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OSCE AT THE CROSSROADS

Working Paper 2



OSCE at the Crossroads

This paper deals with the situation of and challenges to the OSCE following the Vienna Ministerial of 2000. The first part analyses the reasons behind the failure of the Ministerial. The second deals with the European Union's somewhat ambiguous approach to the OSCE. Thirdly, the paper will consider some of the deliberations of participating States as to how the Russian Federation could better be involved in the activities of the OSCE. In section four, the paper examines the challenges and tasks the OSCE is facing under Romanian Chairmanship 2001.

1. The Failure of the 2000 Vienna Ministerial 2000

The 8th OSCE Ministerial held in Vienna on 27 and 28 November 2000 was the first top-level meeting in the history of the "new" C/OSCE since the end of the Cold War to finish without agreement on a final communiqué. The Chairperson-in-Office (CiO), the Austrian Foreign Minister Benita Ferrero-Waldner, was forced to concede that "it was not possible to achieve consensus on all the elements of a Ministerial Declaration". Instead she delivered a unilateral "Statement by the Chairperson-in-Office"¹ which was immediately opposed by the delegation of the Russian Federation, who declared: "The propositions and conclusions contained in the statement on a whole range of questions connected with the OSCE's activities and the assessment of the situations in various participating States do not correspond to the actual circumstances and fail to reflect the entire spectrum of opinions of OSCE participating States. [...] The Russian Federation does not consider itself bound by any of the conclusions or recommendations contained in the statement."² This statement also received critical comments from the US delegate, who declared that "the remarks that you [the Austrian CiO] made were not made on the basis of consensus, and in so far as they were novel and new, none of us are bound by them as commitments under the OSCE. But insofar as they were a repetition of commitments or obligations previously undertaken under the OSCE [...], they remain commitments and obligations of us all."³ Given the fact that each and every major C/OSCE meeting since the end of the Cold War was able to agree on a final communiqué, the Vienna Ministerial must be seen as a major political failure.

Aside from the failure to produce a final declaration, the Ministerial was able to reach some decisions: it adopted the "Vienna Declaration on the Role of the OSCE in South-Eastern Europe"⁴ (although this contains little that had not already been agreed on) as well as a declaration on "Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings"⁵. The meeting also managed to appoint a new OSCE High Commissioner on National Minorities, the Swedish diplomat Rolf Ekéus, who will take office on 1 July 2001.⁶ At the same time, the

¹ Statement by the Chairperson-in-Office, MC(8). JOUR/2, 28 November 2000, Annex 2, in: <http://www.osce.org/docs/english/1990-1999/mcs/8vienna00e.htm>, as of 17 April 2001 (all internet sources are from this date).

² Interpretative statement under paragraph 79 of the Final Recommendations of the Helsinki Consultations, MC(8).JOUR/2, 28 November 2000, Annex 3, in: *ibid*.

³ Interpretative statement under paragraph 79 of the Final Recommendations of the Helsinki Consultations, MC(8).JOUR/2, 28 November 2000, Annex 4, in: *ibid*.

⁴ MC(8).JOUR/2, 28 November 2000, Annex 1, in: *ibid*.

⁵ Decision No. 1, Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings, MC(8).DEC/1, 28 November 2000, in: *ibid*.

⁶ The current incumbent, Max van der Stoep, will stay in office until 30 June 2001 (cf. Decision No. 2, Appointment of the High Commissioner on National Minorities, MC(8).DEC/2, 28 November 2000, in: *ibid*).

Ministerial failed to agree on the extension of the appointment of the OSCE Representative on Freedom of the Media, with the decision deferred for a maximum period of six months, and Freimut Duve staying in office accordingly.⁷ There was agreement on the Chairmanship for the year 2002 (Portugal), and on the date and venue of the next Ministerial Council or Summit (Bucharest, November/December 2001),⁸ but no consensus could be reached on the "Scale for Large OSCE Missions" and "Police-Related Activities",⁹ with a decision simply that the discussions should be continued.

The failure of the Vienna Ministerial raises three sets of questions. The *first* concerns the reasons why it was impossible to reach consensus on some of the most important questions discussed. *Second*, it raises a question about the political significance of the outcome of the Vienna Ministerial: is the OSCE in a state of crisis, or is it about to reach such a crisis? *Third* and perhaps most importantly, one has to ask what conclusions the participating States have drawn from the lack of results of the 8th OSCE Ministerial.

According to press reports, the central reason for the Ministerial's failure was the Russian Federation's position on a number of regional issues (Chechnya, Georgia, Moldova/Transnistria).¹⁰ Yet while regional issues undoubtedly played an important role (see chapter 4.3), the real picture is far more complex. Russian dissatisfaction with the OSCE and its activities was indeed the most important reason for the failure to reach compromises of the kind the Russian government agreed to at the Istanbul Summit 1999. However, the reasons for this unwillingness to make concessions did not flow solely from differences over regional issues. Months before the Ministerial and again in January 2001 the Russian delegation informed its Western partners of its main concerns and demands.¹¹ Drawing on these two documents the Russian position can be summarised in two main points.

First, Russia is concerned that the OSCE is only active in the Eastern part of Europe and, moreover, is overly concentrating its activities here on the human dimension. The Russian perception is that some Western States are trying to impose their values and structures on Eastern states, while at the same time trying to avoid OSCE involvement in the problems of Western States. This accusation of 'double standards' is shared to a certain degree by Ukraine and other participating States. Russia is arguing in favour of a broader OSCE agenda, which would incorporate the following issue areas:

- "Integration processes in the euroatlantic space as a key factor of its development. [...] Security in Europe as a key element of strategic stability. Subregional topics. [...] Interinstitutional co-operation in the OSCE area;
- problems of non-proliferation of weapons of mass destruction, and anti-missile defense in the OSCE space;
- political extremism in various forms (including neo-nazism) [...];
- coordination of efforts to combat international terrorism;

⁷ Decision No. 3, Extension of the Appointment of the OSCE Representative on Freedom of the Media, MC(8).DEC/3, 28 November 2000, in: *ibid*.

⁸ Decision No. 4, Chairmanship in the Year 2002, MC(8).DEC/4; Decision No. 5, Next Ministerial Council/Summit, MC(8).DEC/5, in: *ibid*.

⁹ Decision No. 6, Scale for Large OSCE Missions, MC(8).DEC/6; Decision No. 7, Police-Related Activities, MC(8).DEC/7, in: *ibid*.

¹⁰ Cf. i.e. Ewen MacAskill, Moscow blocks OSCE's Chechen 'lecture' on rights, in: *Guardian Unlimited*, in: www.guardian.co.uk/archive/Article/0,4273,4097737,00.html.

¹¹ Cf. Permanent Mission of the Russian Federation, Agenda for the OSCE, PC.DEL/2/01, 8 January 2001; Permanent Mission of the Russian Federation, Russian View on Directions of the Discussion on Optimization of the Functioning of the Permanent Council and Related Bodies, PC.DEL/3/01, 8 January 2001.

- situation of national minorities in the OSCE region;
- ensuring democratic elections in the whole OSCE area in accordance with the Copenhagen criteria [...];"
- "topics of migration and statelessness;"
- "promotion of cooperation between States in the field of economics and environment, science, technology and culture."¹²

It is quite clear that the Russian Federation is targeting issue areas such as national minorities or ensuring democratic elections that should be dealt with 'in the whole OSCE area', including Western participating States. Russia wants a 'more balanced' OSCE agenda which would avoid the impression that only the Russian Federation (and other 'Eastern' countries) are consistently the objects of Western criticism for not having lived up to OSCE commitments.

Second, Russia demands a more concrete formalisation of OSCE working bodies and procedures. Concrete proposals in this respect include more regular written reports by missions and OSCE institutions, the rationalisation of the work of the Permanent Council (PC), a reevaluation of the role of the Preparatory Committee, and the introduction of orderly working procedures, i.e. the establishment of working groups. These proposals would appear to serve two main objectives. First, the Russian Federation wants to guarantee that sensitive issues are dealt with behind closed doors and not in the current format of the PC with "attendance of unauthorized persons, like students or journalists, and by shunning publicity of draft documents and statements of Participating States."¹³ The second Russian objective seems to be to limit the political margin of manoeuvre of the Chairman-in-Office and of the Heads of Missions (HoMs). Accordingly, the document of the Russian Permanent Mission explicitly asks for "[s]trict compliance by the Chairman-in-Office with the official position of the OSCE" and demands "[r]enunciation of one-sided statements made on behalf of the OSCE as well as of statements lacking consensual backing."¹⁴ The background behind these demands is the fact that the somewhat hybrid structure of the OSCE strengthens the power positions of the CiO, the HoMs, the heads of OSCE institutions as well as those of the bigger and/or richer participating States, which by seconding personnel and/or making voluntary contributions are able to considerably shape the organisation's activities and profile. Russia, however, almost entirely lacks these possibilities. It is only weakly represented in OSCE structures and does not have the financial means to second many personnel. Thus the Russian Federation is attempting to strengthen its power position by a greater formalisation of the OSCE in order to curtail some of the more informal procedures that work to the advantage of Western participating States.

The most serious point of contention between Russia and the OSCE, however, was and still remains NATO's air campaign on Kosovo and the Federal Republic of Yugoslavia (FRY), and the role played by the OSCE in this. During this campaign Russia had to confront the fact that it does not have a veto in European security affairs. Additionally, it had to give up any lingering illusions about the possibility of OSCE becoming a counterbalance to NATO influence. On the contrary, from the Russian perspective the Kosovo Verification Mission was a direct preparation for the ensuing NATO air campaign.

"[The] Kosovo Verification Mission precedent, established in 1998-1999, linked the OSCE to NATO in such a way that in practice it was subordinated in certain military as-

¹² Agenda for the OSCE, *ibid*.

¹³ Russian View on Directions of the Discussion on Optimization of the Functioning of the Permanent Council and Related Bodies, cf. footnote 11.

¹⁴ *Ibid*.

pects to the political processes of the alliance (military reporting, intelligence data). Obviously, the OSCE Mission served as a cloak or cover for certain activities of NATO states that were part of the preparations for war."¹⁵

From Russia's point of view the co-operative context of the OSCE was abused for an unilateral military engagement lacking a valid legal basis, namely a UN mandate. The fact that after the war the OSCE was not entrusted with the mandate for the whole Kosovo Mission, as envisaged at Rambouillet, but instead comprised just one of four (now three) pillars of UNMIK was a direct consequence of the Russian perception of its role in the Kosovo war. A decisive factor for this move was the Russian Federation's assessment that its power position in the UN was stronger than the one it enjoyed in the OSCE. On the other hand, the OSCE was not, and is still not in a position to single-handedly manage the comprehensive task of rebuilding a whole society.

