2005, p.23, http://www.core-hamburg.de/documents/CORE_Working_Paper_13.pdf, last accessed: 12.02.2007

⁷⁵ See for a comparison NATO command and structure, http://www.nato.int/issues/military_structure/command/index-e.html, and OSCE Forum for Security Cooperation, <http://www.osce.org/fsc/13009.html>, last accessed: 12.05.2007

⁷⁶ See for a press commentary "Russians suspend European arms pact; Putin's move reflects Kremlin anger over U.S. antimissile plan", *The International Herald Tribune*, April 27, 2007 and "President Pulls Out of a Key Treaty", *The Moscow Times*, July 16, 2007

⁷⁷ See for example Report on the Colloquium on "The Future of the OSCE", A joint Project of the OSCE Parliamentary Assembly and the Swiss Institute for World Affairs, Washington, 56 June 2005, p. 4, and *Common Purpose: Towards a More Effective OSCE*, Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE, Vienna, 27 June 2005, p.20

prevention activities, conflict management and post-conflict rehabilitation, is the key link to the OSCE field missions. The Secretariat is one of the most often mentioned institutions in need for reform.⁷⁸

The Office for Democratic Institutions and Human Rights, a truly post-Cold War institution represents the ‘assistant for change’ of the new democracies. Its main tasks are the promotion of democratic elections through election observation and training of the involved monitors, practical support in consolidation of democratic institutions, human rights regimes and strengthening of civil society.⁷⁹ OSCE Representative on Freedom of the Media has the role to assist governments in building a free, independent and pluralistic media system.⁸⁰ The High Commissioner on National Minorities is usually quoted as one of the success institutions of the OSCE. Its main responsibility, to identify ethnic tensions with escalation potential, makes it a per se preventive diplomacy instrument.⁸¹

OSCE Long Term Missions (LTMs) are not based on a pre-established formula and do not have a generally applicable concept at their base. They tend to be set up in a rather pragmatic manner, according to the perceived needs, thus differing in terms of budget, personnel and attributions. Nevertheless, LTMs have a series of common characteristics: their mandate originates in the Permanent Council (initially it was the decision of the Senior Council); they function based on a memorandum of understanding concluded with the host country and the other party to the conflict; the principle of secondment is used for staffing.⁸² The missions are the fundamental OSCE instruments of conflict prevention fulfilling a wide array of tasks, among which: reporting of the on the ground situation, identification of tensions, promotion of dialogue among parties in conflict, human rights regime - and democratic institution building support, facilitation of humanitarian assistance. As the name suggests, LTMs have a long-term presence in the host country, as such they assure a detailed image of the situation on the ground, accurate mapping of the problems, tensions and

⁷⁸ See for example Wolfgang Zellner (ed), op.cit., p.29

⁷⁹ See more on the ODIHR in Randolph Oberschmidt, “Ten Years of the Office for Democratic Institutions and Human Rights-An Interim Assessment”, IFSH (ed.), *OSZE Yearbook 2001*, Baden-Baden 2002, pp. 387-400

⁸⁰ See more on the activity of the OSCE RFOM in Freimut Duwe, “Six Years as OSCE Representative on Freedom of the Media- An Assessment”, *OSZE Yearbook 2004*, Baden-Baden 2005, p. 467-472 and Christian Moeller, “Press Freedom in the OSCE Area and the Activities of the OSCE Media Representative”, Victor-Yves Ghebali, Daniel Warner, Barbara Gimelli (eds), *The Future of the OSCE in the perspective of the enlargements of NATO and EU*, Geneva 2004, pp. 123-145

⁸¹ There exists extensive literature on the activity of the OSCE HCNM, see for example Walter A. Kemp (ed.), *Quiet Diplomacy in Action: The OSCE High Commissioner on National Minorities*, (Kluwer Law International, 2001).

⁸² Victor Yves Ghebali,, “Preventive Diplomacy as Visited from the OSCE”, in Victor Yves Ghebali, Daniel Warner (ed.), *The OSCE and Preventive Diplomacy*, PSIO Occasional Paper No.1/1999, Program for the Study of International Organization, Geneva, pp. 10-11

potential conflicts and permit the developing of personal relationships with locals. Such elements confer the “capacity of managing programs which could not be handled by visiting experts.”⁸³

The Court of Conciliation and Arbitration entails a series of aspects which are in dissonance with the OSCE doctrine based on moral authority as opposed to a legal one. The Court as such is not an OSCE institution since its independent statute binds legally only those states that adhered to it. Nevertheless, in theory the OSCE could make use of this mechanism characterized by “exhaustive legal and practical functions”⁸⁴ suited to interpret its acts and solve the disputes between participating states in an authoritative manner and most significant in a binding one. In practice however, not a single case has been brought to the attention of the Court since its initiation in 1995.

The brief discussion on the OSCE institutions reveals two separate features. Firstly, although there is no supranational institution⁸⁵ assuring a unified military command of the OSCE participating states, the institutional design per se is not incompatible with hard security measures on the military dimension. A second aspect which was emphasized by the above presentation is the contestation of the institutional design of the organization. Indeed recent observers of the OSCE might find the last years strikingly tumultuous in relation to the institutional outlook. However, with few exceptions, the main critique regards the functioning of the institutions, that is the OSCE practice, and not the functions with which these are endowed. And, for a fair conclusion of this section, it is essential to stress again that the contestation of the functioning of the CSCE/OSCE organisms has developed as an almost traditional characteristic. Thus, institutional adaptation to ‘a new security environment’ has been an ongoing demand since the Cold War period and throughout the more recent history. Hence, contestation shows a pattern of continuity.

⁸³ Robert L. Barry, op.cit., p. 28. In theory, OSCE long-term missions would come close to bottom-up approaches in post-conflict reconstruction, since they emphasize local inputs: resources and knowledge. See an appeal for such an approach Béatrice Pouligny, “Civil Society and Post-Conflict Peace Building: Ambiguities of International Programs Aimed at Building ‘New Societies’,” *Security Dialogue* , 36:4 (December 2005), 495-510.

⁸⁴ Patricia Schneider, Tim J. Aristide Mueller Wolf, *The Court of Conciliation and Arbitration within the OSCE*, CORE Working Paper 16, Center for OSCE Research, Hamburg, 2007, p. 4

⁸⁵ The model of NATO and the defunct Warsaw Treaty Organization seem to suggest that hard security measures of military nature are rather pursued by organizations that have a minimum of supranational elements, i.e. unified military command, common statutory policy in conflict cases etc. Similar the EU supranational characteristics seem to make it more suited for hard security measure on the economic dimension. However, the above are mostly presuppositions since there is no fundamental objection on why a purely intergovernmental body could not pursue hard security measures. The UN Security Council might be a case in question.

II.3. The goal of the OSCE

Despite the explicitly assumed and in most fields ‘implemented’ organizational flexibility, the goal of the OSCE does not make the object of the flexibility commitment. The OSCE fundamental goal was clearly defined by the 1992 Helsinki Summit and subsequent summits, ministerial councils and other official stances, without exception, upheld it.

In 1992, *The Challenges of Change* Document proclaims the CSCE regional organization under Chapter VIII of the United Nations Charter.⁸⁶ There are major implications of such a singular proclamation on the European continent.

According to Article 52 of the Charter, the OSCE becomes *the* legitimate body to guard the maintenance of peace and security in the region. Under paragraph 2, the OSCE is responsible for undertaking “every effort to achieve pacific settlement of local disputes [...] before referring them to the Security Council.”⁸⁷ In legal terms, the above means, that if a dispute arises in the OSCE region, the Organization is the prime resort arrangement that ought to address the dispute and ensure, to the best of its means, that such disagreement is peacefully resolved. Paragraph 3 stipulates that the Security Council can refer local dispute to – in this case – the OSCE for the development of pacific settlement. In other words, the Security Council can delegate its responsibility of peace and security maintenance and use the OSCE as its ‘clearinghouse’ in the realm of European security. This instrumentality is not only reinforced but also qualitatively transformed by Article 53 paragraph 1, which specifies that: “The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority”⁸⁸. Hence, the stipulation has direct consequences in what respects the activity of the OSCE on the hard security dimension of military nature, since the OSCE could be required by the Security Council to pursue such actions. The same paragraph further provides that enforcement action by regional arrangements without the authorization of the Security Council is outlawed. The logic of deduction then suggests that authorized enforcement action is admissible and thus the OSCE could, if authorized, perform such activity.

Given the proclamation of the Organization for Security and Cooperation in Europe as regional organization under Chapter VIII, *the goal of the OSCE is maintenance of peace and security in its region*. The OSCE is then, as is evident from the reading of OSCE official

⁸⁶ The Challenges of Change: Helsinki Document, 1992, p.11, http://www.osce.org/documents/mcs/1992/07/4046_en.pdf, last accessed: 05.05.2007

⁸⁷ UN Charter, Article 52, para 2, <http://www.un.org/aboutun/charter/>, last accessed: 05.05.2007

⁸⁸ See supra note 78, Article 53, para 1.

documents and even from its general presentation brochure: “*a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in the region*”⁸⁹.

Essential for the current paper is the bi-dimension of the goal and of its subsumed objectives. The employing of coercive measure, lack thereof respectively, differentiates the two dimensions. Thus, one dimension of the goal – maintenance of peace and security by enforcement action – is subscribed to hard security, while the other – peaceful settlement of disputes – belongs to the realm of soft security.

In sum, working towards the fulfillment of its goal, means that in practice the OSCE is expected to perform activities and employ measures that are subscribed to the soft security dimension as well as to the hard security one.

II.4. Financial resources

Material resources are regarded, in this paper, as relevant for the nature of the structure of the organization. Therefore, a succinct presentation of the financial aspects of the OSCE will be put forward in this section.

The OSCE budget has two segments, one comprising the expenses needed for the running of the organization, under the heading of funds related to the secretariat and institutions, and a second part related to OSCE field operations. Financing is assured by contributions of the participating states according to two distinct scales corresponding to the two budgetary segments.⁹⁰

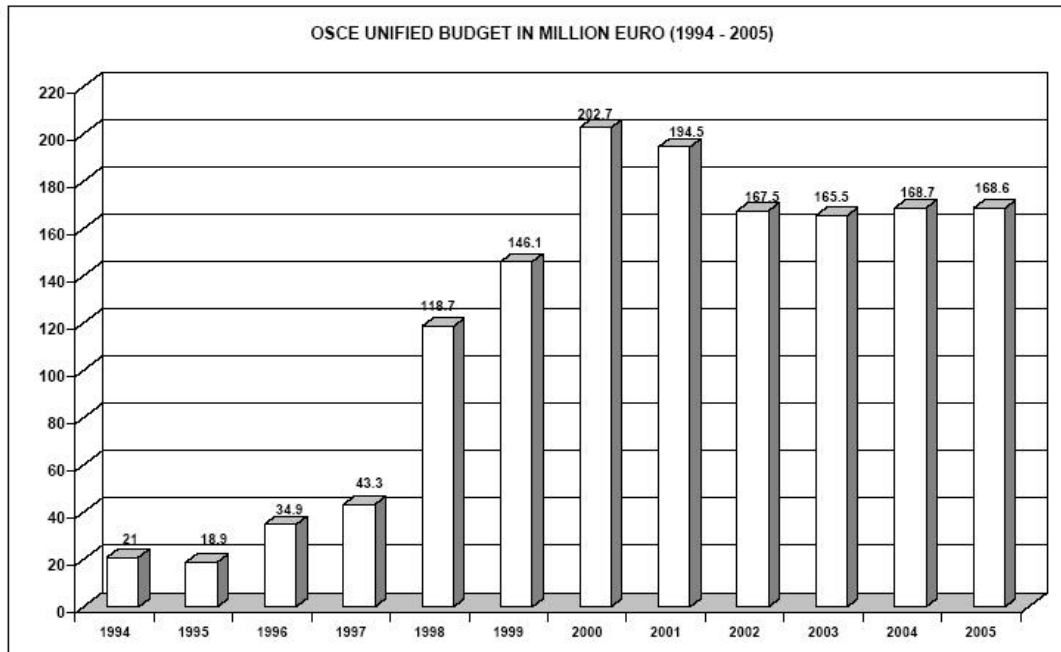
The OSCE institutions – Secretariat, ODHIR, HCNM and RFOM – employ around 450 staff. Some 3000 people work for the 19 OSCE field missions, approximately 80% of them being locally contracted and paid out of the corresponding missions’ budget, while the international staff is paid by their ‘seconding’ government.⁹¹

⁸⁹ See for example the presentation brochure posted on the OSCE website *Fact Sheet: What is the OSCE?*, January 2007, http://www.osce.org/publications/sg/2006/09/13554_53_en.pdf, last accessed: 07.05.2007

⁹⁰ See Annex II – Scale of Distribution for the Regular OSCE Budget and Scale for Large OSCE Missions and Projects

⁹¹ OSCE Facts and Figures, <http://www.osce.org/about/19298.html>, last accessed: 05.05.2007

Figure 4 – Evolution of the Unified Budget expressed in million euros for the period 1994-2005⁹²



The biggest part of the budget – roughly 70% on average in the last 5 years – goes to field operations. During the 90s the OSCE missions multiplied and diversified, hence an expansion of the budget can be observed, from 21 million euros in 1994 to around 168 millions in 2005. The 2006 and 2007 figures⁹³ show a stabilization around the 160 million euro threshold due to the Zero Nominal Growth. The principle of Zero Nominal Growth – which implies that the real value of the budget in fact declines – currently adopted by the OSCE as a compromise solution after the 2004 budgetary authorization crisis⁹⁴ is dissatisfactory to some participating states.⁹⁵

Since the budgetary construction of the OSCE, NATO and the EU differs profoundly a comparison of the financial resources of the three organizations is problematic. Nonetheless, such a comparative stance could shed some light on the financial power of the OSCE. Taking into account the above stated limit, a comparison of a segment of the budget of the three will

⁹² Source: Organization for Security and Cooperation in Europe, Growth of the Organization, http://www.osce.org/documents/osce/2005/05/14487_en.pdf, last accessed: 05.06.2007

⁹³ 163 million for 2006 and 168 million for the 2007 budget. See supra note 83.

⁹⁴ The crisis was provoked by the Russian Federation as an attempt to push forward its views on the OSCE reform, see Vladimir Socor, “OSCE ‘Reform’ Or a New Lease on Life?”, *Euroasia Daily Monitor*, 16 December 2004, http://jamestown.org/edm/article.php?article_id=2369018, last accessed: 03.04.2006

⁹⁵ Norway for example expresses its discontent with the current arrangement and considers that “the budget should be based on actual needs”, See Norwegian Talking Points after the decision on the Unified Budget 2007, OSCE Permanent Council, Vienna, 2 February 2007, http://www.osce.org/documents/pc/2007/02/23169_en.pdf, last accessed: 05.06.2007

be attempted, a segment that is similar in scope and modality of construction. For the year 2005, the absolute figure that corresponds to the Regular OSCE budget is approximately 43 million euros.⁹⁶ For the same year the Civil budget of NATO is about 130 million euros⁹⁷ and the EU budget for the administration of its institutions amounts to some 6 billion euros.⁹⁸ Thus, with the assumed methodological limits, such a parallel still permits the conclusion that the OSCE is a low budget organization. One of the main consequences of the restricted/lack of financial power of the OSCE is its inability of engaging into coercive economic measures while performing the activity of maintenance of peace and security.

III. Analysis of the involvement of the CSCE/OSCE in violent conflicts, 1990-2005

This section is based on a prior study, which researched the CSCE/OSCE management of violent conflicts⁹⁹ in South-Eastern Europe, Eastern Europe, Caucasus, and Central Asia in the period 1990-2005.¹⁰⁰ The intention of this analytical step is to clarify the practice of the Organization.

Building on the premises that violent disputes require both soft and hard measures in order to be solved, the study refers mainly to intermediary armed conflicts and wars¹⁰¹. The chosen time span – 1990-2005 – coincides with the institutionalization process of the OSCE and with maintenance of peace and security becoming the assumed goal of the organization. The spatial limit is exclusively motivated by the OSCE jurisdiction, i.e. those conflicts are analyzed from the area covered by the membership of the organization. Thus, in South-Eastern Europe the activity of the OSCE has been analyzed during the Yugoslav wars, the

⁹⁶ Organization for Security and Cooperation, 2005 Revised Unified Budget, http://www.osce.org/publications/sg/2006/04/18784_602_en.pdf, last accessed: 20.05.2007

⁹⁷ World Security Network, Budget cuts worry NATO general, http://www.worldsecuritynetwork.com/showArticle3.cfm?article_id=11283, last accessed: 20.05.2007

⁹⁸ European Union, Annex Part 2 – Financing of the General Budget, http://europa.eu.int/eur-lex/budget/data/D2005_VOL1/EN/nmc-grseq42960935830-3/index.html, last accessed: 20.05.2007

⁹⁹ The term conflict is taken to mean: a clash of interests/positions regarding national issues – territory, secession, decolonization, autonomy, ideology, national, regional or international power, resources etc. – which has a certain length and intensity, and involves at least two opposing actors – organized groups, states, group of states, organizations – determined to follow and impose their interest. See Heidelberger Institut für Internationale Konfliktforschung, http://www.hiik.de/de/index_d.htm, last accessed: 17.04.2006

¹⁰⁰ Ioana Cismas, *OSCE, un construct idealist într-un mediu realist*, Lucrare de diploma, SNSPA, Bucuresti, 2006

¹⁰¹ According to Wallensteen and Sollenberg's classification: armed conflicts, the number of victims in combat is under 1000; intermediary armed conflicts, number of victims in combat is under 1000, however for the total years of fighting it is over 1000; war, the number of victims during a year of combat is over 1000. See Peter Wallensteen, Margareta Sollenberg, "Armed Conflicts, Conflict Termination and Peace Agreements, 1989-96", *Journal of Peace Research*, (Vol. 36, No. 3, 1997), p. 339. I adopted this definition of conflict for reasons that facilitate the research; however, I acknowledge that it is unsatisfactory as long as full-fledged violence short of war is excluded.

Kosovo War, the violent conflict in Macedonia and in Southern Serbia in 2001. In Eastern Europe, the study focuses on the conflict in the Eastern part of the Republic of Moldova (Transnistria). In the Caucasus OSCE implication in the following conflicts has been researched: The Nagorno-Karabakh conflict in Azerbaijan, the Chechen Wars in the Russian Federation, the Abkhazian and South-Ossetian conflicts in Georgia and the conflict in Tajikistan for Central Asia.

Hence, the analysis focused on carving out the measures utilized by the Organization in its conflict management activity by mirroring the OSCE measures against the ones pinpointed in Figure 3. In the remainder, a summary of the findings will be put forward¹⁰².

III.1. OSCE and violent conflicts in South-Eastern Europe

The Yugoslav Wars: 1991 - 1995

The breakout of the Yugoslav crisis in the early 1990s coincided with CSCE's identity crisis and its transformation attempts. Between 1991 and April 27, 1992¹⁰³, CSCE's efforts of preventing the conflict consisted of a series of declarations that invited the "peoples of Yugoslavia" to peaceful dialogue, condemned the use of force and offered good office.¹⁰⁴ These attempts of conflict mediation are subscribed to the soft security realm.

The Helsinki Summit in July 1992 registered a primer in CSCE's history, the suspension of one of the Conference's members. Thus, after intense negotiations, Yugoslavia was deemed in breach of its obligations and was suspended from the forum. Another CSCE action, meant to prevent snowball effects of the conflict in the region has been the setting up of long-term missions in Pristine and in Skopje. The official aim of the two missions was to promote dialogue between communities, to identify possible human rights violations and individual liberties shortcomings and to offer solutions.¹⁰⁵ In what respects measures

¹⁰² Given the space constraints, the presentation will be highly schematic with pinpointing some of the measures employed by the OSCE in its conflict management activity and without offering a conflict history.

¹⁰³ 27 April 1992 is formally considered the start of the violent conflict.

¹⁰⁴ See Conference for Security and Cooperation, *Statement on the Situation in Yugoslavia of the Meeting of the CSCE Council of Ministers*, Berlin, June 1991, p. 9 and *Urgent Appeal for A Cease-Fire*, Prague, 3 July 1991, in Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", *The American Journal of International Law*, Vol. 86, No. 3, 1992, p. 573.

¹⁰⁵ See The OSCE Missions of Long Duration in Kosovo, Sandjak and Vojvodina, <http://www.osce.org/item/15753.html> and OSCE Spillover Monitor Mission to Skopje, <http://www.osce.org/skopje/>, last accessed: 15.05.2006

involving military capacities, it was the UN troops charged with peacekeeping operations and humanitarian aid and NATO that intervened militarily in the conflict.

OSCE's intensive involvement in the region, started once the armed conflict found a resolution. The OSCE long-term mission in Bosnia and Herzegovina¹⁰⁶ and the one in Croatia¹⁰⁷ belong to the soft security spectrum given their goal, post-conflict rehabilitation, and the effective implementation measures. Among these measures, OSCE favored persuasion as opposed to economic or military coercion.

The Kosovo conflict: 1998 – 1999

As pointed out above, in the early 1990s CSCE established a mission to Kosovo in an attempt to prevent contamination effects of the Yugoslav crisis. However, in 1993 the Belgrade authorities refused to extend the permission of the CSCE presence in Kosovo.¹⁰⁸ Faced with such a refusal the CSCE/OSCE Lockean culture seems to have prevailed, and the conceived long-term mission found an early end.

OSCE's involvement in the management of the violent conflict in Kosovo amount to the deploying of the Kosovo Verification Mission. The mandate of the mission agreed to by the OSCE Chairman-in-office and the Yugoslav authorities rested on the Security Council resolutions 1160, 1199 and 1203 from 1998. The attributions of the OSCE mission included: verification of compliance with the cease-fire by all parties in Kosovo and investigation of violations; request of reports regarding movements of forces; monitoring of the Kosovo elections; assistance to international organizations and verification of the level of co-operation and support provided by the Former Yugoslav Republic and its entities to the humanitarian organizations and accredited NGOs.¹⁰⁹ As the symbolism of its name suggests and its mandate stresses, the OSCE mission to Kosovo was envisaged to be the supervisor of the

¹⁰⁶ The mandate of the OSCE Mission in Bosnia and Herzegovina follows the provisions of the Dayton Agreement and focuses on three aspects: organization and supervision of elections, human rights monitoring and facilitation of monitoring of arms control and CSB arrangements and regional armament control. See OSCE Mission to Bosnia and Herzegovina Fact Sheet, <http://www.oscebih.org/documents/46-eng.pdf>, last accessed: 25.04.2006.

¹⁰⁷ The OSCE Mission to Croatia witnessed three phases in its work: a monitoring phase, in which the Mission's goal was to observe and supervise Croatia's progress towards democracy and the rule of law; since 2000 an advisory phase, focused on legislative consultation; the third phase amounts to implementation assistance in what respects the legislation or the resolution of delicate political issues. Organization for Security and Cooperation, OSCE Mission to Croatia Fact Sheet, http://www.osce.org/publications/mc/2004/11/13563_62_en.pdf, last accessed: 10.05.2006

¹⁰⁸ The OSCE Missions of Long Duration in Kosovo, Sandjak and Vojvodina, <http://www.osce.org/item/15753.html>, last accessed: 15.05.2006

¹⁰⁹ OSCE, *Kosovo Verification Mission*, <http://www.osce.org/item/22063.html>, last accessed: 15.05.2006.

implementation process outlined by the UN Security Council. The mission's activity however fell short of the fulfillment of such a role, since, as OSCE documents themselves note, the 1500 unarmed observers were "unable to carry out the full scope allocated under the FRY-OSCE Agreement."¹¹⁰ The lack of activity on the hard security dimension is eloquently highlighted by the Organization's Foreign Ministers appeal to third parties, i.e. NATO, to guarantee the security of the OSCE mission's personnel.¹¹¹ Indeed, security concerns were at the basis of the early departure of the OSCE mission in Kosovo.