The fact that the Russian Federation had compromised at the 1999 Istanbul summit on Kosovo, Chechnya and almost all other issues fed the illusion in the West that Russia had already "swallowed" the Kosovo issue. In reality, however, Russia's reaction within the OSCE on the Kosovo question was simply delayed for a year. From the current Russian perspective the Istanbul summit represents a defeat caused by a weak Russia and a weak Russian president, whereas now Russia is led by a strong president. The dominant Russian motivation before the Vienna Ministerial - which was clearly communicated to major Western participating States months before this event -, was to avoid a 'second Istanbul'. It seems as if this was not taken sufficiently serious by Western participating States.

It was with this central objective in mind that the Russian Federation approached the Vienna Ministerial. Consequently, the meeting's failure was not an accident or the consequence of an inability to reach consensus on particular questions, but was much more the result of a deliberate Russian strategy. The Russian Federation wanted to demonstrate that it was not ready to bow to every Western demand and that it was prepared to use its veto for the first time. While the strategic and pre-planned character of the Russian approach to the Ministerial is quite clear, it is open to question whether the Russian Federation consciously sought the failure of the meeting from the outset, or whether it had decided not to go below a certain minimum position. An even more important question remains unclear: does the Russian Federation take its above-mentioned demands seriously, or is its main concern to keep the OSCE out of conflicts in Russia proper as well as in its 'near abroad'? Only future developments can provide answers to this question, which is of critical importance: if Russia is really interested in a 'more balanced' and enlarged OSCE agenda, then certain changes in this direction might well be possible. If, however, the Russian Federation's main interest consists in keeping the OSCE out of the crisis regions in the Transcaucasus and Central Asia, then a common approach would be extremely difficult to reach. Keeping the OSCE out of these regions would conflict with its basic political rationale. In one sense, at least in the short term Russia can be satisfied with the outcome of the Vienna Ministerial. Everybody in the OSCE context is now preoccupied with 'Russia handling', with the result that the Russian Federation enjoys a level of attention it did not have before.

The results of the 8th Ministerial also reflect the overall political situation, especially Russian-US relations, which have considerably deteriorated over the last years. The first round of NATO's enlargement, discussions on a second one, US plans for a National Missile Defence, Russian behaviour at home and in its 'near abroad', the struggle on the Caspian oil and

¹⁵ Alexander Matveev, *The OSCE Identity Crisis*, in: Institute for Peace Research and Security Policy at the University of Hamburg / IFSH (Ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, p. 63.

Kosovo are only some aspects of the larger picture. In this sense, as a rather weak international organisation, the OSCE is as much the victim of overall trends as it was their beneficiary when the general situation was more relaxed and co-operative. The current situation is characterised by a rather high - and with the new US government probably rising - level of US assertiveness. As the only world power, the US is used to having its demands met, and in the OSCE context it is considerably less ready to compromise than EU Member States. In the negotiations of the Vienna Ministerial it might have been possible to find compromises between the EU Member States and the Russian Federation on some questions (return of the OSCE Assistance Group to Chechnya, legal capacity of the OSCE, see below) which failed because of US unwillingness to compromise. For that reason some Western observers do not only speak about 'Russia handling' but also about 'US handling' in the frame of the OSCE.

In spite of conflicting interests, the relations between the Russian Permanent Mission in Vienna and other participating States seem to be rather relaxed and business-like at the moment. The level of consultations is generally high, and nobody wants to characterise the situation as a "crisis". Nonetheless, as quite often in its previous history, the OSCE once again stands at a crossroads. Russia still values the OSCE as the only pan-European frame of co-operation in which it can participate on an equal footing. The Russian Federation has not decided to turn its back on the OSCE, but it has also not made a definite decision to the contrary. Therefore, if Western participating States fail to find enough common political ground to ensure that Russia is firmly included in the co-operative frame of the OSCE, the situation has the potential to develop into a real crisis. OSCE's very *raison d'être* makes substantial co-operation with Russia essential. With the exception of the Balkans (where the EU role is steadily increasing), cooperation with Russia is crucial for solving problems in all of the crisis areas in the OSCE area. Without Russian participation the OSCE would develop into a kind of Organisation for Security and Co-operation in South Eastern Europe, and render itself superfluous. Thus the single most important political question in the OSCE context is how best to integrate the Russian Federation on a long-term basis. It goes without saying that Russia's willingness and ability to co-operate will also be essential.

2. *The OSCE and the European Union's unfinished CFSP*

One question which is almost equally problematic is that of who will be able and willing to engage in 'US handling'. The obvious answer is the EU and its Member States. On paper, the EU's potential for forging the OSCE according to its own interests is quite impressive. EU Member States make up more than a quarter of OSCE participating States, and nearly half if one adds candidates for accession and associated states. Additionally, the EU States contribute about two thirds of the OSCE budget and a comparable share of seconded personnel. *Potentially*, the EU and its Member States would be well equipped to work as a counterweight to the US in matters where US and EU interests are at least moderately divergent. Clearly, in reality the situation is quite different, and "there is no doubt that the influence of the United States in the OSCE has increased tremendously, especially during the last few years."¹⁶ The Dutch Ambassador to the OSCE, Landman, points to the fact that it is not the United States which is too strong, but the European Union that is too weak: "If the European Union has not been able to make its influence stronger felt in Vienna to maintain some equilibrium, despite the development of a Common Foreign and Security Policy, we have only ourselves to blame

¹⁶ Ambassador Johannes C. Landman, Permanent Representative of the Netherlands to the OSCE, An introduction with some personal thoughts on the OSCE, in: Netherlands Helsinki Committee (Ed.), 25 Years Helsinki Final Act, Symposium contributions, The Hague, 9 October 2000, The Hague, p. 11.

and should look for remedies in our own camp."¹⁷ The relative weakness of the EU States in the OSCE has two main sources. *First*, in spite of the fact that the OSCE was the first training ground for the Union's then new Common Foreign and Security Policy (CFSP), there is no common policy on many issues. In particular, the three biggest EU States – France, Germany, and the United Kingdom – have major difficulties in coming to common positions. *Second*, this is aggravated by the fact that some major EU States display considerable uncertainty over whether and to what extent they should use the OSCE as an instrument for furthering EU interests. If one takes into account that no group of states benefits more from the activities of the OSCE than the enlarging EU, this has a certain ironical quality. US strength and EU weakness within the OSCE have lead to "voices in the European Union that tend to draw the wrong conclusions from this imbalance. [...] Instead of focusing on reinforcing our capacity to act jointly and more effectively in and through the OSCE, they prefer the European Union, which after all is developing its own military and civilian rapid reaction capability, to "act on its own". Were this scenario to materialize, the OSCE could be easily dispensed with."¹⁸ Such an approach would represent a serious setback. *First*, it would represent a defensive reaction of the EU in response to its own weakness. *Second*, it would curtail the strategic outreach of today's OSCE crisis prevention and management capabilities. The notion that the EU's basis of legitimacy for getting involved in the Caucasus and Central Asia is the same as the one of the OSCE is incorrect. *Third*, it would weaken Euro-Atlantic ties, which are secured not only through NATO, but also through the OSCE. And last but by no means least, it would jeopardise the inclusion of Russia in the only existing pan-European co-operation framework.

Ambassador Landman may have been right when he said: "These opinions, fortunately, are not yet widely articulated."¹⁹ One has to observe, however, that the programmatic statements of the EU on non-military crisis management display a certain ambiguity concerning the question as to whether the Union should act within the UN and OSCE or autonomously. The "Action Plan" of the "Presidency Report on Non-Military Crisis Management of the European Union" of the Helsinki European Council on 10 and 11 December 1999 stresses on the one hand the aim of "enhancing and facilitating the EU's contributions to, and activities within, other organisations," and on the other the "EU autonomous actions"²⁰. As with the Union's policy on common military capabilities, this decision aims at the development of capabilities without deciding beforehand under what circumstances and in which framework these capabilities should be used. At present, the Union is forging instruments without clearly defining objectives. Because the underlying political question about what role the EU will allocate to the OSCE remains open, the perspective of this organisation also remains to some extent unclear.

It might have been hoped that the High Representative of the European Union for CFSP, Javier Solana, could have shed some light on this question when he addressed the PC on 18 January 2001. Solana's speech, however, was for the most part a repetition of the EU's well-rehearsed programmatic positions, without developing a political vision as to how the EU aims to use the OSCE. The core question as to whether the EU is primarily aiming at working within the OSCE or autonomously remains wide open. Solana assured "that close co-operation between the EU and the OSCE will remain essential" and that the EU is "not aiming to be exclusive." On the other hand, he stated that "the increased capacities being developed by the

¹⁷ Ibid., pp. 11-12.

¹⁸ Ibid., p. 12

¹⁹ Ibid.

²⁰ Helsinki European Council 10 and 11 December 1999, Presidency Conclusions, Annex 2 to Annex IV, Presidency Report on Non-Military Management of the European Union, Action Plan, in: http://www.europarl.eu.int/summits/hel2_en.htm

EU are not only for EU-led missions"²¹, statements which left the question unresolved. Taken together, the OSCE - and especially the representation of EU interests within the OSCE - is suffering from the contradictions of the EU's unfinished CFSP.

3. *Ideas on how to Involve the Russian Federation in the OSCE*

Shortly after taking office the Romanian Chair slightly changed the format of the PC as well as of the Preparatory Committee meetings. PC meetings have been streamlined, i.e. reports of HoMs should not take more than five minutes. On the other hand, meetings of the Preparatory Committee will now provide a Russian language translation, as demanded by the Russian Federation. In addition, on the basis of the above-mentioned Decision No. 7 of the Vienna Ministerial, the Chair established a working group on police issues which is chaired by the Canadian ambassador Evelyn Puxley. One specific question, progress on which would considerably contribute to the integration of the Russian Federation in the OSCE's work, is the issue of 'legal capacity' (see below, chapter 4.1). On the political level one can observe that Romania was careful not to antagonise Russia unnecessarily. Thus the Romanian Foreign Minister Mircea Geoana in his address to the UN Security Council on 29 January 2001²² only briefly touched upon the problems of Moldova/Transnistria and Georgia, while Chechnya was not mentioned at all. Time will show whether this approach of low-profile, discrete diplomacy will lead to results, notably whether it can lead to the return of the OSCE Assistance Group to Chechnya.