In the post-conflict phase, the OSCE was made responsible with the third pillar, Democratization and Institution Building, of the *United Nations Interim Administration Mission in Kosovo*, while the first and second pillars, Police and Justice, Civil Administration respectively are UN-led and the European Union leads the fourth pillar, Reconstruction and Economic Development.¹¹²

The violent conflict in Macedonia: 2001

The OSCE presence in Macedonia dates back to 1992, when the *OSCE Spillover Monitor Mission to Skopje* was established with the declared goal of promoting "the maintenance of peace, stability and security, and to prevent possible conflict in the region."¹¹³ The main activities performed by the mission referred to monitoring and reporting of the situation on the ground. Based on the assessments, the OSCE High Commissioner on National Minorities (HCNM) prepared recommendations for the Macedonian authorities intended at de-tensioning the inter-ethnic relations. OSCE observers have supervised the 1996, 1998 and 1999 elections and the Office for Democratic Institutions and Human Rights (ODIHR) published its reports and suggestions aimed at improving the situation for minority groups.

In the absence of coercive strings, the eight-member OSCE mission¹¹⁴ had limited success in obtaining the proposed change. Nonetheless, it is unclear that the eruption of the conflict in 2001 could have been stalled if the Macedonian authorities would have been coerced to follow the OSCE recommendations. However, the importance of organizational

¹¹⁰ Organization for Security and Cooperation in Europe, Conflict Prevention Center, *Survey of OSCE Long - Term Missions and Other OSCE Field Activities*, Vienna, 2005, p. 67

¹¹¹ OSCE, *Statement on Kosovo of the Ministerial Council*, Oslo, December 1998, pp. 7-8, http://www.osce.org/documents/mcs/1998/12/4168_en.pdf, last accessed: 20.01.2006

¹¹² UNMIK, *UNMIK at a glance*, <http://www.unmikonline.org/intro.htm>, last accessed: 20.07.2006

¹¹³ Organization for Security and Cooperation in Europe, *Mandate of the OSCE Spillover Monitor Mission to Skopje*, p. 1

¹¹⁴ See OSCE, Organization for Security and Cooperation in Europe, *OSCE Spillover Monitor Mission to Skopje - Mission Survey*, <http://www.osce.org/skopje/13260.html>, last accessed: 15.05. 2006.

teeth can be deduced in the conflict phase: NATO and the European Union brokered the ceasefire and served as facilitators for the Ohrid Agreement, not the OSCE, although the latter had substantially more knowledge about the political, economic and social reality of Macedonia. In the post conflict phase the OSCE mission was tasked with assisting the authorities with a range of confidence building measures to support the implementation of the Ohrid Agreement.¹¹⁵

The conflict in Southern Serbia: 2001

The Organization for Security and Cooperation in Europe did not have any direct involvement in the conflict in Southern Serbia in 2001. It was NATO that assumed the role of facilitator during the negotiations between the Liberation Army of Preševo, Medveda and Bujanovac (UCPMB) and the Belgrade government; the disarming of the UCPMB was supervised by NATO as well.

From January 2001, the OSCE activates on the soft security dimension with the mandate of assisting the Serbian government in its democratization process and in the fields of human rights and minority rights protection. The working area of the OSCE Mission to Serbia is wide, covering virtually the whole array of aspects of the road to democracy, such as the functioning of democratic institutions of the central and local administration and the promotion of a free press.¹¹⁶

III.2. OSCE activity in Eastern Europe's violent conflict

The Transnistrian conflict in the Republic of Moldova: 1992

“Alongside Russia and Ukraine, the OSCE Mission acts as co-mediator in a five-sided negotiation process aimed at finding a final and comprehensive settlement of the Transnistrian conflict.”¹¹⁷ OSCE's involvement in Moldova's conflict resolution since the early 1990s is a rather contrasting situation to the ones in the Balkans where NATO, the

¹¹⁵ *Ohrid Framework Agreement*, 13.08.2001, http://faq.macedonia.org/politics/framework_agreement.pdf, last accessed: 15.05.2006; Organization for Security and Cooperation in Europe, *OSCE Spillover Monitor Mission to Skopje Factsheet*, http://www.osce.org/publications/mms/2003/04/13998_229_en.pdf, last accessed: 15.05.2006.

¹¹⁶ See Mandate of the OSCE Mission to Serbia and Montenegro, http://www.osce.org/documents/pc/2001/01/2003_en.pdf, last accessed: 18.05.2006

¹¹⁷ Organization for Security and Cooperation in Europe, *Conflict resolution and negotiation*, <http://www.osce.org/moldova/13426.html>, last accessed: 19.05.2006.

European Union or the UN where the leading facilitators, while the OSCE assumed complementary tasks during the pre or post conflict phases.

Hence, the CSCE Mission in Moldova started its activity on April 27, 1993 with the clear mandate of finding a solution meant to assure the territorial integrity of Moldova – the option of Transdnistria’s independence being thus rejected ab initio – and to consider the socio-economic particularities of the region – the option of reintegrating Transdnistria in a unitary Moldova being equally discarded.¹¹⁸

A mere enumeration of the documents produced, proposed or supported by the OSCE could represent a summary of the Organization’s efforts to break the deadlock and find a peaceful solution.¹¹⁹ Despite these efforts over a decade time, the current state of the conflict is emblematic for what analysts term as frozen conflict. As one author points out, “the irony of this situation lies in the fact that the existing *status quo* of ‘no peace, no war’ reinforces violation of human rights and hampers the development of democratic institutions and civil society – the key elements of the broad definition of security introduced in the OSCE’s ongoing Helsinki process.”¹²⁰ Naming and shaming of the OSCE for the current state should however take into account the complexity of the situation in Moldova. Beyond the position of the Transdnistrian self-proclaimed government, the International Crisis Group points out that mediation has not been fruitful because of the existence of several actors with strong interest in keeping the status quo.¹²¹ Hence, it is not only the maximal claim of independence of the Transdnistrian authorities that the Organization ought to address, but also the interest of powerful actors – such as Russia and Ukraine that are in the same time parts and mediators of the conflict – that needs to be counter-balanced. Being a low-budget and low-profile organization, the OSCE cannot offer attractive economic or security incentives, therefore soft-security innovation is its only alternative. The limits to such innovation, then, are set by the

¹¹⁸ International Crisis Group, *Moldova: No Quick Fix*, Chisinau/Brussels, Europe Report No. 147, 2003, p.7; see also *Mandate of the OSCE Mission to the Republic of Moldova*, http://www.osce.org/documents/mm/1993/02/4312_en.pdf, last accessed: 18.05.2006

¹¹⁹ See for example Report No. 13 by the CSCE Mission to Moldova, 13 November 1993; Moscow Memorandum/ Memorandum on the principles of normalizations of the relations between the Republic of Moldova and Transdnistria, 8 May 1997; Odessa Agreement/ Agreement on Confidence Measures and Development of Contacts between Republic of Moldova and Transdnistria, 20 March 1998; Joint Statement of the Participants in the Kiev Meeting on Issues of Normalisation of Relations between the Republic of Moldova and Transdnistria, 16 July 1999; Kiev Document 2002; Proposals and Recommendations of the mediators from the OSCE, the Russian Federation, Ukraine with regards to the Transdnistrian settlement, 13 February 2004. Some of these documents however are highly controversial, see for example on the Kiev Document Vladimir Socor, “How to Discredit Democracy and Federalism”, *Wall Street Journal*, 6 June 2003.

¹²⁰ Ceslav Ciobanu, *NATO/EU Enlargement: Moldova and the Frozen and Forgotten Conflicts in the Post - Soviet States*, Washington D.C.: United States Institute of Peace, 2004, pp.6-7.

¹²¹ International Crisis Group, *Moldova: Regional Tensions over Transdnistria*, Chisinau/ Brussels: ICG Europe Report No. 157, 2004, pp. 6-37.

Organization's consensual decisional framework, which gives Russia and Ukraine a de facto veto power. Therefore, OSCE's impartiality as a negotiator and power to initiate and support solutions are weakened at least in terms of external perception.

In disregard of the lingering tensions in the region, yet another stream of thought could argue that the lack of violent conflict on the ground at the time being is a success (also) of OSCE's mediation capacities.

III.3. OSCE and violent conflicts in the Caucasus

Azerbaijan, the conflict in Nagorno-Karabakh: 1992 – present

The CSCE/OSCE has been active in the region from the early days of the Nagorno-Karabakh conflict. In March 1992, the foreign ministers of the CSCE participating states gathered in Helsinki concluded that the CSCE “must play a major role in promoting a peace process.”¹²² The then Chairman-in-office was mandated to visit the region and “contribute, in particular, to the establishment and maintenance of a cease-fire” and the decision was made to convene a conference in Minsk intended to contribute to a peaceful solution for the Nagorno-Karabakh conflict.¹²³ The conference is yet to take place; however, an informal working mechanism was set up, i.e. the OSCE Minsk Group, to deal with the conflict.¹²⁴

Turkey, but especially Russia promoted their own agendas and engaged in parallel mediation during the first part of the 1990s; in order to accommodate the interest of Russia, the Budapest Summit revised in 1994 the Minsk mechanism by proposing a co-chairmanship formula composed by representatives of France, the Russian Federation and the United States.¹²⁵ The same year in Moscow, “after negotiations with CIS delegates”¹²⁶ a cease-fire was agreed to by Armenia, Azerbaijan and the military leader of Nagorno-Karabakh. The

¹²² CSCE, First Additional Meeting of the CSCE Council, Helsinki, 24 March 1992, http://www.osce.org/documents/mcs/1992/03/4150_en.pdf, last accessed: 14.05.2006.

¹²³ CSCE, First Additional Meeting of the CSCE Council, Helsinki, 24 March 1992, http://www.osce.org/documents/mcs/1992/03/4150_en.pdf, last accessed: 14.05.2006.

¹²⁴ International Crisis Group, *Nagorno-Karabakh : A Plan for Peace*, Brussels: ICG Europe Report No. 167, 2005, p. 9.

¹²⁵ International Crisis Group, *Nagorno-Karabakh : A Plan for Peace*, Brussels: ICG Europe Report No. 167, 2005, p. 9; OSCE, *Towards a Genuine Partnership in a New Era: Budapest Summit Document*, 6 December 1994, p. 17, http://www.osce.org/documents/mcs/1994/12/4048_en.pdf, last accessed: 03.02.2007.

¹²⁶ Uppsala Conflict Database, *Azerbaijan – Nagorno-Karabakh*, <http://www.pcr.uu.se/database/conflictSummary.php?bcID=211>, last accessed: 14.05.2006.

OSCE expressed its intention to deploy a peacekeeping force to supervise the cease-fire¹²⁷, intention that never materialized.

Despite subsequent documents by OSCE fora dedicated to the conflict and over ten years of OSCE led negotiations, the situation in Nagorno-Karabakh remains highly tensioned, regulated by a de jure cease-fire which is broken in the absence of a monitoring force on almost daily basis.¹²⁸ As an analysis points out, although it facilitates pressure, the Minsk Group is reluctant to apply it.¹²⁹ Given its reduced financial capacities economic pressure coming from the OSCE seems to be not a likely option. An OSCE military presence is meant to remain on paper. The key for solving the deadlock is to connect the multi-million US, Russian and EU aid going to both Azerbaijan and Armenia with the result of the negotiation process.¹³⁰

Besides assuming the role of negotiator, the OSCE has field presences in Baku and Yerevan meant to promote democratization and inter-ethnic dialogue.

The Russian Federation: the Chechen wars: 1994 – 1996, 1999 - present

In 1994, the Russian Foreign Minister Kozyrev affirmed: “settlement of the Chechen crisis is an internal affair of the Russian Federation. We need no foreign mediation for that.”¹³¹ With such firm position was the OSCE confronted in order to get involved in the resolution of the conflict in Chechnya. It was decided that the Russian reticence had to be overcome without open contestation, thus quiet diplomacy was the route to an agreement that allowed an OSCE presence in Grozny. In order to stress once more the diminished bargaining position of the OSCE it is essential to note that “a critical role in this process was played by the EU, which insisted on the establishment of an OSCE presence as a condition for signing the interim trade agreement with Russia.”¹³² The goal of the *OSCE Assistance Group to Chechnya* was to promote a peaceful solution and the stabilization of the region and to pursue

¹²⁷ *Towards a Genuine Partnership in a New Era: Budapest Summit Document*, 6 December 1994, p. 18, http://www.osce.org/documents/mcs/1994/12/4048_en.pdf, last accessed: 03.02.2007

¹²⁸ International Crisis Group, *Nagorno-Karabakh: Viewing the Conflict from the Ground*, Brussels: ICG Europe Report No. 166, 2005, p. 27

¹²⁹ International Crisis Group, *Nagorno-Karabakh : A Plan for Peace*, Brussels: ICG Europe Report No. 167, 2005, p.8

¹³⁰ Such a possibility is suggested by the Crisis Group Report, see International Crisis Group, *Nagorno-Karabakh : A Plan for Peace*, Brussels: ICG Europe Report No. 167, 2005, p.8.

¹³¹ Russian Foreign Minister Kozyrev as quoted in Gail W. Lapidus, “Contested Sovereignty: The Tragedy of Chechnya”, *International Security*, Vol. 23, No. 1, 1998, p. 27.

¹³² Gail W. Lapidus, “Contested Sovereignty: The Tragedy of Chechnya”, *International Security*, Vol. 23, No. 1, 1998, p. 39.

dialogue and negotiations “through participation in ‘round tables’.”¹³³ Despite the need for fingertip diplomacy and a rather odd method envisaged by its mandate, the OSCE presence in Chechnya represented a first element of transparency in this neglected Caucasus conflict. Furthermore, a second aspect which ought to be emphasized relates to the *on the ground* lobbying done by the presence’s personnel among moderate leaders in Chechnya as well as in Moscow, lobbying meant at stressing the need and concrete possibility of achieving a peaceful resolution of the conflict. Although it did not have the power to influence directly the political and military decisions the OSCE Assistance Group “strengthened the positions of moderates on both sides and paved the way for direct negotiations that ultimately produced the peace agreement.”¹³⁴

The second Chechen war found the OSCE Assistance Group in an even more vulnerable position. The deteriorating security situation and the lack of an armed force to protect the personnel lead to a series of evacuations and relocations.¹³⁵ Nonetheless, the Assistance Group continued its work and the attempts to promote dialogue. The 9/11 terrorist attacks changed the situation radically also for the Chechen conflict, which became again a strictly internal affair. Putin’s case for a need to eradicate the ‘Chechen terrorists’ was translated in the Permanent Council decision from December 2001 which limited, for the first time, the mandate of the presence. Subsequently, the mandate was not prolonged and at the beginning of 2003 the mission was terminated.¹³⁶

Georgia, the conflict in Abkhazia: 1992-1994, and South Ossetia: 1991-present

CSCE/OSCE has been involved in the Georgian conflict since the beginning of the 1990s. As a response to the violence that broke out in 1992, the Organization established a mission with the aim of encouraging negotiations for a pacific settlement of the dispute.¹³⁷ In 1994, the mandate was extended to cover the conflict in Abkhazia, as well as the one in South Ossetia, and the process of democratic construction of Georgia in general.¹³⁸

¹³³ Organization for Security and Cooperation in Europe, Conflict Prevention Center, *Survey of OSCE Long - Term Missions and Other OSCE Field Activities*, Vienna, 2005, p. 76

¹³⁴ Gail W. Lapidus, *op.cit.*, p. 39.

¹³⁵ See for subsequent relocations because of security reasons Organization for Security and Cooperation in Europe, Conflict Prevention Center, *Survey of OSCE Long - Term Missions and Other OSCE Field Activities*, Vienna, 2005, pp. 76-77.

¹³⁶ OSCE, *The OSCE Assistance Group to Chechnya*, <http://osce.org/item/15721.html>, last accessed: 25.05.2006.

¹³⁷ OSCE, *Mandate of the OSCE Mission to Georgia*, <http://www.osce.org/georgia/13203.html>, last accessed: 30.05.2006.

¹³⁸ See supra note 135.

The OSCE objective in Abkhazia was rather limited amounting to the creation of a permanent link to the UN operations taking place in the region.¹³⁹ Given the narrow mandate, OSCE's direct involvement in the management of the conflict was equally reduced with the UN assuming the leadership role. OSCE mainly activated on projects related to the human dimension, in close cooperation with the UN.

The main activity of the OSCE mission related to the resolution of the conflict in South Ossetia is the participation in the Joint Control Commission alongside Georgia, Russia, North Ossetia and South Ossetia.¹⁴⁰ In this quality the "Mission's unarmed officers work closely with all relevant bodies and the Joint Peacekeeping Forces (JPKF), whose activities they are tasked to monitor."¹⁴¹ In line with OSCE's concept of comprehensive security, in 2000 the OSCE started a program of collecting surplus munitions, which could serve as materials for terrorist or pose threats to the environment.¹⁴² Complementary to these activities, the mission is offering police assistance, encourages exchanges between the Georgian and South Ossetian police forces and the ones in Kosovo, and from 2000 to 2004 "observed and reported the movements across the borders" between Georgia and Chechnya, Ingushetia and Dagestan.¹⁴³

The OSCE mission to Georgia did not have projects, being rather a "low profile" presence; most importantly, it did not manage to organize the peace conference stipulated by its mandate.¹⁴⁴

With the breakout of the 2004 crisis, in an attempt to internationalize the conflict in South Ossetia, Saakashvili used the OSCE as a launch pad for demands; his requests, notably, more observers and the organization of high-level conferences to address the status of Ossetia, have been received with reticence by the Russian Federation. Hence, the most significant steps taken by the OSCE in its attempt to manage the conflict have been the sending of the special representative of the Chairman-in-office to Georgia, two requests – non-legally binding – to withdraw the supplementary police and military forces from the

¹³⁹ See supra note 135.

¹⁴⁰ Mandate of the OSCE Mission to Georgia, <http://www.osce.org/georgia/13203.html>, last accessed: 30.05.2006

¹⁴¹ OSCE, *The Georgian-Ossetian conflict*, <http://www.osce.org/georgia/22955.html>, last accessed: 26.07.2006.

¹⁴² OSCE, *OSCE Mission to Georgia – Munitions disposal*, <http://www.osce.org/georgia/16295.html>, last accessed: 30.05.2006.

¹⁴³ International Crisis Group, *Georgia: Avoiding War in South Ossetia*, Tbilisi/Brussels: ICG Europe Report No. 159, 2004, p.23; OSCE, *OSCE Mission to Georgia – Police assistance*, <http://www.osce.org/georgia/16297.html>; Mandate of the OSCE Mission to Georgia, <http://www.osce.org/georgia/13203.html>, last accessed: 30.05.2006.

¹⁴⁴ International Crisis Group, *Georgia: Avoiding War in South Ossetia*, Tbilisi/Brussels: ICG Europe Report No. 159, 2004, p.19

region, the increase in number of the JPKF from 4 to 6, and the visit of an OSCE parliamentary delegation to Georgia.¹⁴⁵

III.4. OSCE and the Central Asia's violent conflict

The conflict in Tajikistan: 1992 – 1998

In December 1993, the CSCE Foreign Ministers gathered in Rome drafted the mandate of the first mission to Tajikistan intended to contribute together with the UN to the stabilization of the situation and the democratization of the region.¹⁴⁶ The main promoters of the signing of the Moscow Declaration, which put a formal end to the conflict, were Russia and the UN.¹⁴⁷ The Commonwealth of Independent States had a peacekeeping force in Tajikistan since 1992.¹⁴⁸

The post conflict period found the OSCE in a more active role, working together with the UN for facilitating the implementation of the peace protocols dealing with political issues, the return of refugees, and military issues.¹⁴⁹ After the elections in 2000, the UN mission withdrew and the OSCE remained the sole international organization with a presence in Dushanbe. The current projects of the OSCE Centre in Dushanbe and the five territorial offices in Tajikistan have a wide array focusing on judicial and electoral reform, environmental protection, gender equality, technical and logistical support for the media, and information campaigns on human rights and labor migration.¹⁵⁰

III.5. Conclusions of the study

The conclusions of the research concerning the OSCE practice in managing violent conflicts will be presented on the two dimensions that inform the current paper, hard and soft security, respectively.

¹⁴⁵ Idem 143.

¹⁴⁶ Organization for Security and Cooperation in Europe, *CSCE and the New Europe – Our Security is Indivisible*, Rome, 1993, p. 6

¹⁴⁷ See for example Uppsala Conflict Database, *Tajikistan – Third party involvement*, <http://www.pcr.uu.se/database/search1.php?bcID=205>, last accessed: 25.07.2006.

¹⁴⁸ In September 1992 reinforcement forces have been sent to guard the border between Afghanistan and Tajikistan. It is unclear whether these troops are to be seen as part of the CIS peacekeeping troops or not, especially Russia's role is controversial. See supra note 146.

¹⁴⁹ See supra note 146.

¹⁵⁰ OSCE, *OSCE Centre in Dushanbe*, <http://osce.org/tajikistan/>, last accessed: 05.06.2006.

Conflict management measures that correspond to the hard security dimension:

1. Coercive measures of military nature

The OSCE did not employ any measure of military nature subscribed to the hard security dimension. Although in itself not necessary a measure belonging to the realm of hard security, peacekeeping has been considered on one occasion. In 1994, the High Level Planning Group was established to prepare the framework for an OSCE peacekeeping mission in Nagorno-Karabakh; after 15 years, the plan to deploy a peacekeeping unit did not materialize.

Further, the OSCE practice revealed almost a phobia of sending *armed* personnel in short- or long-term missions. Exemplary is the case of the in 1999 deployed OSCE Kosovo Verification Mission: the 1500 observers mandated to verify the compliance of all parties in Kosovo with the requirements set forth by the international community were sent unarmed.¹⁵¹ Military personnel was used most extensively in the OSCE Mission to Bosnia and Herzegovina; nevertheless the forces consisted in unarmed Swiss soldiers that fulfilled logistic attributions¹⁵².

NATO, CIS or the UN forces performed coercive military interventions (peacekeeping, peace enforcement) during the surveyed conflicts. Given the OSCE goal, one could argue that in practice, a process of outsourcing to the mentioned organizations on the hard security dimension involving military coercion has taken place.

2. Coercive measures of economic character

The OSCE did not employ any economic coercion measure, be it of the sort sticks or carrots, or any other strategy, which falls under Article VII of the UN Charter. The European Union has been the main organism making use of such measures.

In general, the Organization for Security and Cooperation in Europe had a very reduced activity on the hard security dimension while dealing with the parties of the analyzed

¹⁵¹ OSCE, Statement on Kosovo of the Ministerial Council, Oslo, December 1998, pp. 7-8, http://www.osce.org/documents/mcs/1998/12/4168_en.pdf, last accessed: 20.01.2006

¹⁵² Klaus Törnudd, "The OSCE Institutional and Operational Responses to Post-Cold War Risks and Challenges", Ghebali, Victor Yves, Daniel Warner (ed.), 1999, op.cit, p. 42

conflicts. One single action can be argued qualifies in the category of coercive measures, the suspension of Yugoslavia from the OSCE in 1992.¹⁵³

Conflict management measures that correspond to the soft security realm:

OSCE, its institutions, that is HCNM, ODIHR and RFOM and the on-the-ground missions have extensively used soft security measures reaching from verbal attention, to facilitation and proposals concerning the incompatibility. Although not effectiveness was the focus of the study it is important to note that soft security measures seemed to lack the necessary force to resolve complex conflicts in which a third party with considerable blackmail potential has been active.