A central problem in the context of working procedures is the transparency and inclusiveness of the OSCE decision-making process. Many decisions are made through consultations between the 'big five' (US, Russia, France, Germany, United Kingdom) only. The fact that smaller Western (EU) States do not feel sufficiently represented in the process is clear from a Netherlands statement in the PC on the modalities of the establishment of the Rapporteur Mission to Belgrade in December 2000:

"2. We deplore the total absence of transparency. [...]. 3. Furthermore, we wish to share with other interested members of the Permanent Council our concern about the course this Organization is taking. Increasingly we are witnessing a small group of non-elected Representatives benefiting from so many privileges of, apparently, a by now structural nature, that this is not only weakening the much cherished flexibility with which we wish to pursue our goals; it is also starting to affect this Organization in its core. [...] [T]he essence of consensus is the right to participate in the decision making process, and, even more, the right to know what is going on. We feel more and more left out of that process."²³

Against this background of strong dissatisfaction even amongst Western States, the Romanian Chair is making efforts to include more States in the decision-making process. In his first speech before the PC the Romanian Foreign Minister said: "we want to develop new ideas for strengthening political dialogue between OSCE States; [...] Let's not just talk about coopera-

²¹ Address by Dr. Javier Solana, High Representative of the European Union for Common Foreign and Security Policy (CFSP), before the OSCE Permanent Council, Vienna, 18 January 2001, in: <http://ue.eu.int/Newsroom/LoadDoc.cfm?...=!!!&BID=107&DID=64626&GRP=3122&LANG=1>.

²² OSCE Chairman-in-Office, Romanian Foreign Minister Mircea Dan Geoana, Address to the United Nations Security Council, New York, 29 January 2001, in: <http://www.osce.org/cio/speeches/index.php3>.

²³ PC.JOUR/313, 7 December 2000, Annex, Statement by the Delegation of the Netherlands, in: <http://www.osce.org/docs/english/pc/2000/journals/pccej313.htm>.

tion and partnership. [...] Let's see more constructive dialogue leading to action.²⁴ One step in this direction is the statement of the PC on 22 February 2001 against violence in Kosovo.²⁵

Another strand of thinking concerns the economic dimension. If the second basket had ever had any major importance in the past, one would be tempted to speak of a kind of 'renaissance' of this dimension. But of course economic and environmental issues have never been a priority but rather the poor cousin of the C/OSCE, so it would be more accurate to speak of the emergence of a new trend. The current buzzwords in this field include Caspian Sea, oil, water, environmental issues, drug trafficking. The central idea is, as the Chairman-in-Office clearly stated, that "we want the OSCE to act as a political catalyst: to identify potential economic or environmental trouble spots, and to mobilize states and other national or transnational actors to take the appropriate steps."²⁶ It is difficult to deny the fact that crises and conflicts have important economic root causes which have to be tackled if one wants to prevent crises and regulate conflicts. On the other hand, the potential of the OSCE for dealing with the economic dimension is so limited that there is little to fear in the way of competition with other international organisations, including the international financial organisations and the EU. Instead, the OSCE could play a complementary role, using its extensive field presence to act as an early warning systems for these organisations. Economic issues are linked to certain regions, especially the Transcaucasus and Central Asia. At the OSCE Tashkent Conference in October 2000 economic and environmental issues already won a new prominence. Also relevant in this respect was the UK's initiation of a Central Asia water project last year.

Another suggestion for enhancing Russian involvement is to concentrate on one of the regional conflicts in order to reach a break-through and to demonstrate that the so-called "frozen conflicts" are not insoluble. As appealing as this approach may sound, it would need to overcome one substantial obstacle: all cases (Moldova/Transnistria, Nagorno-Karabakh, Georgia/South Ossetia) lie at the periphery of the Russian Federation and can hardly be solved without Russia's co-operation. Thus progress would be dependent on the development of a political climate favouring Russian involvement.

In a number of Western Permanent Missions there are also ongoing deliberations on how to find appropriate ways of raising 'Western issues' within the OSCE, especially minority and human rights issues. Taking into account that two member States of NATO either deny the existence of any minorities on their territory (France) or, referring to the 1923 Treaty of Lausanne, recognise only non-Muslim minorities (Turkey), it would be very difficult to make progress in this area. Last year, the Turkish government bluntly rejected a demand from the OSCE High Commissioner on National Minorities for a meeting with the Turkish Foreign Minister and Minister for Human Rights.²⁷ The attempt to include the "Lund Recommendations on Effective Participation of National Minorities in Public Life"²⁸, authored by a group

²⁴ Address by H.E. Mircea Dan Geoana, Minister of Foreign Affairs of Romania, Chairman-in-Office of the OSCE, Permanent Council, Vienna, 11 January 2001, in: <http://www.osce.org/cio/speeches/index.php3>.

²⁵ Cf. PC.JOUR/322, 22 February 2001, Annex, Statement by the Permanent Council, in: <http://www.osce.org/docs/english/pc/2001/journals/pccej322.htm>.

²⁶ Address by H.E. Mircea Dan Geoana, Minister for Foreign Affairs of Romania, OSCE Chairman-in-Office, Heads of OSCE Mission Meeting, Bucuresti, 22 January 2001, in: <http://www.osce.org/cio/speeches/index.php3>.

²⁷ Cf. Exchange of letters between the OSCE High Commissioner on National Minorities, Max van der Stoel, and the Minister of Foreign Affairs of the Republic of Turkey, Ismail Cem, in: Greek Helsinki Monitor / Minority Rights Group, Greece, Turkey Refuses to Discuss Minority Rights with the OSCE HCNM van der Stoel, in: <http://www.racoon.riga.lv/minelres/archive/11192000-22:08:59-4934.html>.

²⁸ Lund Recommendations: effective Participation of National Minorities in Public Life (June 1999), in: <http://www.osce.org/hcnm/documents/index.htm>

of experts under the aegis of the incumbent HCNM, in the Istanbul Summit document, also failed. This step would have made these recommendations politically binding on all participating States. One rare example of raising 'Western issues' was the statement of the Portuguese EU Presidency on behalf of the European Union, regarding the "Death Penalty in the United States of America"²⁹ on 10 February 2000.

Future developments will demonstrate whether these ideas³⁰ are sufficient to restore the damaged political confidence base of the OSCE. More important than any single measure will be the political will of the participating States to stick to the OSCE as the only existing pan-European framework of co-operation and to use this instrument to strengthen stability and security in the OSCE area.

4. *Problem Areas and Perspectives*

As discussed above, the Romanian Chairmanship faces a daunting challenge in its attempts to steer the OSCE through the current difficult situation following the failed Ministerial Council in November 2000. This section focuses on the most important structural and organisational matters, as well as the conceptual and regional issues for the OSCE in 2001, and tries to evaluate the prospects for finding solutions. Special attention is given to those issues regarding which the Russian Federation has a special interest.

4.1 *Structural and Organisational Matters*

Legal Capacity and Privileges and Immunities. While the OSCE possesses the characteristics necessary to define it as an intergovernmental organization, "[t]he core issue is that the OSCE does not enjoy the legal status of an international organization."³¹ In 1993, the Rome Ministerial Council made a first attempt to rectify this. It decided that the OSCE institutions should be granted a legal capacity and privileges and immunities, although not through a treaty in the form of an international convention ratified by its participating States, which would have been the normal procedure, but under national law subject to the constitutional requirements of each participating State. Since then very limited progress has been made, and the results of the

²⁹ PC.JOUR/269, 10 February 2000, Agenda item 2: Review of Current Issues, (b) Death Penalty in the United States of America, in: <http://www.osce.org/docs/english/pc/2000/journals/pccej269.htm>

³⁰ The Netherlands and Germany in a joint initiative presented a number of ideas to strengthen the OSCE in spring 2001.

³¹ OSCE Legal Capacity and Privileges and Immunities. Report of the Permanent Council to the Ministerial Council, PC.JOUR/383, 26 November 2000, Annex; endorsed by Decision No. 383 of the PC, at: <http://www.osce.org/docs/english/pc/2000/decision/pced383.htm>. The Report contains as annexes: Secretary General's background report on the OSCE Legal Capacity and Privileges and Immunities (SEC.GAL/20/00 of 6 March 2000 and SEC.GAL/20/00/Add.1 of 22 March 2000, Attachment 1); Non-paper issued by the Austrian Chairmanship on the OSCE Legal Capacity and Privileges and Immunities (CIO.GAL/42/00 of 23 June 2000, Attachment 2); Secretary General's paper on difficulties the OSCE has faced or may face due to the lack of legal capacity and privileges and immunities granted by all participating States (SEC.GAL/71/00 of 13 July 2000, Attachment 3); List of Provisions which could be included in a Convention or a Model Bilateral Agreement on the Legal Capacity and Privileges and Immunities of the OSCE (SEC.GAL/71/00 of 13 July 2000, Attachment 4); Draft of a Convention on the Legal Capacity of the OSCE and Its Privileges and Immunities (CIO.GAL/114/00 of 1 November 2000, Attachment 5); with addendum on Signature and Entry into Force (CIO.GAL/114/00/Add.1 of 13 November 2000, Attachment 6); a second Draft of a Convention on the Legal Capacity of the OSCE and Its Privileges and Immunities (CIO.GAL/129/00 of 22 November 2000, Attachment 7); and a Draft Decision of the Ministerial Council on the OSCE Legal Capacity and Its Privileges and Immunities (CIO.GAL/130/00 of 1 November 2000, Attachment 8).

open-ended working group of the PC, which was tasked by the Istanbul Summit Declaration³² of 1999 to prepare recommendations on how to bring the process forward, did not meet the necessary consensus for implementation.

The issue of whether it should have a legal personality - defined as an international organisation's capacity to contract, to acquire and dispose of movable and immovable property, and to institute and participate in legal proceedings - is not just an academic question for the OSCE. It touches on the very self-understanding of this organisation. Although the OSCE has in principle shown its ability to act in the absence of a legal capacity, this unresolved issue creates some very tangible problems and disadvantages. Thus far, neither the 1993 Rome Council decision, implemented only by a few participating States, nor national legislation foresees or grants legal capacity to the OSCE as such - i.e. as the entity including all bodies through which OSCE mandates are decided and implemented. Instead, they only recognise the Secretariat and the ODIHR as OSCE institutions with such a legal standing. As party to an agreement, the OSCE would have a contractual right to claim that status with all the consequences flowing from it; the same could not be said if such status and privileges and immunities were based on unilateral action by a State, even if based on a decision by an OSCE organ. This situation, and the additional problems associated with the granting of privileges and immunities to OSCE personnel, causes difficulties for the smooth operation of OSCE institutions and missions. OSCE is obliged, *f. ex.* to conclude Memoranda of Understanding with participating States about the deployment of an OSCE Mission, or the protection of local staff against criminal prosecution.