The clearest aspect revealed by the study refers to the specialization of the OSCE in deep prevention. It is significant to note that the OSCE had (and still has) missions in all the countries plagued by conflict during the considered time-span. More interestingly, the Organization opened offices or started field operations in neighboring countries in an attempt to prevent spillover effects. The portfolio of the organization counts 28 missions and operational activities of long duration during the 15 years surveyed. Most of these missions, although having diverse mandates, address/ed principally structural issues. Democratic institution building, election observation, monitoring and promotion of human rights and minority rights, capacity-building and institutional support in border management and policing, support for security sector reform, civil society training are among the many activities performed by the missions and other OSCE institutions. Thus, for the newly created states of Eurasia, the OSCE represents a reference in terms of democratic (re)construction. In general, a pattern of subcontracting soft security activities from NATO and the European Union can be observed.

Concluding with reform patterns

The three analytical segments of this paper fleshed out the goal of the OSCE – maintenance of peace and security in Europe – as one that presupposes activities of persuasion and coercion, thus soft and hard security measures. The culture of the OSCE appears to be a Lockean one, since the participating states relate to each other as rivals being

¹⁵³ On the other hand, the suspension of Yugoslavia could be seen as a pacific measure of the type ‘decisions concerning the incompatibility’.

nonetheless strongly attached to the concept of sovereignty, hence to the ‘live and let live’ principle. At the level of practice, that is the activity of the Organization as such, as well as the one of the participating states, the OSCE embraces persuasion and rejects coercion.¹⁵⁴ To conclude there is an incompatibility between the goal and the structure of the Organization for Security and Cooperation in Europe. Consequently, the tension between the OSCE goal and the organizational structure can be addressed in two ways: by reforming the structure or by adapting the goal.

I. The embraced model: minor structural reform

In 2004, the Ministerial Council in Sofia decided to establish the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE.¹⁵⁵ Similar accounts to the findings of the panel are to be found in the report of the OSCE Parliamentary Assembly and the Swiss Institute for World Affairs. In general, the same issues are highlighted by periodic papers of the Hamburg Center for OSCE Research, the reports dedicated to the OSCE by the British American Security Information Council or by the Program for the Study of International Organizations.

The proposals of the Panel of Eminent Persons include:¹⁵⁶

1. Acquiring international legal personality;
2. A pillar structure focusing on the three traditional OSCE baskets – Security Committee, Human Dimension Committee and Economic and Environmental Committee – subordinated to the Permanent Council;
3. Increasing the effectiveness of the OSCE gatherings by revising the Rules of Procedure, assuring equitable distribution of leadership positions, promoting informal meetings, naming and shaping constant objectors to consensus;
4. Assuring a more efficient division of labor between the Chairman-in-office (specialization on political issues) and the Secretary General (specialization on operational matters) in order to increase visibility and assure continuity;

¹⁵⁴ Through the analytical lenses of Adler and Barnett, my analysis would suggest that the OSCE is a soft-security-community-building institution. See Emanuel Adler and Michael Barnett, “Security Communities in Theoretical Perspective,” in Emanuel Adler and Michael Barnett, (eds.), *Security Communities*, (Cambridge University Press, 1998)

¹⁵⁵ OSCE, Ministerial Council Decision No. 16/04 , Sofia, 2004.

¹⁵⁶ Organization for Security and Cooperation in Europe, *Common Purpose: Towards a More Effective OSCE*, Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE, Vienna, 27 June 2005.

5. Increasing the effectiveness of OSCE missions by outlining clear mandates, drafting evaluation criteria and requiring periodic reporting;
6. Improving the human resources management by focusing on professionalism, continuity, geographic and gender balance.

The recommendations, with the exception of the first, are not revolutionary and the change that will be produced will be equally unspectacular, as long as institutional flaws are tackled without the core disagreement being addressed. The principal disagreement concerns the priorities that the OSCE should have, i.e. soft security – the human dimension – or hard security which envisages an organization with economic and military ‘teeth’ capable of pursuing hard security measures. Although it could be successful in increasing the effectiveness of the OSCE on some coordinates, a minor reform of the structure is insufficient to address such fundamental disagreement.

Nonetheless, even the adjustments put forward by the Panel will and did raise controversies among the participating states. In fact the proposed pillar structure created dissensions among the seven members of the Panel themselves, since they could not agree whether the Security Committee should replace the Forum for Security Cooperation, or merely take over the non-military attributions.¹⁵⁷ The 2006 Ministerial Council in Brussels found an even more ingenious solution, to set up a Security Committee, an Economic and Environmental Committee and a Human Dimension Committee “as informal subsidiary bodies of the Permanent Council.”¹⁵⁸ The role of the above mentioned bodies is plainly to “discuss”¹⁵⁹ different issues.

In 2005, the Ministerial Council in Ljubljana charged the Permanent Council with drafting the Rules of Procedure of the Organization, without however stressing the need to include a provision for naming the state/s objecting to a consensus.¹⁶⁰ Hence, the OSCE Rules of Procedure adopted 2006 do not contain such a clause. Russia’s delegation noted that “the adoption of this document signals a useful, even if modest, step in reforming the OSCE.”¹⁶¹

¹⁵⁷ Organization for Security and Cooperation in Europe, *Common Purpose: Towards a More Effective OSCE*, Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE, Vienna, 27 June 2005, p. 21, art. 32. b.

¹⁵⁸ OSCE, Ministerial Council Decision No.17/05 Improvement of the Consultative Process, Brussels, 5 December 2006.

¹⁵⁹ OSCE, Ministerial Council Decision No.17/05 Improvement of the Consultative Process, Brussels, 5 December 2006.

¹⁶⁰ OSCE, Ministerial Council Decision No.17/05 Decision on Strengthening the Effectiveness of the OSCE, Ljubljana, 6 December 2005.

¹⁶¹ OSCE, *Rules of Procedure of the Organization for Security and Cooperation in Europe*, Interpretative Statement by the Russian Federation, 1 November 2006.

The 2006 *Decision on further strengthening of OSCE executive structures* despite “encouraging the Secretary General to make full use of his/her mandate”¹⁶² and elaborating on some of its task, does not represent a breakthrough in terms of a clearly dividing the roles and responsibilities of the Secretary General and the Chairman-in-office. Proposals on increasing the effectiveness of the missions and human resource management are to be drafted and the implementation of already made decisions to be supervised by the Secretary General and the Chairmanship.¹⁶³

In conclusion, the last years have seen some changes in line with the proposals outlined by the Panel of Eminent Persons. Unsurprisingly, given the culture and practice of both the CSCE and OSCE, little progress has been made in respect to acquiring legal personality. As outlined in this paper, the Conference for Security and Cooperation and later the OSCE are solely political arrangements, which themselves build political obligations through persuasion. At the beginning of the 1990s confronted with the option of transforming the participating states in member states, the CSCE leaders opted for continuity and thus a non-legally binding arrangement. In 2005, the Slovene Chairpersonship, under the slogan “revitalization, reform and rebalancing”¹⁶⁴, did not manage to gather around the same table the heads of state and government, but solely the foreign ministers. In Brussels one year later the symbolism is equally valid, and the Decision No.16/06 of the Ministerial Council with the eloquent Interpretative Statement by the Russian Federation comes to confirm it. The Decision calls for the establishment of “an informal working group at expert level under the Permanent Council tasked with finalizing a draft convention”, dating from 2001, “on the international legal personality, legal capacity, and privileges and immunities of the OSCE.”¹⁶⁵ In its comment, the Russian delegation emphasizes that in its view the above mentioned convention cannot enter into force without a charter or statute of the OSCE intended to define the OSCE as a “fully fledged international organization”, and stresses the Russian Federation’s intention “to firmly defend this position”.¹⁶⁶

¹⁶² OSCE, Ministerial Council Decision No.18/06 Decision on further strengthening of OSCE executive structures, Brussels, 5 December 2006.

¹⁶³ OSCE, Ministerial Council Decision No.18/06 Decision on further strengthening of OSCE executive structures, Brussels, 5 December 2006.

¹⁶⁴ Organization for Security and Cooperation in Europe, Chairman-in-office Press Release, Vienna, 13 January 2005

¹⁶⁵ OSCE, Ministerial Council Decision No.16/06 Legal Status and Privileges and Immunities of the OSCE, Brussels, 5 December 2006.

¹⁶⁶ OSCE, Ministerial Council Decision No.16/06 Legal Status and Privileges and Immunities of the OSCE, Interpretative Statement of the Russian Federation, Brussels, 5 December 2006.

II. The speculative model: reform of the goal

The culture, practice and financial resources of the OSCE strongly suggest that the OSCE is a soft security organization. However, its goal goes beyond the soft security dimension and envisages activities belonging to the hard security realm. When critics accuse the OSCE for being merely a *talk shop*, inefficient or ineffective most of the assessments take into account the Organization's performance on the hard security dimension. Following plain logic then, one could suggest that an option for continuing its work – which the analysis of the OSCE practice revealed focuses on the soft security dimension –, and escaping severe critique – due to its non-action in the hard security field – would be to redesign the goal of the Organization. Hence, reshaping the goal of the OSCE by adapting it to the soft security structure would be another reform path, which should be considered.

The main implications of the reform of the goal would be the legitimization of the bidirectional outsourcing. Two centuries ago, Adam Smith recognized that “it is the maxim of every prudent master of a family, never to attempt to make at home what it will cost him more to make than to buy.”¹⁶⁷ In practice, the OSCE subscribes to Smith's conclusion; as the analysis of OSCE involvement in violent conflict showed, a process of bidirectional outsourcing is taking place: OSCE is subcontracting the hard security dimension to NATO and the EU, while the latter are subcontracting soft security activities to the OSCE. The reform of the goal would thus mean a *formal* acknowledgment of the Organization's soft structure. Consequently, this acknowledgement opens the way to a real focus on its activity – soft security.

Ultimately, the feasibility of (formally) adapting the goal of the OSCE to its structure is dependent on the states' will. A succinct presentation can obviously not disclose all aspects that might impede this reforming step; however, it can serve as a starting point for further analysis.

As Hopmann points out American leaders see the OSCE as an organization “playing a useful role only on the margins of European security”¹⁶⁸. The USA would oppose a rebalancing of the OSCE dimension in favor of the security basket, democratization of societies in transition and other human dimension activities being Washington's priority for

¹⁶⁷ Adam Smith as quoted in Timothy Taylor, “In defense of Outsourcing”, *Cato Journal*, Vol. 52, No. 2, 2005, p. 367.

¹⁶⁸ Terrence P. Hopmann, *Building Security in Post-Cold War Euroasia: The OSCE and the US Foreign Policy*, United States Institute of Peace, Peaceworks Paper No. 31, 1999, p. 43.

the OSCE.¹⁶⁹ It is unclear in how far the USA would be interested to entrust the OSCE with increased responsibilities and capacities in the ‘war on terror’.¹⁷⁰ The European Union shares with the USA the interest for the human dimension, encouraging and financing OSCE activities focused on democratic institution building. In the same time, the EU is developing its own capacities of conflict management, and it “tends to block the OSCE from dealing with economic and environmental issues seen as EU core competencies.”¹⁷¹

Russia’s position on the OSCE current state has been expressed openly in the 2004 published Moscow Declaration and Astana Appeal. The “growing pain”, as Ghebali frames it, is the focus on the human dimension in the detriment of the other two security baskets. Or, Russia’s interest would picture OSCE dealing primarily with politico-military aspects, “a legal pan-European security system”, needed particularly in the context of NATO’s expansion eastwards.¹⁷² The reform of the goal looks rather pale given the Russian focal points. Nevertheless, some analysts and practitioners suggest that Russia’s interest in the OSCE is vanishing¹⁷³, hence, also its interest in seeing the politico-military aspects at forefront of OSCE’s agenda. Such a scenario could be regarded as a possibility to go forward with the suggested reform of the goal without completely alienating the Russian Federation. Therefore, the feasibility of the proposed reform path might depend on Russia’s hard security concerns being met by other arrangements, such as the in May 2002 created NATO – Russia Council, in the framework of the EU-Russia Partnership and Cooperation Agreement¹⁷⁴, or even the Shanghai Cooperation Organization or the CIS.

In sum, this succinct analysis pointed out that although speculative the model of the reform of the goal is worth exploring, so as to verify its feasibility, understand the trade-offs it implies and indeed to test if change brings benefits.

¹⁶⁹ Wolfgang Zellner, (ed.), *Managing Change in Europe*, Center for OSCE Research, Working Paper 13, 2005, p. 13.

¹⁷⁰ Currently the OSCE does not play a major role in the USA’ war on terror’; See for the OSCE’s ‘fight against terrorism’ and the main focus on root causes of terrorism Secretariat - Action against Terrorism Unit, <http://www.osce.org/atu/13397.html>, last accessed: 20.06.007.

¹⁷¹ Wolfgang Zellner, (ed.), *Managing Change in Europe*, Center for OSCE Research, Working Paper 13, 2005, p. 14.

¹⁷² Victor – Yves Ghebali, “Growing Pains at the OSCE: The Rise and Fall of Russia’s Pan -European Expectations”, *Cambridge Review of International Affairs*, Vol. 18, No. 3, 2005, pp. 379-381.

¹⁷³ Victor – Yves Ghebali, “Growing Pains at the OSCE: The Rise and Fall of Russia’s Pan -European Expectations”, *Cambridge Review of International Affairs*, Vol. 18, No. 3, 2005; Hans Haekkerup, “Russia, the OSCE, and the Post-Cold-War European Security”, *Cambridge Review of International Affairs*, Vol. 18, No. 3, 2005, p. 371-372; Wolfgang Zellner, (ed.), *Managing Change in Europe*, Center for OSCE Research, Working Paper 13, 2005, pp. 11-12.

¹⁷⁴ Nicu Popescu mentions institutionalization attempts of the Russia- EU, Russia-NATO relationship respectively, in the context of what he calls the loss of OSCE comparative advantages Nicu Popescu, *Noile oportunitati de solutionare a problemei transnistrene prin mecanismele Europei moderne*, Chisinau: Institutul pentru Politici Publice.

To refer back to the opening anecdote, the key, as Wendt would stress, is in the hands of the OSCE and its participating states. For them to be able to use the key meaningfully, it is essential to understand that they built a house for the climacteric conditions of Florida and expect it to keep warm in the winters of Alaska.

Bibliography¹⁷⁵

- Abbott, Kenneth W., Duncan Snidal, “Hard and Soft Law in International Governance”, *International Organization*, Vol. 58, No. 3, 2000
- Adler, Emanuel and Michael Barnett, “Security Communities in Theoretical Perspective,” in Emanuel Adler and Michael Barnett, (eds.), *Security Communities*, (Cambridge University Press, 1998)
- Barnett, Michael, Martha Finnemore, *Rules for the World. International Organizations in Global Politics*, (Cornel University Press, 2004)
- Barnett, Michel, Martha Finnemore, “The Politics, Power and Pathologies of International Organizations”, *International Organization*, Vol. 53, No.4, (Autumn, 1999)
- Barry, Robert L., 2003, The Future of the OSCE, BASIC Special Report 2003.1, British American Security Information Council, <http://www.basicint.org/pubs/futureosce-fin.pdf>, last accessed: 02.02.2007
- Belloni, Roberto, 2001, Civil Society and Peacebuilding in Bosnia and Herzegovina, *Journal of Peace Research*, Vol. 38, No. 2
- Bowker, Mike, 1998, The Wars in Yugoslavia: Russia and the International Community, *Europe – Asia Studies*, Vol. 50, No. 7
- Brunnbauer, Ulf, 2002, The Implementation of the Ohrid Agreement: Ethnic Macedonian Resentments, *Journal on Ethnopolitics and Minority Issues in Europe*, No. 1
- Buzan, Barry, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis*, (Boulder CO: Lynne Rienner Publishers, 1998)
- Caplan, Richard, 1998, International Diplomacy and the Crisis in Kosovo, *International Affairs*, Vol. 74, No. 4
- Charney, Johnatan I., 1999, Anticipatory Humanitarian Intervention in Kosovo, *The American Journal of International Law*, Vol. 93, No. 4
- Chayes, Abram, Antonia Handler Chayes (ed.), 1996, Preventing Conflict in the Post-Communist World: Mobilizing International and Regional Organizations, Washington: D.C Brookings Institution
- Chernoff, Fred, Negotiating Security and Disarmament in Europe, *International Affairs*, Vol. 60, No. 3
- Chirtoaca, Natalia, 2001, Juridical Study of the Documents Signed in the Course of the Negotiations Process on the Transnistrian Conflict Settlement, Chisinau: Institutul de Politici Publice, http://www.ipp.md/public/biblioteca/18/en/Chirtooaca_Eng.pdf, last accessed 20.03.2006
- Ciobanu, Ceslav, 2004, NATO/EU Enlargement: Moldova and the Frozen and Forgotten Conflicts in the Post - Soviet States, Washington D.C.: United States
- Cismas, Ioana, *OSCE, un construct idealist într-un mediu realist*, Lucrare de diploma, SNSPA, Bucuresti, 2006
- Coffey, J.I., 1976, Detente, Arms Control and European Security, *International Affairs*, Vol. 52, No. 1
- Cornell, Svante E., 1999, International Reactions to Massive Human Rights Violations: The Case of Chechnya, *Europe-Asia Studies*, Vol. 51, No. 1
- Dixon, William J., 1994, Democracy and the Peaceful Settlement of International Conflict, *The American Political Science Review*, Vol. 88, No. 1

¹⁷⁵ The list also comprises some of the resources used for the previous research on the involvement of the OSCE in violent conflicts.

- Dixon, William J., 1996, Third Party Techniques for Preventing Conflict Escalation and Promoting Peaceful Settlement, *International Organization*, Vol. 50, No. 4
- Draganova, Diana, 2005, Peace or Perpetual War in Chechnya?, *Peace Review*, Vol. 17, No. 2
- Duwe, Freimut, "Six Years as OSCE Representative on Freedom of the Media- An Assessment", OSZE Yearbook 2004, Baden-Baden 2005
- Eisenhardt, Kathleen M., 1989, Building Theories from Case Study Research, *The Academy of Management Review*, Vol. 14, No. 4
- Falk, Richard A., 1999, Kosovo, World Order, and the Future of International Law, *American Journal of International Law*, Vol. 93, No. 4
- Falkenrath, Richard A., "The CFE Flank Dispute: Waiting in the Wings", *International Security*, Vol. 19, No. 4. (Spring, 1995)
- Ganon, V.P. Jr, 1995, Ethnic Nationalism and International Conflict: The Case of Serbia, *International Security*, Vol. 19, No. 3
- Ghebali, Victor Yves, Daniel Warner (ed.), 1999, The OSCE and Preventive Diplomacy, PSIO Occasional Paper No.1/1999, Geneva: Program for the Study of International Organization, <http://hei.unige.ch/psio/fichiers/OSCE%201.99.pdf>, last accessed: 01.02.2007
- Ghebali, Victor Yves, Daniel Warner, Barbara Gimelli (ed.), 2004, The Future of the OSCE in the Perspective of the Enlargement of NATO and the EU, PSIO Occasional Paper No.1/2004, Geneva: Program for the Study of International Organization, <http://hei.unige.ch/psio/fichiers/OSCE1-04.pdf>, last accessed: 03.02.2007
- Ghebali, Victor – Yves, 2005, Growing Pains at the OSCE: The Rise and Fall of Russia's Pan -European Expectations, *Cambridge Review of International Affairs*, Vol. 18, No. 3
- Ghebali, Victor Yves, *La diplomatie de la détente : la CSCE, d'Helsinki à Vienne (1973-1989)*, (Bruxelles : E. Bruylant, 1989)
- Ghiduleanov, Irina, Tamara Galusca, 2005, Frozen Conflict in Transnistria – Security Threat at Future EU Borders, Linköpings Universitet, urn_nbn_se_liu_diva-2719-1__fulltext.pdf, last accessed: 10.03.2006
- Goodin, Robert. E, Hans-Dieter Klingemann (ed.), 2005, *Manual de Stiinta Politica*, Iasi: Polirom
- Henkin, Louis, 1999, Kosovo and The Law of Humanitarian Intervention, *The American Journal of International Law*, Vol. 93, No. 4
- Higgins, Rosalyn, 1993, The United Nations and The Former Yugoslavia, *International Affairs*, Vo. 69, No. 3
- Hobson, John M., 2000, Review on Social Theory of International Politics, *The American Journal of Sociology*, Vol. 106, No. 2
- Hopmann, Terrence P., 1999, Building Security in Post-Cold War Euroasia: The OSCE and the US Foreign Policy, United States Institute of Peace, Peaceworks Paper No. 31
- International Crisis Group, 2003, Georgia: What Now?, Tibilisi/Brussels: ICG Europe Report No. 151, http://www.crisisgroup.org/library/documents/europe/caucasus/151_georgia_what_now.pdf, last accessed: 25.04.2006
- International Crisis Group, 2003, Moldova: No Quick Fix, Chisinau/Brussels: ICG Europe Report No. 147, http://www.crisisgroup.org/library/documents/report_archive/A401086_12082003.pdf last accessed: 27.04.2006
- International Crisis Group, 2004, Moldova: Regional Tensions over Transdnistria, Chisinau/Brussels: ICG Europe Report No. 157,

http://www.crisisgroup.org/library/documents/europe/moldova/157_moldova_regional_tensions_over_transdnistria.pdf, last accessed: 27.04.2006