Although the Romanian Chairman-in-Office stressed in his priorities for 2001 that the participating States "need to assess whether OSCE can function more efficiently with a different legal capacity"³³, it is very unlikely that we will witness a breakthrough in this respect, because the OSCE plays a different role for different participating States. While Russia, for example, would like to see the OSCE as the lead organisation for European security in order to balance the influence of NATO, the United States (and others) want the OSCE to be a flexible ad hoc instrument, and fear it would become less controllable were it to develop an institutional life of its own.³⁴

Budget. Another issue of general importance relates to the scale of financial contributions for large OSCE Missions.³⁵ In Copenhagen at the 6th Ministerial Council Meeting, December 1997, the participating States decided to introduce a special scale of financial contributions for large OSCE Missions to be valid until 31 December 2000³⁶, implying higher costs for the richer participating States compared with the normal scale of funding that had already been

³² Point 34 of the Istanbul Summit Declaration of 19 November 1999, at: <http://www.osce.org/docs/english/1990-1999/summits/istadec199e.htm>.

³³ Address by Mircea Dan Geoana, 11 January 2001, cited above (Note 24).

³⁴ Cf. Anatolii Kvashnin, Main Security challenges: A Military Response, in: International Affairs: A Russian Journal, No. 1 (2000), at: https://www.cc.columbia.edu/sec/dlc/ciao/olj/iarj/iarj_00_01a.html: "[T]he architecture of European security, in our opinion, should be based on the OSCE, the only European international organization that protects the interests of all its member states."; and the speech of the Deputy Chief of the US Mission to the OSCE, Josiah B. Rosenblatt, "OSCE 2001: The Challenges We Face", to the Vienna Diplomatic Academy, Vienna, 23 February 2001, at: <http://www.osce.usia.co.at/dip-acad23feb01.html>: "Fundamentally, the United States views the OSCE as an indispensable *instrument* for fostering stability, promoting prosperity, and developing democratic institutions in Europe. [...] As it was in Helsinki more than 25 years ago, the OSCE remains a vital *forum for political dialogue* among its members." (Italics by the author).

³⁵ Cf. Decision No. 6, 8th OSCE Ministerial, cited above (Note 9).

³⁶ Cf. Decision on a Scale for Large OSCE Missions and Projects, MC(6).DEC/8, at: <http://www.osce.org/docs/english/1990-1999/mcs/6cope97e.htm#Anchor-DECISIO-18138>.

decided upon at the Helsinki Summit in 1992³⁷. This measure was introduced in response to the significant expansion of OSCE's field activities, and the need to maintain these enlarged operational capabilities. Due to American opposition during the Vienna Ministerial Council, it was not possible to agree upon a new scale. This reflected to a certain degree the tendency of the United States towards unilateral action, because all other participating States were ready to agree on this issue.

In order not to jeopardize OSCE's ability to act in the field, the participating States agreed in December 2000 upon an interim financing agreement to last until the end of March 2001.³⁸ In this arrangement and subsequently also in the Unified Budget for 2001 a new element was introduced, which foresees "in the budgets for the Large Missions for 2001 a main programme amounting to 2.23 per cent of the total to be funded by voluntary contributions."³⁹ While voluntary contributions are in general not necessarily a bad thing, it is nevertheless a first warning signal that the OSCE might gradually be becoming an organisation of interest rather than of obligation. In other words, if OSCE action depends more and more on voluntary contributions, this would make the influence of the richer participating States even greater than it already is now. The existing economic dividing lines in the OSCE area would deepen and thus could contribute to the formation of different camps of participating States.

In the meantime the participating States finally struck a compromise in the form of a new decision on a scale for large OSCE Missions and Projects on 5 April 2001.⁴⁰ The Interim Financial Arrangement (PC.DEC/398) will be applied until 31 December 2001. As of 1 January 2002 the new scale for large Missions will be applied until 31 December 2004. In this scale the budgetary voluntary contributions of 2.23 per cent mentioned in the Interim Financial Arrangement are no longer referred to, which means that some participating States have to pay more (the most important changes are US 13.57 per cent (compared with 12.40) and Germany 11.31 per cent (10.34). This means that the distribution of costs for all other OSCE activities will still follow the scheme that was agreed upon at the 1992 Helsinki Summit, which is to the benefit of States such as the US, the UK, France and Germany, which have to pay only 9.00 per cent, and to the detriment of *inter alia* Russia which has to pay 9.00 per cent as well. The Permanent Council therefore decided to elaborate a new formula for all OSCE Missions and field activities to be effective as of 1 January 2005. This new scale of contributions will be based on the following principles: a ceiling of 14.00 per cent and a floor of 0.02 per cent for any one participating State, the capacity to pay, a revision of the scale every three years based additionally on GNP figures, and on the political nature of the Organisation. This compromise thus incorporates the resolve of states like the US not to be drawn into open-ended legally binding financial commitments, and the desire of poorer participating States not to be overburdened with financial contributions.

OSCE Secretariat. The Secretariat was one of the institutions of the OSCE that went through noticeable changes during the course of the year 2000. As a reaction to the poor performance of the Organisation during the Kosovo crisis, when it was not possible to deploy enough personnel on the ground in the necessary time-frame, the participating States decided at the Istanbul Summit in 1999 to restructure the Secretariat and to "set up Rapid Expert Assistance and Co-operation Teams (REACT) that will [...] enable OSCE bodies and institutions, acting in

³⁷ Cf. XII. Administrative Decisions, at: http://www.osce.org/docs/english/1990-1999/summits/hels92e.htm#Anchor_ADMINISTRATIV_36615.

³⁸ Interim Financing Arrangement for the Scale of Contributions for Large OSCE Missions, PC.DEC/398, 14 December 2000, at: <http://www.osce.org/docs/english/pc/2000/decision/pced398.htm>.

³⁹ Year 2001 Unified Budget, PC.DEC/399/Corr., 14 December 2000, at: <http://www.osce.org/docs/english/pc/2000/decision/pced399.htm>.

⁴⁰ Scale for Large OSCE Missions and Projects (Corrected Reissue), PC.DEC/408/Corr.1, 5 April 2001, at: <http://www.osce.org/docs/english/pc/2001/decisions/pced408.htm>.

accordance with their respective procedures, to offer experts quickly to OSCE participating States to provide assistance, in compliance with OSCE norms, in conflict prevention, crisis management and post-conflict rehabilitation [...] [and] to set up an Operation Centre [...] to plan and deploy field operations, including those involving REACT resources."⁴¹

After one and a half years the balance sheet in this field appears to be fairly positive: the overall civilian crisis management capability of the OSCE was strengthened, which can be seen, *inter alia*, through the more transparent recruitment procedures. In this respect, it should be noted that REACT is now up and running. The Operation Centre, which serves as a planning cell for future missions and field operations, and prepares the deployment of new missions or field operations, has stood its first serious test with the deployment of the new OSCE Mission to the Federal Republic of Yugoslavia. It is, however, difficult to generalise outwards from this success story, because not all future mission planning and deploying activities are likely to take place in such a friendly environment as Yugoslavia after Milosevic, where the establishment of a mission was welcomed by the authorities, the lines for communication and transportation short and the infrastructure more or less in place. Apart from these tasks the Operation Centre has the additional function of identifying potential crisis areas. Bearing in mind the limited human and other resources and above all the marginal political importance of the OSCE Secretariat, which was further reduced by the Romanian Chair's efforts to curtail any independent action inside the organisation, one should not expect very much from the Operation Centre in this regard.

Another pattern of problems that needs to be tackled relates to the relationship between the OSCE Secretariat and the Chairman-in-Office. Every incoming Chairman brings with him or her a new set of priorities, working procedures etc. which need to be defined before becoming operational. This creates numerous problems and leads to the partial paralysing of the Secretariat, especially in the beginning of a year. Rather than reinventing the wheel every year the modalities of co-operation between the Chair and the OSCE Secretariat should instead be fixed. This would bring more continuity and stability to the organisation. Last, but not least, it should be mentioned that the Secretary General can wear only one hat at the same time. He should devote his whole attention to the tasks he has been assigned with, such as the running of the Secretariat, and not be tasked with other issues like performing additional functions as the Personal Representative of the Chairman-in-Office for Central Asia, as was the case during the Austrian Chairmanship.

4.2 *Conceptual Issues*

The Human Dimension. As suggested in the first section, Russia has criticised the OSCE for putting too much emphasis on the human dimension and in applying double standards by directing its activities in this respect almost exclusively towards Eastern and South Eastern Europe. In response, it should first of all be stated unambiguously that there cannot be too much emphasis on the human dimension, because it constitutes one of the cornerstones of the OSCE. The real problem is that there is not enough emphasis on the politico-military and economic and ecological dimensions. A balanced approach towards all three dimensions is a prerequisite for comprehensive security. On the other hand there are certain problems and

⁴¹ Charter for European Security, Istanbul, November 1999, Point 42. Rapid Response (REACT) and Point 43. Operation Centre, at: <http://www.osce.org/docs/english/1990-1999/summits/istachart99e.htm>. On 29 June 2000 the Permanent Council implemented these new structures (Strengthening of OSCE Operational Capacities (REACT, Operation Centre, Restructuring of the OSCE Secretariat), PC.DEC/364, at: <http://www.osce.org/docs/english/pc/2000/decision/pcdec364.htm>).

limitations of the OSCE's human dimension as such and in relation to its geographical outreach, substance and institutional framing.⁴²

Regarding the geographical outreach of the human dimension, it is true that the OSCE is almost exclusively active in Eastern Europe, Central Asia, the Caucasus and South Eastern Europe, thus neglecting for instance Turkey and the Kurdish question, not to mention existing human rights problems in 'Western' countries. But there are also certain 'double standards' for the 'Eastern' countries, since the OSCE participating States raise concerns about the human rights situation in the Russian Federation only selectively, while smaller and weaker participating States like the Central Asian States or Belarus are permanently 'bashed' in this regard. The human dimension of the OSCE is traditionally a predominantly Western driven issue. It is therefore not surprising that positive developments regarding the implementation of OSCE commitments in the human dimension can be observed especially in those regions where 'sticks' can be combined with 'carrots' (prospects for integration in 'hard' economic and military security structures like the EU and NATO), like in Eastern Central Europe, the Baltic States and to a certain degree in South Eastern Europe.⁴³

The question remains that of how to find a more balanced approach for the whole OSCE region. A watering down of commitments through simply adding new projects and initiatives in 'Western' countries just to achieve a balance is equally out of the question. This would overstretch the already limited capacities of the organisation. What should be reconsidered, however, is the issue of the substance of OSCE activities in the human dimension. Since 1990 when the normative basis of OSCE commitments in the human dimension was forged, the organisation has witnessed a tremendous expansion of tasks⁴⁴ without a corresponding expansion in its financial means and institutional structures. The OSCE can not rely on a set of legally binding instruments like the Council of Europe, and does not have the capacity to act as a development agency like the UN or EU. Therefore it should focus on those human dimension issues that have the potential to affect the overall security situation, and not lose focus by dealing with too many issues at the same time. It goes without saying that gender issues and the development of universities (for example in Belarus), just to mention some examples, are important issues as such and can sometimes serve as 'door-openers' for other issues. But the OSCE should try to tackle in the first instance those issues in the human dimension that are likely to affect the overall security situation in the OSCE region, or which contribute directly to the process of conflict resolution. Regarding the first, the OSCE should give more prominence to the question of freedom of movement, because we are already witnessing the first signs of the establishment of a new 'iron curtain' between countries that are or soon will become members of the EU, and those to the East which will remain outside at least in the near future. Regarding the second, civic diplomacy could and should play a much more significant

⁴² Cf. also Randolph Oberschmidt, 25 Jahre menschliche Dimension der KSZE/OSZE. Von der Schlussakte von Helsinki (1975) zum Istanbuler Gipfel, in: S + F. Vierteljahresschrift für Sicherheit und Frieden, Jg. 18, H. 4 (2000), pp. 319-327.

⁴³ This can be observed for instance when evaluating the activities of the OSCE High Commissioner on National Minorities (HCNM) in Estonia, Latvia, Slovakia and Romania. During 2001 CORE will start publishing research studies on the activities of the HCNM in Estonia, Latvia, the former Yugoslav Republic of Macedonia, Romania, Slovakia and Ukraine. For the structure of the study see: Wolfgang Zellner, On the Effectiveness of the OSCE Minority Regime. Comparative Case Studies on Implementation of the Recommendations of the High Commissioner on National Minorities of the OSCE, Hamburg 1999 (Hamburger Beiträge zu Friedensforschung und Sicherheitspolitik, No. 111), at: <http://www.rsz.uni-hamburg.de/core-ifsh/Publications/On%20the%20Effectiveness%20of%20the%20OSCE%20Minority%20Regime.pdf>.

⁴⁴ Cf. for instance the numerous projects and activities for 2001 of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), at: <http://www.osce.org/odihr/cal2000.htm#d1>.

role for the OSCE in the so-called 'frozen conflicts' (Abkhazia, South-Ossetia, Transnistria, Nagorno-Karabakh).

The Politico-Military Dimension. Under Annex 1-B of the 1995 Dayton Peace Accords the OSCE is mandated to assist in negotiating and implementing three different arms control agreements: one on CSBMs in Bosnia and Herzegovina (Art. II, concluded on 26 January 1996), an agreement on subregional arms control covering Bosnia and Herzegovina, Croatia, and the FRY (Art. IV, concluded on 14 June 1996) as well as an agreement on arms control "in and around the former Yugoslavia" (Art. V).⁴⁵ Art. V negotiations which had been started on 8 March 1999 were initially impeded by the Kosovo war, which prompted FRY to leave the negotiations, and subsequently from the suspension of the FRY from the OSCE. Only the re-admission of the FRY to the OSCE on 10 November 2000 cleared the way for meaningful negotiations, enabling the 8th Ministerial to call upon the negotiating States to conclude their work "no later than by the next meeting of the OSCE Ministerial Council."⁴⁶

Although only 30 of the 55 participating States are States Parties to the Treaty on Conventional Armed Forces in Europe (CFE Treaty) this agreement is an indispensable element for maintaining stability and security in the OSCE area. Since the signing of the "Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe" and the "Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe" at the Istanbul Summit on 19 November 1999⁴⁷ only two States (Belarus and Ukraine) have started the ratification procedure, and the government of the Russian Federation has announced that it will join them in the near future. The most important reason for this considerable delay in the ratification process lies in the fact that the Russian Federation as yet fails to comply with three conditions enshrined in the Final Act and in the Istanbul Summit Declaration. *First*, the Russian Federation on 1 November 1999 committed itself to all obligations under the Treaty and, in particular, "to agreed levels of armaments and equipment"⁴⁸. This also includes the flank ceiling the Russian Federation has not yet complied with because of the Chechen crisis. *Second*, the Russian Federation committed itself "to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002."⁴⁹ *Third*, the Russian Federation and Georgia agreed that the Russian side reduce by 31 December 2000 its treaty-limited equipment in Georgia to 153 tanks, 241 ACVs and 140 artillery systems, and that it disband by 1 July 2001 its military bases at Gudauta and Vaziani. Finally, the two sides committed themselves to "complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki"⁵⁰ in the course of the year 2000. While the first commitment was kept and the second issue can also probably be addressed, the positions in the third one are still far apart: Georgia is demanding the disbandment of Batumi and Akhalkalaki by 2003, whereas the Russian Federation wants to keep these two bases for 15 years. Taken together, complicated problems touching the core political issues of the respective crises have to be solved before the ratification process of the CFE adaptation can build up steam. From this perspective, there is a risk that European arms control will become the hostage of unresolved subregional problems.

⁴⁵ Cf. OSCE Handbook Online, 9. Military Aspects of Security, Regional arms control agreements - Articles II, IV and V of the Dayton Peace Accords, at: <http://www.osce.org/publications/handbook/9.htm#4>.

⁴⁶ Vienna Declaration on the Role of the OSCE in South-Eastern Europe, cited above (Note 4).

⁴⁷ CFE.DOC/1/99, at: <http://www.osce.org/docs/english/1990-1999/cfe/cfeagree.pdf>; and CFE.DOC/2/99, at: <http://www.osce.org/docs/english/1990-1999/cfe/cfeinact99e.pdf>.

⁴⁸ Final Act, *ibid*.

⁴⁹ Point 19 of the Istanbul Summit Declaration, cited above (Note 32).

⁵⁰ Joint Statement of the Russian Federation and Georgia, Istanbul, 17 November 1999, Annex 14 of the Final Act, CFE.DOC/2/99, cited above (Note 47).

It is obvious that the recent discussions about NATO enlargement and the US National Missile Defence have led to noticeable irritations between the US and its European allies and even more between the US and Russia. While it remains unclear whether we will witness a general deterioration of relationships, it is clear that arms control and the OSCE as such are hostages to these future developments. But this is not the only reason why the politico-military dimension of the OSCE needs new paradigms. Recent efforts to curtail the uncontrolled proliferation of small arms and weapons and regional confidence- and security-building measures seem to be taking the right direction. Generally speaking, there must be more emphasis on the potential role of the military dimension in conflict and crisis prevention, and more efforts towards comprehensive security by integrating this dimension into the human and economic dimensions. One step concerning the first aspect is the OSCE Document on Small Arms and Light Weapons of 24 November 2000, which aims at curtailing the uncontrolled spread of these weapons.⁵¹

Peace-keeping and Executive Policing. These two special issues, which also belong to the politico-military dimension, came again to the surface of principle OSCE activities in 1999 at the Istanbul Summit. There, the participating States decided "to explore options for a potentially greater and wider role for the OSCE in peacekeeping. [...]. [T]he OSCE can, on a case-by-case basis and by consensus, decide to play a role in peacekeeping, including a leading role [...] [or] provide the mandate covering peacekeeping by others and seek the support of participating States as well as other organizations to provide resources and expertise."⁵²

The OSCE as a regional organisation under Chapter VIII of the UN Charter is principally entitled to conduct peace-keeping operations, but not peace-enforcement, which must be mandated by the UN Security Council under Chapter VII of the Charter. But is the OSCE ready for such a role? Apart from planning for a future peace-keeping operation after a still very uncertain settlement of the Nagorno-Karabakh conflict⁵³, and a Russian initiative to give the Russian peace-keeping forces in Trans-Dniestr an OSCE mandate⁵⁴, the issue of peace-keeping has a relatively low profile for the OSCE. So far, the Organisation has only been able to handle small military monitoring missions. If it were to prepare for real peace-keeping operations, more planning capacities in the OSCE Secretariat would have to be created and this would need to start prior to the signing of any agreement. If an operation were deployed shortly after a settlement, any delay could jeopardise the peace process. A standing organ must be instituted, which would be prepared to assist the Chairman-in-Office in leading an operation at any given moment.

The most crucial issue to address would be the question as to which military contingents should be used. It is virtually unthinkable that Russia would consent to any peace-keeping operation on the territory of the former Soviet Union without the participation of their contin-

⁵¹ FSC.DOC/1/00, at: <http://www.osce.org/docs/english/fsc/2000/decisions/fscew231.pdf>.

⁵² Point 46 of the Charter for European Security, cited above (Note 41).

⁵³ In the framework of the OSCE the Nagorno-Karabakh conflict is dealt with by the so-called Minsk Process, a Personal Representative of the Chairman-in-Office on the Conflict Dealt with by the OSCE Minsk Conference, and a High Level Planning Group, which has elaborated several options for deploying peace-keepers after a settlement of the conflict. Cf. OSCE Secretariat. Conflict Prevention Centre, Survey of OSCE Long-Term Missions and Other OSCE Field Activities, 17 January 2000, at: <http://www.osce.org/publications/survey/survey.pdf>.

⁵⁴ The so-called Primakov plan of summer 2000 suggested new elements to the solution of the Trans-Dniestr issue, and especially for the time after the settlement, that "the peacekeeping contingent should include OSCE international observers, while the contingent's backbone should be peacekeepers from Russia and Ukraine." (Moldovan Press Publishes Primakov's Draft Agreement on Transnistria, Infotag, 6 September 2000, at: <http://news.ournet.md/2000/09/06/en/1.html>).

gents in this operation. In practice, only a combination of Western and Russian units would be a viable option, because neither Russia nor Western States such as the US would be accepted as the sole contributors by the conflicting parties.

Concerning policing the OSCE has already gathered some experience in recent years, for instance through a monitoring operation in the Danube region of Croatia⁵⁵, and in setting up a Police Service School under the auspices of the United Nations Mission in Kosovo.⁵⁶ The OSCE has refrained so far from executive policing, although the participating States stated in Istanbul, that they "will examine options and conditions for a role in law enforcement."⁵⁷ Nevertheless, during the Vienna Ministerial Council agreement was only reached "to study the possible establishment of a new post of Police Adviser [...] within the Secretariat."⁵⁸ Since January 2001 an informal working group on police-related activities, which is chaired by Canada, discusses this issue.⁵⁹

Recent experience in Kosovo has demonstrated that the military is not suited for tasks related to the maintenance of law and order. What is needed is a well-trained local police force, which could bridge the gap between military security and public order. Before this force is in place an international civilian police force will have to take over these responsibilities, including the right to law enforcement if necessary. While the US is inclined to go beyond monitoring and training⁶⁰, reluctance has been shown especially from the delegation of the United Kingdom, so that no breakthrough can be expected in this matter.

The Economic and Environmental Dimension. The Economic Dimension has traditionally been the 'Cinderella' of the OSCE. Although it has a prominent place in the Helsinki Final Act in 1975⁶¹, where economic issues constituted the so-called *Basket II*, further developments have illustrated that the OSCE is not an economic organization. Nonetheless, as part of its comprehensive approach to security, it should be concerned with economic and environmental issues as a means of contributing to peace, prosperity and stability. With the aim of reinforcing this approach, the OSCE Permanent Council established the position of Co-ordinator of OSCE Economic and Environmental Activities within the OSCE Secretariat on 5 November 1997, with the most important part of his mandate to enhance the OSCE's interaction with relevant international organizations; to strengthen the economic, environmental, and social components in the work of OSCE missions and field activities; and to formulate a programme of work for appropriate additional activities in, and relating to the OSCE's economic dimension.⁶²

In 2000 the work of the Co-ordinator's Office, which has only very limited financial means and personnel at its disposal, was mainly directed towards the training of Economic and Environmental Officers in the Field Missions and the organising of seminars on economic and en-

⁵⁵ Cf. PC.DEC/373, 21 September 2000, The Police Monitoring Group in Croatia, at: <http://www.osce.org/docs/english/pc/2000/decision/pced373.htm>.

⁵⁶ Cf. OSCE Mission in Kosovo, Factsheet: Kosovo Police Service School, at: http://www.osce.org/kosovo/police/pdf/kps_factsheet-eng.PDF.

⁵⁷ Point 44 of the Charter for European Security, cited above (Note 41).

⁵⁸ Decision No. 7, 8th OSCE Ministerial, cited above (Note 9).

⁵⁹ Cf. PC.JOUR/316, 18 January 2001, at: <http://www.osce.org/docs/english/pc/2001/journals/pcoej316.htm>.

⁶⁰ Cf. the speech of Josiah B. Rosenblatt: "We expect to examine the OSCE's role in policing beyond its monitoring experience in Croatia and the widely acclaimed Kosovo Police School." (Cited above [Note 34]).

⁶¹ In Helsinki the participating States were convinced, "that their efforts to develop cooperation in the fields of trade, industry, science and technology, the environment and other areas of economic activity contribute to the reinforcement of peace and security in Europe and in the world as a whole". (Helsinki Final Act, 1 August 1975, at: <http://www.osce.org/docs/english/1990-1999/summits/helfa75e.htm#Anchor-6209>).

⁶² Cf. PC.DEC/194, 5 November 1997, at: <http://www.osce.org/eea/PCED194.pdf>, as of 1 April 2001.

vironmental issues, especially in Central Asia.⁶³ Another task of the Co-ordinator is to coordinate the Economic Fora, which are held once a year to strengthen the focus of the OSCE on the transition to and development of free-market economies.⁶⁴ The priorities for 2001 remain in principle the same.⁶⁵

When considering the possible added value of the OSCE's activities in the economic and environmental dimensions one can conclude that the Organisation has not yet developed the necessary operational approach. Seminars and meetings are a good way to promote awareness of these dimensions and their possible impact on security, and to streamline this into the field activities of the OSCE, but we are still far from witnessing a real difference on the ground. If one were to take the high demands of the Helsinki Final Act seriously, the OSCE would have to tackle those issues that really affect comprehensive security in the OSCE region, such as the oil- and pipeline-issues in Central Asia and the Caucasus or the deepening economic divisions between East and West. But these issues are far too big for the OSCE, or, put bluntly, national interests are at stake that prevent some participating States from putting these questions on the OSCE agenda.

4.3 *Regional Issues*

OSCE Missions and other OSCE field activities constitute the backbone of the Organisation. It is precisely in this area that the OSCE is most visible and where it tries to make a difference on the ground. This sub-section therefore deals with the most important tasks for the OSCE in 2001 in this regard, and with the prospects of contributing to a solution of the existing problems and conflicts, taking into account in particular Russia's position.

Regional Strategies. A number of frustrating experiences in South Eastern Europe led the Head of Mission of the OSCE Mission in Bosnia and Herzegovina, Ambassador Barry (US), to launch a new initiative. These experiences included the rather mixed success of various OSCE Missions in fulfilling their country-specific mandates in the field of post conflict rehabilitation and democracy building, and problems of 'the wheel being reinvented' several times because one Mission was not aware of what the OSCE Mission in the neighbouring country was doing. Barry's initiative aimed to tackle patterns of problems that were occurring throughout South Eastern Europe, through a regional perspective that co-ordinated the activities of the OSCE, and thus avoided any duplication of efforts.

On 16 March 2000 the Permanent Council adopted a Regional Strategy for *South Eastern Europe* which included the following goals: "To develop a comprehensive and interdimensional policy on region-wide and cross-border issues in South Eastern Europe; To extend individual OSCE field operations' expertise and resources to other existing OSCE field operations in the region [...][and]; To increase close co-operation with other international organi-

⁶³ Cf. OSCE Newsletter, Vol. VII, No. 11 (November 2000), Permanent Council turns spotlight on the economic dimension of the OSCE, at: http://www.osce.org/publications/newsletter/2000-11/nl112000_9a.htm.

⁶⁴ The 8th Meeting of the Economic Forum, which took place in Prague 11-14 April 2000, dealt with "Economic Aspects of Post-conflict Rehabilitation: The Challenges of Transformation" (cf. EF.GAL/11/00, 8 May 2000, at: <http://www.osce.org/eea/forum/forum8/efgal011.pdf>). The 9th Meeting will take place 15-18 May 2001 and deals with "Transparency and Good Governance in Economic Matters" (cf. PC.DEC/404, 1 March 2001, at: <http://www.osce.org/docs/english/pc/2001/decisions/pced404.htm>).

⁶⁵ The Romanian Chairman-in-Office gave only a very vague outline for 2001: "We will consider ways to strengthen the OSCE's ability to address economic and environmental issues and to further refine the OSCE's tasks in the areas like good governance and transparency." (Address by Mircea Dan Geoana, 11 January 2001, cited above [Note 24]).

zations [...] for avoidance of duplication of tasks and a focus on the added value each organization can provide".⁶⁶ One year after the adoption of this strategy, which at the time was heralded as a new conceptual approach for the OSCE (some see it over-optimistically already as the 4th dimension of a comprehensive security architecture), little is now heard about it.⁶⁷ The reason for this is simply that the EU driven Stability Pact for South Eastern Europe is the real centre for the regional efforts of the international community, and the OSCE plays only a rather marginal role in the concrete activities, concentrating mainly on the Task Force on Gender under Working Table I (Democratisation) and the Task Force on Trafficking in Human Beings under Working Table III (Security Issues), where ODIHR is the lead agency.

The conception of a regional approach for South Eastern Europe is widely acknowledged. Nevertheless, structural problems remain, which are to a certain extent problems for the OSCE as well, since the Stability Pact was placed under the auspices of the OSCE. First of all, some countries such as Slovenia and Croatia have the feeling that they are being pressed into a region to which they do not want to belong, and which was rather forged from outside. Second, not all countries are on the same level in terms of economics, civil society etc. And, third, some issues of regional importance are not handled with a sufficient degree of reciprocity, such as the return of refugees or co-operation with ICTY (International Criminal Tribunal for the Former Yugoslavia).

Another area where the OSCE has already come close to developing a kind of regional strategy is *Central Asia*. In 1998 at the Oslo Ministerial Council the participating States decided to explore possibilities for a more co-ordinated approach to Central Asia.⁶⁸ Ambassador Höynck, the then Personal Representative of the Chairman-in-Office for Central Asia, prepared a report that was discussed in the PC in September 1999.⁶⁹ A comprehensive approach by the OSCE towards this region and regional co-operation among the Central Asian States were again addressed during the Istanbul Summit⁷⁰, and in 2000 the Secretary General Kubiš, also acting as the Personal Representative of the Chairperson-in-Office for Central Asia, continued to travel extensively in the region and to promote co-ordination efforts between international organisations. In particular, efforts to tackle the security challenges for the Central Asian

⁶⁶ Regional Strategy for South Eastern Europe, PC.DEC/344, 16 March 2000, at: <http://www.osce.org/docs/english/pc/2000/decision/pced344.htm>.

⁶⁷ At the Vienna Ministerial the participating States at least adopted a declaration in this regard: "6. We stress the importance of regional co-operation as a means to foster good neighbourly relations, stability and economic development. We will continue to work together towards this goal. [...] We note the decision of the Permanent Council on the adoption of the OSCE Regional Strategy for South Eastern Europe." (Vienna Declaration on the Role of the OSCE in South Eastern Europe, 28 November 2000, cited above [Note 4]). In the priorities of the Romanian Chair it simply says: "Increased intra-regional cooperation is important for the consolidation of political and economic stability in the region." (Address by Mircea Dan Geoana, 11 January 2001, cited above [Note 24]). On another occasion Geoana emphasised before Heads of OSCE Missions: "[W]e need to look at our activity from a *regional perspective*. [...] So I would ask you to look carefully at the regional context in which your mission operates. I want to develop a consistent practice of regular regional meetings." (Address by Mircea Dan Geoana, 22 January 2001, cite above [Note 26, stress in the original]).

⁶⁸ Cf. Decision on Central Asia, MC(7).DEC/7, 3 December 1998, at: <http://www.osce.org/docs/english/1990-1999/mcs/7oslo98e.htm#Anchor-DECISIO-63283>.

⁶⁹ Cf. Annual Report 1999 of the Secretary General on OSCE Activities (1 December 1998 - 31 October 1999), 1.3.2 Personal Representative of the Chairman-in-Office on Central Asia, SEC.DOC/2/99, 17 November 1999, at: <http://www.osce.org/docs/english/misc/anrep99e.htm#1,3,2>.

⁷⁰ Cf. Istanbul Summit Declaration, 19 November 1999, Points 13. and 14.: "[...] With the continuing support of our partners in Central Asia, the OSCE has now established offices in all five States. This in particular has contributed to an expansion of our co-operative activities in all OSCE dimensions. [...] We are convinced that strengthening regional co-operation will promote stability and security in Central Asia, and we welcome the active approach taken by the Chairman-in-Office to this effect." (Cited above [Note 32]).

States caused by international terrorism, violent extremism, organized crime and drug and arms trafficking, dominated the agenda for 2000.⁷¹ Since the Vienna Ministerial, which for the above-mentioned reasons could not produce a common declaration⁷², the OSCE has thus far been unable to develop a regional strategy for Central Asia, although some attempts have been made - such as the UK proposal to bring the Central Asian states together to develop a regional system of water management, although this met with a lukewarm response in the region.

The reasons for this are manifold. First of all, the Central Asian States are still in the process of overcoming the Soviet legacy of enforced co-operation and therefore have little inclination to work in concert again. Secondly, a regional approach towards Central Asia is perceived by the states in that region as something forced upon them from the outside, while they are more keen to emphasise the differences that exist between them. And thirdly, but not least, one can observe a relatively stronger interest for regional co-operation on part of the Central Asian states in the economic and security dimensions, where the OSCE has less to offer than, for example, Russia.

A third region in which a regional strategy or approach for the OSCE is under consideration is the *Caucasus*, although very little if any concrete steps in this direction have been taken so far. In 2000, under the Austrian Chairmanship, a Personal Representative of the Chairperson-in-Office for the Caucasus tried to pave the way for a regional approach. But structural problems prevented a major breakthrough. One reason can be found in the fact that the mandate for the Personal Representative, Ambassador Tagliavini from Switzerland, was rather unclear. She had to deal with Georgia, where an OSCE Mission was already on the ground, and with Chechnya. Another reason is that the Caucasus exists more in terms of physical geography than politically. Developing a regional approach for the Caucasus would mean also dealing with the northern part of the region, which belongs to the Russian Federation. It would therefore be more advisable for the OSCE to think about a strategy for the Southern Caucasus, that is Armenia, Azerbaijan and Georgia. In this regard there are similar problems to those in South Eastern Europe and Central Asia, which make a regional approach for the states concerned difficult to accept. Nonetheless, the OSCE could very well develop a comprehensive

⁷¹ Cf. Annual Report 2000 of the Secretary General on OSCE Activities (1 November 1999 - 31 October 2000), 3.2 The Personal Representative of the Chairperson-in-Office for Central Asia, SEC.DOC/5/00, 24 November 2000, at: http://www.osce.org/docs/english/misc/anrep00e_activ.htm#Anchor-3-8453. On 19 and 20 October 2000 in Tashkent a joint OSCE/UN Office for Drug Control and Crime Prevention International Conference on Enhancing Security and Stability in Central Asia: "An Integrated Approach to Counter Drugs, Organized Crime and Terrorism" took place. The draft Tashkent Declaration of 27 September tried to combine the need for security and stability without losing sight of commitments in the human dimension: "We [the participants of the conference] [...] 13. *Declare* our willingness to deepen our co-operation to enhance security and stability in Central Asia by following a common approach to countering drugs, organised crime and terrorism; [and] 10. *Reaffirm* the principle of comprehensive security of the OSCE, one part of which is the respect for human rights and fundamental freedoms, democracy and the rule of law. We commit ourselves to counter threats to security without violating human rights and fundamental freedoms, including not creating any obstacles for the free movement of people". (At: <http://www.osce.org/caloc/docs/tashkent-2.pdf> [stress in the original]). The discussion on these issues was taken up again during the OSCE-Japan Conference 2000: "Comprehensive Security in Central Asia – Sharing OSCE and Asian Experiences", Tokyo, 11-12 December 2000 (Consolidated Summary at: http://www.osce.org/external_co-operation/seminars/osce_seminars/japan2000.pdf).

⁷² Only the Chair mentioned in her own statement Central Asia: "Ministers noted with satisfaction that the engagement of the OSCE towards co-operation with the five participating States of Central Asia had continued to grow in all dimensions. Based on its comprehensive, three-dimensional approach to security the OSCE should find effective ways to respond to the new challenges to security and stability in Central Asia in co-operation with other international institutions and on the basis of the Platform for Co-operative Security." (Statement of the Chairperson-in-Office, 28 November 2000, cited above [Note 1]).

and inter-dimensional policy on region-wide and cross-border issues, which could complement, but not substitute, the already existing activities of the Organisation in the respective countries.⁷³

South Eastern Europe. In South Eastern Europe the OSCE is active with field activities in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, in Kosovo as part of the UNMIK structure, and in the Federal Republic of Yugoslavia proper with an office in Belgrade. Although there remains much to be done by the OSCE in each of its field activities in this region⁷⁴, the focus is most certainly on Kosovo, Macedonia and the newly established OSCE Mission to the Federal Republic of Yugoslavia.

In *Kosovo*, where the OSCE has more than 2,100 staff on the ground, the Mission will concentrate in 2001 on the ongoing building of democratic institutions and preparations for general elections.⁷⁵ In Kosovo the international community, including OSCE, is increasingly confronted with dilemmas related to a basic problem: Kosovo is more than ever divided along ethnic lines, and the minorities (mainly Serbs and Roma) are subject to ethnically motivated violence and crime.⁷⁶ What is even more destabilising is the still undecided question as to what status Kosovo should receive. While the majority of Albanian Kosovars do not want to accept anything less than full independence from Yugoslavia, the international community is defending the principle of territorial integrity because it fears creating a precedent with uncontrollable consequences. In such a situation international organisations on the ground are more and more perceived as the new enemy and are in danger of becoming the target of terrorist groups.⁷⁷ The unsolved issue of Kosovo is also the main reason behind new critical developments in the bordering regions, affecting Macedonia and Yugoslavia.

⁷³ Cf. Randolph Oberschmidt, *Georgia and Stability for the South Caucasus: An OSCE Perspective* (forthcoming). See also Presentation by H. E. Márton Krasznai, Director of the Conflict Prevention Centre of the OSCE, The future role of OSCE in resolving conflicts and fostering co-operation in the Caucasus region, Yerevan, 27-28 September 2000, at: <http://www.osce.org/yerevan/docs/speech-cpc-2000.pdf>.

⁷⁴ In Albania as priorities remain: Ensuring properly organised, timely and well-run parliamentary elections; enhancing the fight against organised crime, trafficking and smuggling in human beings; strengthening the rule of law and furthering the fight against corruption. (See 5th International Conference of Friends of Albania Group, 2 March 2001, Conclusions, at: http://www.osce.org/albania/foa/pdf/foa_march2001_concl.PDF). In Croatia the most burning issues for 2001 are: Progress in the area of return and integration of the Serb community; nation-wide local elections on 20 May; and the question how to reduce the number of personnel of the Mission. (See Statement by Ambassador Bernard Poncet, Head of the OSCE Mission to Croatia, to the Permanent Council, 22 March 2001, at: http://www.osce.org/croatia/hom_statement_pc_220301.pdf). In Bosnia and Herzegovina, where the OSCE Mission is part of the structure established after the Dayton Peace Agreement under the leadership of the Office of the High Representative, the international community is still struggling with very slow progress in order to build a multi-ethnic society. Recent threats made by the Croatian National Congress in Bosnia and Herzegovina to boycott the federal structures show how fragile the constructed statehood of Bosnia and Herzegovina is. (See OSCE Responds to Croat National Congress Declaration, Sarajevo, 4 April 2001, at: <http://www.oscebih.org/pressreleases/march2001/04-03-cnc.htm>; and Address by High Representative Wolfgang Petritsch to the Euro-Atlantic Partnership Council (EAPC), New York, 22 March 2001, at: <http://www.ohr.int/speeches/s20010322a.htm>). In Montenegro, activities concentrate on democratisation programmes and election observation of the 22 April parliamentary elections. (See OSCE/ODIHR sends observers to monitor parliamentary elections in Montenegro, ODIHR Press Release, 28 March 2001, at: http://www.osce.org/news/generate.php3?news_id=1574).

⁷⁵ See Head of Mission in Kosovo outlines priorities for 2001, OMIK Press Release, 11 January 2001, at: http://www.osce.org/news/generate.php3?news_id=1401.

⁷⁶ See UNHCR/OSCE Assessment of the Situation of Ethnic Minorities in Kosovo (period covering October 2000 through February 2001), 26 March 2001, at: <http://www.osce.org/kosovo/publications/pdf/minrep0301.pdf>.

⁷⁷ A first incident happened in January 2001, when OSCE personnel was attacked in Mitrovica/Kosovska Mitrovica. (See Chairman-in-Office condemns brutal attack on OSCE personnel in Kosovo, Press Release, 30 January 2001, at: http://www.osce.org/news/generate.php3?news_id=1430).

In *Yugoslavia* hopes ran high after the election of Kostunica and the ousting of Milosevic. The Federal Republic of Yugoslavia was reintegrated into the OSCE and on 16 March 2001 an OSCE Mission commenced its activities in Belgrade with the mandate of assisting the Yugoslav authorities in their democratisation efforts.⁷⁸ In this context, the international community was, *nota bene*, also becoming less and less enthusiastic in supporting Montenegro in its efforts to become more independent from Serbia. At the beginning of 2001 the situation in the border regions of South Serbia with Kosovo was aggravated when fighters of the so-called Albanian Liberation Army Preševo, Medvedja and Bujanovac (UCPMB) started to attack Serbian police in this region, where the Albanian population constitutes a majority in some areas. Meanwhile KFOR, which has the task of controlling the Ground Safety Zone around Kosovo, has allowed the Yugoslav Army to return to 3 of the 5 sectors and has itself attempted to tighten control in the border region.⁷⁹ Violence has also spread to *Macedonia*, where fighting between Albanian military formations and Macedonian security forces around Tetovo which started in mid-March has brought the country to the brink of civil war.⁸⁰

What can the OSCE do? It is clear that the Organisation can not ensure 'hard' security, which is for the responsibility of KFOR. On the other hand, OSCE must try to prevent the conflicts from becoming even more destabilising. First steps into this direction were the decision to temporarily double the international personnel strength of the OSCE Mission to Skopje from 8 to 16, and the appointment of the Balkan expert Ambassador Robert H. Frowick as Personal Representative of the Chairman-in-Office for the situation in the former Yugoslav Republic of Macedonia.⁸¹ It seems clear that the OSCE can contribute to a lasting stabilisation only in close co-operation with other organisations and states, also taking into account Russia's position.

Russia's policy towards South Eastern Europe is not surprising given the experience of the Kosovo crisis, when US-led NATO demonstrated that Russia had no veto over its military action. The consequences of NATO's air campaign, which was perceived by Russia as a "final humiliation and a 'spit in the face'"⁸², can be felt in the global political climate between East and West but is also relevant in the framework of OSCE. In order to safeguard its strategic goals in this region (access to the Mediterranean, keeping Yugoslavia as a potential ally, ability to block NATO expansion)⁸³, Russia is relying on its military contingents in SFOR and

⁷⁸ On 10 November 2000 the Permanent Council welcomed Yugoslavia officially as participating State (PC.DEC/380, at: <http://www.osce.org/docs/english/pc/2000/decision/pcdec380.htm>). On 11 January 2001 followed the decision about the OSCE Mission (PC.DEC/401, at: <http://www.osce.org/docs/english/pc/2001/decisions/pcdec401.htm>).

⁷⁹ See Matthias Rüb, Die serbische Regierung gibt sich kompromissbereit, die Albaner radikalieren sich. Die Spannungen in Südserbien wachsen, Frankfurter Allgemeine Zeitung, 7 February 2001, p. 3; Patrick Moore, NATO Cautious on Presevo Security Zone, RFE/RL Balkan Report, 2 March 2001, Volume 5, Number 17, at: <http://www.rferl.org/balkan-report/2001/03/17-020301.html>; Historical meeting at the boundary, KFOR News Reports, 30 March 2001, at: http://www.kforonline.com/news/reports/nr_30mar01.htm.

⁸⁰ See for instance Patrick Moore, Questions from Tetovo, RFE/RL Balkan Report, 16 March 2001, Volume 5, Number 20, at: <http://www.rferl.org/balkan-report/2001/03/20-160301.html>; and The Macedonian Question: Reform or Rebellion (ICG Balkan Report 109, 5 April 2001), at: http://www.crisisweb.org/projects/balkans/macedonia/reports/A400268_05042001.pdf.

⁸¹ Temporary Strengthening of the OSCE Spillover Monitor Mission to Skopje, PC.DEC/405, 22 March 2001, at: <http://www.osce.org/skopje/docs/pcdec405.pdf>; Robert Frowick OSCE representative on situation in former Yugoslav Republic of Macedonia, Chairman-in-Office Press Release, 21 March 2001, at: http://www.osce.org/news/generate.php3?news_id=1557.

⁸² Alexei G. Arbatov, The Transformation of Russian Military Doctrine: Lessons Learned from Kosovo and Chechnya, Garmisch-Partenkirchen 2000 (The Marshall Center Papers, 2), at: <http://www.marshallcenter.org/CISS/MCPaperstwo.pdf>.

⁸³ On Russian Strategy in South Eastern Europe see *f. ex.*: Pavel Kandel', Balkanskije interesy Rossii: podlinnye i mnimye [Russia's interests in the Balkans: the real and the temporary ones], in: Rossiya na Balkanach [Rus-

KFOR as a safeguard against possible unwelcome changes of the geo-strategic situation in this region, rather than occupying itself with the economic and democratic development of the region and the countries there respectively. The OSCE, in which Russia has a right of veto, is seen as an instrument for preventing the further destabilisation of the region, which would not be in her interest.⁸⁴

Caucasus. The priorities for the OSCE in 2001 in this region are: the return of the OSCE Assistance Group to Chechnya, progress in the issues of the 'frozen conflicts' in Abkhazia, Southern Ossetia and Nagorno-Karabakh, and the stabilisation of Georgia, including the full implementation of the Istanbul decisions regarding the withdrawal of Russian troops.⁸⁵ In addition, the Organisation is busy with the human dimension activities of the OSCE field activities in Georgia, Armenia and Azerbaijan and of the ODIHR.⁸⁶

The issues of concern to the OSCE in this region affect the interests of Russia even more directly than in South Eastern Europe. Any major breakthrough will therefore depend on whether this will be seen by Russia as consistent with its strategic objectives, which are in essence: no support for Chechen 'terrorists' or the independence of Chechnya; no strengthening of NATO's position in the region; no isolation of Russia from the region's vital affairs; no isolation of Russia from the energy and communication sector linking the region with the outside world; and no strengthening of the positions of the US, Turkey and EU countries to the detriment of Russian interests.⁸⁷ This being said, a realistic assessment of OSCE's chances for conflict resolution in the region is necessary in order to avoid creating disproportionate expectations.

sia in the Balkans], Moskva 1996 (Naucnye doklady/Moskovskij Centr Karnegi, vyp. 8), at: <http://pubs.carnegie.ru/books/1999/05dt/default.asp?n=toc.asp>; Wolf Oschlies, Russische Balkanpolitik: Mythos in realpolitischer Bewährung? (Bericht des BIOst Nr. 19/2000 [31. Juli 2000] and Nr. 30/2000 [13. November 2000]); Jelica Kurjak, Russia's Balkan Strategy (IWPR Balkan Crisis Report, Issue 181, 5 October 2000), at: http://www.iwpr.net/index.pl?archive/bcr/bcr_20001005_4_eng.txt; and Patrick Moore, Mr. Ivanov Comes Calling, RFE/RL Balkan Report, 23 March 2001, Volume 5, Number 22. For Russia's reaction to the Kosovo crisis see also: Kosovo: mezhdunarodnye aspekty krisisa [Kosovo: International Aspects of the Crisis], pod red. D. Trenina i E. Stepanovoj, Moskva 1999, at: <http://pubs.carnegie.ru/books/1999/05dt/default.asp?n=toc.asp>.

⁸⁴ While not having objected to the establishment of the OSCE Mission to the Federal Republic of Yugoslavia, Russia wants to keep the Mission under tight control of the Permanent Council, where it has a veto, in order to exclude, that the Mission can pursue its own policy, or more exactly the policy of its Head of Mission, like it was perceived by Russia in regard to the OSCE Kosovo Verification Mission (KVM). Therefore the Russian Federation insisted "that the Secretary General will submit a report to the Permanent Council by 1 April 2001 on the implementation of the recommendations contained in the 1999 report of the External Auditors, including the results of the investigation into spending by the Kosovo Verification Mission. Without taking into account the experience of the KVM, it will be difficult to organize the task of ensuring the proper functioning of the new mission." (Interpretative statement under paragraph 79 [Chapter 6] of the Final Recommendations of the Helsinki Consultations, PC.JOUR/315, 11 January 2001, Annex, at: <http://www.osce.org/docs/english/pc/2001/journals/pccej315.htm>).

⁸⁵ See Address by Mircea Dan Geoana, 11 January 2001, cited above (Note 24).

⁸⁶ See accordingly the information about the OSCE Mission to Georgia (at: <http://www.osce.org/georgia/index.php3>), the OSCE Office in Yerevan (at: <http://www.osce.org/yerevan/>), the OSCE Office in Baku (at: <http://www.osce.org/publications/survey/survey20.htm>), and ODIHR projects for 2001 (at: http://www.osce.org/odihr/cal2000_index.htm#rCau).

⁸⁷ See Karen Chaczaturov, Po sobstvennomu scenariyu. Stabil'nij Yuzhnyj Kavkaz - Vecznij interes Rossii [According to the own scenario. A stabile Southern Caucasus is Russia's eternal interest], Nezavisimaya Gazeta, 10 February 2001, at: http://www.ng.ru/printed/cis/2001-02-10/5_scenario.html; Dina Malysheva, Konflikty u Yuzhnykh Rubezhej Rossii [Conflicts at Russia's Southern Borders], in: Rossiya i ee yuzhnye sosed'i [Russia and her Southern neighbours] (Pro et Contra 5 [Summer 2000]), at: <http://pubs.carnegie.ru/p&c/Vol5-2000/3/v5n3-01.pdf>.

Although decided on in Istanbul in 1999⁸⁸, it remains unclear whether the OSCE Assistance Group to *Chechnya* will return. On 7 February 2001 OSCE Chairman-in-Office Geoana met with his counterpart Ivanov to discuss this issue. Russia does not oppose the return of the Assistance Group but insists on solving technical and security related problems⁸⁹, which was also Russian policy throughout 2000. The real issue behind the Russian position seems to be Moscow's fear of having an international presence on the ground that could witness human rights violations committed by the Russian military and security forces there. Moscow also objects to the fact that the so far unchanged mandate of the Assistance Group includes a political dimension, that is to "promote the peaceful resolution of the crisis and the stabilization of the situation in the Chechen Republic in conformity with the principle of the territorial integrity of the Russian Federation and in accordance with OSCE principles and pursue dialogue and negotiations, as appropriate, through participation in 'round tables', with a view to establishing a cease-fire and eliminating sources of tension."⁹⁰ Russia seems to be willing to accept a role for the OSCE only on the condition that it determinates the political terms.

In *Georgia* the expansion of the mandate of the OSCE Border Monitoring Mission "to observe and report on movement across the border between Georgia and the Chechen Republic of the Russian Federation"⁹¹ can be regarded as a successful operation with the aim of preventing possible destabilisation through a spill-over from Chechnya. By contrast, the prospects for a solution of the South Ossetian and Abkhazian conflicts remain very low. The South Ossetian side seems unready to accept broad autonomy within a unitary Georgian state, instead favouring a federal or confederal model. Although there has been some progress in the issue of refugee returns, and also on the question of future economic assistance to the region (with part of the money coming from the EU), the situation was aggravated in December 2000 by Russia's introduction of a visa requirement for citizens of Georgia, from which Abkhazia and South Ossetia are exempt. This furthered the disintegration of the peace process, as did recent steps by North Ossetia, which is part of the Russian Federation, to create a free trade zone on the southern border embracing the unrecognised Republic of South Ossetia.⁹² In Abkhazia, where the UN has the lead role in mediating a solution, a breakthrough remains just as unlikely. The OSCE is concentrating on the issue of establishing a Human Rights Office in the Gali region in Abkhazia, in order to promote the return of Georgian refugees.