- International Crisis Group, 2004, Georgia: Avoiding War in South Ossetia, Tbilisi/Brussels: ICG Europe Report No. 159, http://www.crisisgroup.org/library/documents/europe/caucasus/159_georgia_avoiding_war_in_south_ossetia.pdf, last accessed: 25.04.2006
- International Crisis Group, 2005, Nagorno-Karabakh : Viewing the Conflict from the Ground, Brussels: ICG Europe Report No. 166, http://www.crisisgroup.org/library/documents/europe/caucasus/166_nagorno_karabakh_viewing_the_conflict_from_the_ground.pdf, last accessed: 21.04.2006
- Kemp, Walter, Michal Olejarnik, Victor – Yves Ghebaldi, Andrei Androsov, Keith Jinks (ed.), 2003, OSCE Handbook, Vienna: Organization for Security and Cooperation in Europe
- Kemp, Walter A., (ed.), Quiet Diplomacy in Action: The OSCE High Commissioner on National Minorities, (Kluwer Law International, 2001).
- King, Gary, Christopher J. L. Murray, “Rethinking Human Security”, *Political Science Quarterly*, Vol. 116, No. 4. (Winter, 2001-2002)
- Kolsto, Pal, Andrei Edemsky, Natalya Kalashnikova, 1993, The Dniester Conflict: Between Irredentism and Separatism, *Europe-Asia Studies*, Vol. 45, No. 6
- Krause, Joachim, 2003, The OSCE and Co-operative Security in Europe: Lessons for Asia, Nayang: The Institute of Defense and Strategic Studies
- Kubicek, Paul, 1997, Regionalism, Nationalism and Realpolitik in Central Asia, *Europe-Asia Studies*, Vol. 49, No. 4, p. 637
- Kupchan, Charles. A, Kupchan, Clifford A., 1995, The Promise of Collective Security, *International Security*, Vol. 20, No.1
- Kriendler, John, 2004, NATO Crisis Management: Cooperation with PFP Partners and Other International Organizations, *The Quarterly Journal*, Vol. III, No. 4
- Lapidus, Gail W., 1998, Contested Sovereignty : The Tragedy of Chechnya, *International Security*, Vol. 23, No. 1
- Larabee, Stephan F., 1991, Long Memories and Short Fuses: Change and Instability in the Balkans, *International Security*, Vol. 15, No. 3
- Maresca, John J., *To Helsinki: the conference on security and cooperation in Europe 1973-1975*, (Duke University Press, 1985)
- McNamara, Kathleen R., 2001, Review on Social Theory on International Politics, *The Journal of Politics*, Vol. 63, No. 3
- Meland, Fred, 2006, Outsourcing in Contests, Center for Economic Studies and Institute for Economic Research, CESifoWorking Paper No. 165
- Menon, Rajan, 1995, In the Shadow of the Bear: Security in the Post-Soviet Central Asia, *International Security*, Vol. 20, No. 1
- Mobley, Blake W., 2004, Outsourcing Post Conflict Operations: Designing A System for Public Management and Oversight, *Journal of Public and International Affairs*, Vol. 15
- Mooradian, Moorad, Daniel Druckman, 1999, Hurting Stalemate or Mediation? The Conflict over Nagorno-Karabakh, 1990-1995, *Journal of Peace Research*, Vol. 36, No. 6
- Møller, Bjørn, 2002, NATO, OSCE, EU: Role Models for Africa?, Copenhagen : Copenhagen Peace Research Institute
- Möller, Christian, “Press Freedom in the OSCE Area and the Activities of the OSCE Media Representative”, in Victor- Yves Ghebali, Daniel Warner, Barbara Gimelli (eds), *The Future of the OSCE in the perspective of the enlargements of NATO and EU*, Geneva 2004

- Möller, Frida, Peter Wallensteen, 2003, Conflict Prevention: Methodology for Knowing the Unknown, Uppsala Peace Research Papers No. 7, Department for Peace and Conflict Research, Uppsala University, http://www.pcr.uu.se/publications/UPRP_pdf/UPRP_No._7.pdf, last accessed: 01.04.2006
- Möller, Frida, Magnus Öberg, Peter Wallensteen, 2005, Conflict Prevention in Ethnic Conflicts, 1990-1998, Department for Peace and Conflict Research, Uppsala University, http://www.pcr.uu.se/publications/UPRP_pdf/UPRP_No._7.pdf, last accessed: 01.04.2006
- Nantoi, Oazu, 2001, About the Situation in the East Districts of the Republic of Moldova (1992-2000), Chisinau: Institutul de Politici Publice, http://www.ipp.md/public/biblioteca/19/en/Nantoi_Eng.pdf, last accessed: 26.04.2006
- Nantoi, Oazu, 2005, Transnistrian Conflict – Status Quo and Prospects, Chisinau: Institutul de Politici Publice, http://www.ipp.md/public/biblioteca/86/en/Soros%20200511_English.doc, 27.04.2006
- Oberschmidt, Randolph “Ten Years of the Office for Democratic Institutions and Human Rights- An Interim Assessment”, IFSH (ed.), *OSZE Yearbook 2001*, Baden-Baden 2002
- Oberschmidt, Randolph, Wolfgang Zellner, 2001, OSCE At The Crossroads, Working Paper No. 2, Hamburg: Center for OSCE Research, http://www.core-hamburg.de/documents/16_working_paper_2.PDF, last accessed: 03.02.2007
- Pease, Kelly Kate S., 2000, International Organizations: Perspectives on Governance in the Twenty First Century, Upper Saddle River, New Jersey: Prentice Hall
- Popescu, Nicu, Noile oportunitati de solutionare a problemei transnistrene prin mecanismele Europei moderne, Chisinau: Institutul pentru Politici Publice, <http://www.ipp.md/public/biblioteca/61/ro/NICU%20Popescu%20definitiv%2028.09.2003.doc>, last accessed: 26.04.2006
- Ritberger, Volker, Manfred Efinger, Martin Mendler, 1990, Towards an East – West Security Regime: The Case of Confidence - and Security Building Measures, *Journal of Peace Research*, Vol. 27, No. 1
- Ruggie, John Gerard, 1983, Continuity and Transformation in the World Polity: Toward a Neorealist Synthesis, *World Politics*, Vol. 35, No. 2
- Ruggie, John Gerard, What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge, *International Organization*, Vol. 52, No. 4
- Sans, Anne-Laure, 2004, L'intervention de l'OSCE dans les Balkans. Heurs et malheurs de la Mission de vérification au Kosovo, PSIO Occasional Paper No.2/2004, Geneva: Program for the Study of International Organization, <http://hei.unige.ch/psio/fichiers/OSCE%202-04.pdf>, last accessed: 25.03.2006
- Sapiro, Miriam, 1995, Changing the CSCE into the OSCE: Legal Aspects of a Political Transformation, *The American Journal of International Law*, Vol. 89, No.3
- Schlager, Erika B., 1999, The OSCE in the Maintenance of Peace and Security: Conflict Prevention, Crisis Management, and Peaceful Settlement of Disputes, *The American Journal of International Law*, Vol. 93, No. 1
- Schneider, Patricia, Tim J. Aristide Mueller Wolf, *The Court of Conciliation and Arbitration within the OSCE*, CORE Working Paper 16, Center for OSCE Research, Hamburg, 2007
- Soberl, Richard, 1998, Trends: United States Intervention in Bosnia, *The Public Opinion Quarterly*, Vol. 62, No. 2
- Socor, Vladimir, “OSCE ‘Reform’ Or a New Lease on Life?”, *Euroasia Daily Monitor*, 16 December 2004, http://jamestown.org/edm/article.php?article_id=2369018, last accessed: 03.04.2006

- Szasz, Paul C., 1996, The Protection of Human Rights Through the Dayton/ Paris Peace Agreement on Bosnia, *The American Journal of International Law*, Vol. 90, No. 2
- Taylor Timothy, 2005, In defense of Outsourcing, *Cato Journal*, Vol. 52, No. 2
- 3
- Wallensteen, Peter, 1985, American – Soviet Detente: What Went Wrong?, *Journal of Peace Research*, Vol. 22, No.1
- Wallensteen, Peter, Margareta Sollenberg, 1995, After the Cold War: Emerging Patterns of Armed Conflict 1989-94, *Journal of Peace Research*, Vol. 32, No. 3
- Wallensteen, Peter, Margareta Sollenberg, 1997, Armed Conflicts, Conflict Termination and Peace Agreements, 1989-96, *Journal of Peace Research*, Vol. 36
- Wallensteen, Peter, Margareta Sollenberg, 2000, Armed Conflict, 1989-2000, *Journal of Peace Research*, Vol. 38, No. 5
- Waltz, Kenneth N., 1979, *Theory of International Politics*, Boston: Addison Wesley
- Warner, Daniel (ed.), 1996, *The Preventive Diplomacy: The United Nations and the OSCE*, PSIO Occasional Paper No.1/1996, Geneva: Program for the Study of International Organizations, , <http://hei.unige.ch/psio/fichiers/OSCE%201.96.pdf>, last accessed: 23.12.2006
- Weiss, Thomas G., 2001, Researching Humanitarian Intervention: Some Lessons, *Journal of Peace Research*, Vol. 38, No. 4
- Weller, Marc, 1992, The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia, *The American Journal of International Law*, Vol. 86, No. 3
- Weller, Marc, 1999, The Rambouillet Conference on Kosovo, *International Affairs*, Vol. 75, No. 2
- Wendt, Alexander, 1992, Anarchy is what States Make of it: The Social Construction of Power Politics, *International Organizations*, Vol. 46, No. 2
- Wendt, Alexander, 1995, Constructing International Politics, *International Security*, Vol. 20, No.1
- Wendt, Alexander, 1999, *Social Theory of International Politics*, Cambridge: University Press
- Yamskov, A.N., 1991, Ethnic Conflict in Transcaucasus: The Case of Nagorno-Karabakh, *Theory and Society*, Vol. 20, No 5, Special Issue on Ethnic Conflict in the Soviet Union.
- Yin, Robert K., 1981, The Case Study Crisis: Some Answers, *Administrative Science Quarterly*, Vol. 6, No.1
- Zellner, Wolfgang (ed.), 2005, *Managing Change in Europe*, Center for OSCE Research, Working Paper 13, http://www.core-hamburg.de/documents/CORE_Working_Paper_13.pdf, last accessed: 23.12.2006
- Zellner, Wolfgang, 2005, Russia and the OSCE: From High Hopes to Disillusionment, *Cambridge Review for International Affairs*, Vol. 18, No. 3

OSCE Summits and Ministerial Council Documents

- Helsinki Final Act, 1975
http://www.osce.org/documents/mcs/1975/08/4044_en.pdf, last accessed: 03.02.2007
- Statement on the Situation in Yugoslavia of the Meeting of the CSCE Council of Ministers, Berlin, 1991,
http://www.osce.org/documents/mcs/1991/06/4138_en.pdf, last accessed: 03.02.2007

- Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 1991
http://www.osce.org/documents/odihr/1991/10/13995_en.pdf, last accessed: 02.02.2007
- Prague Document on Further Development of the CSCE Institutions and Structure, 1992
http://osce.org/documents/mcs/1992/01/4142_en.pdf, last accessed: 05.01.2007
- The Challenges of Change: Helsinki Document, 1992,
http://www.osce.org/documents/mcs/1992/07/4046_en.pdf, last accessed: 04.02.2007
- Peaceful Settlement of Disputes, Stockholm, 1992
http://www.osce.org/documents/mcs/1992/12/4156_en.pdf, last accessed: 04.02.2007
- CSCE, First Additional Meeting of the CSCE Council, Helsinki, 24 March 1992,
http://www.osce.org/documents/mcs/1992/03/4150_en.pdf, last accessed: 14.05.2006.
- CSCE and the New Europe - Our Security is Indivisible, Rome, 1993
http://www.osce.org/documents/mcs/1993/11/4165_en.pdf, last accessed: 03.02.2007
- Towards a Genuine Partnership in a New Era: Budapest Summit Document 1994,
http://www.osce.org/documents/mcs/1994/12/4048_en.pdf, last accessed: 03.02.2007
- Lisbon Document, Summit, 1996
http://www.osce.org/documents/mcs/1996/12/4049_en.pdf, last accessed: 27.05.2006\
- Statement on Kosovo, Oslo, December 1998,
http://www.osce.org/documents/mcs/1998/12/4168_en.pdf, last accessed: 14.05.2006
- Decision No. 16/04 a Ministerial Council, Sofia, 2004
http://www.osce.org/documents/mcs/2004/12/3919_en.pdf, last accessed: 05.02.2007
- Decisions of the Ministerial Council Ljubljana, 2005
http://www.osce.org/documents/mcs/2005/12/18653_en.pdf, last accessed: 05.02.2007

Reports, fact sheets and other CSCE/OSCE documents:

- OSCE Fact Sheet, 2006,
http://www.osce.org/publications/sg/2004/11/13554_53_en.pdf, last accessed: 22.12.2006
- Conflict Prevention Center, 2005, Survey of OSCE Long-Term Missions and other OSCE Field Activities, Vienna, http://www.osce.org/documents/sg/2004/05/3242_en.pdf, last accessed: 10.05.2006
- OSCE Presence in Albania,
http://www.osce.org/publications/pia/2006/03/13546_12_en.pdf, last accessed: 18.05.2006
- OSCE Mission to Bosnia and Herzegovina Fact Sheet,
<http://www.oscebih.org/documents/46-eng.pdf>, last accessed: 25.04.2006
- OSCE Mission to Croatia Fact Sheet,
http://www.osce.org/publications/mc/2004/11/13563_62_en.pdf, last accessed: 10.05.2006
- Mandate of the OSCE Mission to Georgia, <http://www.osce.org/georgia/13203.html>, last accessed: 30.05.2006
- Agreement on the OSCE Kosovo Verification Missions, Belgrade, 16 October 1998,
<http://www.balkan-archive.org.yu/politics/kosovo/documents/agreement101698.html>, last accessed: 14.05.2006
- OSCE Mission to Kosovo Fact Sheet,
http://www.osce.org/publications/mik/2004/11/13561_60_en.pdf, last accessed: 14.05.2006
- Mandate of the OSCE Mission to Kosovo,

- http://www.osce.org/documents/pc/1999/07/2577_en.pdf, last accessed: 14.05.2006
- OSCE Spillover Monitor Mission to Skopje Fact Sheet,
http://www.osce.org/publications/mms/2005/04/13998_229_en.pdf, last accessed: 15.05.2006
 - Mandate of the OSCE Spillover Monitor Mission to Skopje,
http://www.osce.org/documents/mms/1992/09/520_en.pdf, last accessed: 16.05.2006
 - HCNM recommendations concerning inter-ethnic relations in FYR of Macedonia, 1 November 1993,
http://www.osce.org/documents/hcnm/1993/11/2712_en.pdf, last accessed: 17.05.2006
 - Letter from the CSCE High Commissioner on National Minorities to the Minister for Foreign Relations of the FYROM, 16 November 1994,
http://www.osce.org/documents/hcnm/1994/11/2713_en.pdf, last accessed: 17.05.2006
 - Letter from the CSCE High Commissioner on National Minorities to the Minister for Foreign Relations of the FYROM, 10 July 1995,
http://www.osce.org/documents/hcnm/1995/07/2714_en.pdf, last accessed: 17.05.2006
 - Mandate of the OSCE Mission to the Republic of Moldova,
http://www.osce.org/documents/mm/1993/02/4312_en.pdf, last accessed: 18.05.2006
 - Mandate of the OSCE Mission to Serbia and Montenegro,
http://www.osce.org/documents/pc/2001/01/2003_en.pdf, last accessed: 18.05.2006
 - Law Enforcement Department Fact Sheet, OSCE Mission to Serbia and Montenegro,
http://www.osce.org/documents/fry/2006/02/18195_en.pdf, last accessed: 18.05.2006
 - Rule of Law and Human Rights Department Fact Sheet, OSCE Mission to Serbia and Montenegro,
http://194.8.63.155/documents/fry/2006/02/18191_en.pdf, last accessed: 18.05.2006
 - Report of the Chief of the OSCE Mission to Serbia and Montenegro in front of the Permanent Council, Vienna, 2 March 2006
http://www.osce.org/documents/fry/2006/03/18313_en.pdf, last accessed: 17.05.2006

Other documents:

- Charter of the United Nations,
<http://www.un.org/aboutun/charter/>, last accessed: 25.05.2006
- Security Council Resolution 824 regarding Bosnia and Herzegovina, 6 May 1993,
<http://daccessdds.un.org/doc/UNDOC/GEN/N93/262/07/IMG/N9326207.pdf?OpenElement>, last accessed: 10.05.2006
- Dayton Peace Accords,
<http://www.state.gov/www/regions/eur/bosnia/bosagree.html>, last accessed: 10.05.2006
- Rambouillet Accord (Interim Agreement for Peace and Self-Government in Kosovo),
http://www.state.gov/www/regions/eur/ksvo_ambouillet_text.html
last accessed: 14.05.2006
- Security Council Resolution 1244 regarding the situation in Kosovo, 10 June 1999,
<http://daccessdds.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>, last accessed: 14.05.2006
- Ohrid Framework Agreement, 13 August 2001,
http://faq.macedonia.org/politics/framework_agreement.pdf,
last accessed: 15.05.2006
- General Agreement on the Establishment of Peace and National Accord in Tajikistan, Moscow, 27 June 1997
<http://www.un.org/Depts/DPKO/Missions/unmot/prst9757.htm>, last accessed: 20.05.2006

- Khasavyourt Joint Declaration and Principles for Mutual Relations, 31 August 1996, pp.12-16, <http://www.ecmi.de/emap/download/Chechnya%20OSCE%201.pdf>, last accessed: 22.05.2006

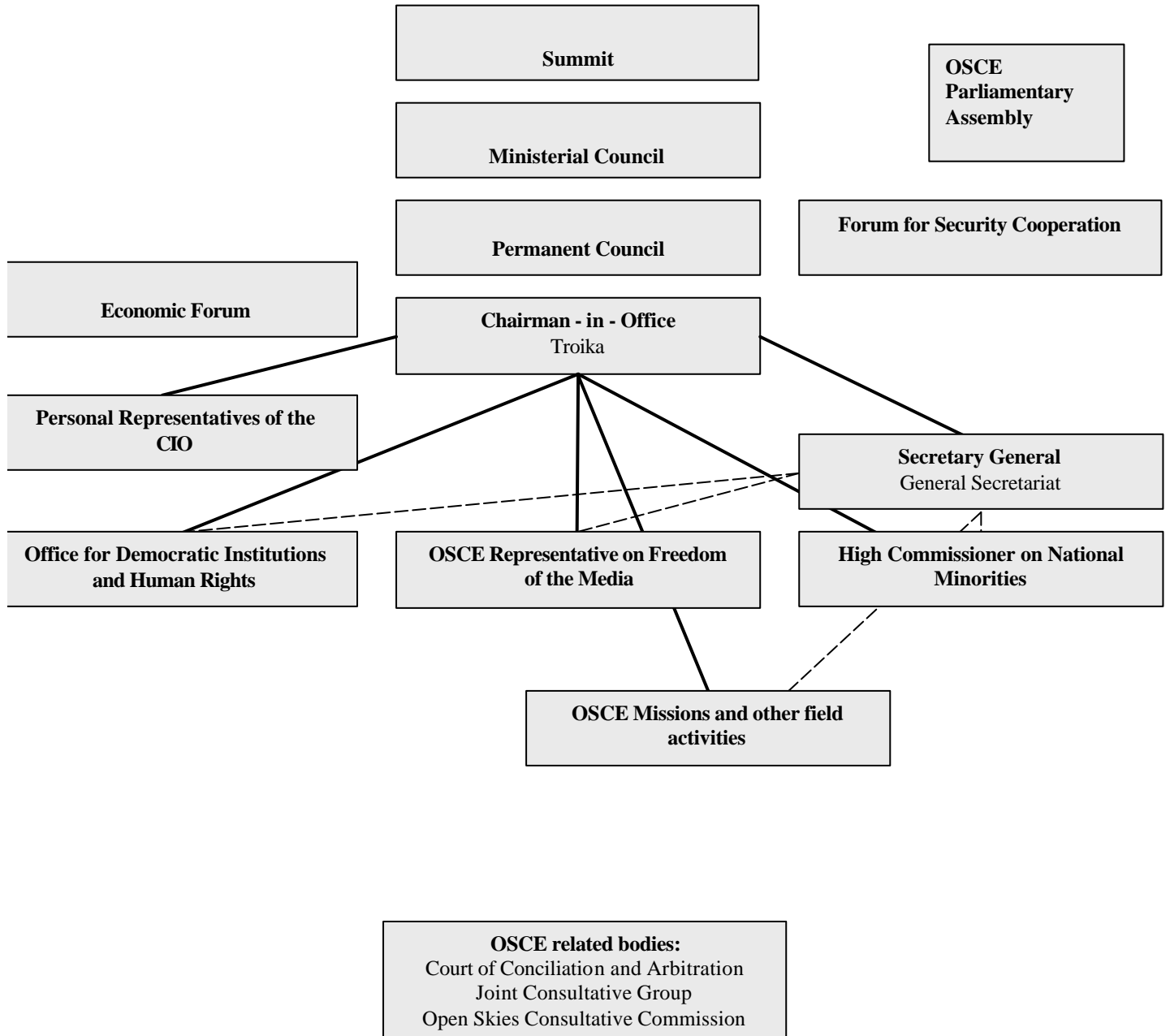
Conflict databases:

- KOSIMO Datenbank, Heidelberger Institut für Internationale Konfliktforschung, http://www.hiik.de/de/index_d.htm
- Conflict Database, Department of Peace and Conflict Research, Uppsala University, <http://www.pcr.uu.se/database/>
- SIPRI Database System: Facts on International Relations and Security Trends, <http://first.sipri.org>

Websites:

- www.osce.org
- www.coe.int
- www.europa.eu
- www.nato.int
- www.un.org
- www.stabilitypact.org
- www.crisisgroup.org
- www.hrw.org
- www.mae.ro

Annex I – OSCE bodies



___ Line of responsibility
 ---- Provides support

Annex II - Scale of Distribution for the Regular OSCE Budget and Scale for Large OSCE Missions and Projects

Scale of Distribution for the Regular OSCE Budget

Country	Per cent	Country	Per cent
France	9.00	Uzbekistan	0.55
Germany	9.00	Yugoslavia	
Italy	9.00	(suspended	
Russian Federation	9.00	in 1992)	0.55
United Kingdom	9.00	Slovak Republic	0.33
United States of America	9.00	Albania	0.19
Canada	5.45	Bosnia and Herzegovina	0.19
Spain	3.65	Croatia	0.19
Belgium	3.55	Cyprus	0.19
Netherlands	3.55	Estonia	0.19
Sweden	3.55	Iceland	0.19
Switzerland	2.30	Latvia	0.19
Austria	2.05	the former Yugoslav	
Denmark	2.05	Republic of Macedonia	0.19
Finland	2.05	Lithuania	0.19
Norway	2.05	Moldova	0.19
Ukraine	1.75	Slovenia	0.19
Poland	1.40	Armenia	0.185
Turkey	1.00	Azerbaijan	0.185
Belarus	0.70	Georgia	0.185
Greece	0.70	Kyrgyzstan	0.185
Hungary	0.70	Tajikistan	0.185
Romania	0.70	Turkmenistan	0.185
Czech Republic	0.67	Andorra	0.125
Bulgaria	0.55	Holy See	0.125
Ireland	0.55	Liechtenstein	0.125
Kazakhstan	0.55	Malta	0.125
Luxembourg	0.55	Monaco	0.125
Portugal	0.55	San Marino	0.125
		Total	100.00

Scale for Large OSCE Missions and Projects

Country	Per cent	Country	Per cent
United States of America	12.40	Cyprus	0.14
France	10.34	Slovenia	0.14
Germany	10.34	Belarus	0.07
Italy	10.34	Romania	0.07
United Kingdom	10.34	Bulgaria	0.06
Russian Federation	5.50	Kazakhstan	0.06
Canada	5.45	Uzbekistan	0.06
Spain	4.20	Albania	0.02
Belgium	4.07	Andorra	0.02
Netherlands	4.07	Armenia	0.02
Sweden	4.07	Azerbaijan	0.02
Switzerland	2.65	Bosnia and Herzegovina	0.02
Austria	2.36	Estonia	0.02
Denmark	2.36	Georgia	0.02
Finland	2.36	Holy See	0.02
Norway	2.36	Kyrgyzstan	0.02
Poland	1.05	Latvia	0.02
Turkey	0.75	Liechtenstein	0.02
Ireland	0.63	Lithuania	0.02
Luxembourg	0.63	Malta	0.02
Greece	0.53	Moldova	0.02
Hungary	0.53	Monaco	0.02
Czech Republic	0.50	San Marino	0.02
Portugal	0.41	Tajikistan	0.02
Slovak Republic	0.25	the former Yugoslav	
Iceland	0.21	Republic of Macedonia	0.02
Ukraine	0.18	Turkmenistan	0.02
Croatia	0.14	Total	100.00

Source: Walter Kemp, Michal Olejarnik, Victor – Yves Ghebali, Andrei Androssov, Keith Jinks (ed.), *OSCE Handbook*, Vienna, July 2002, pp. 175-176

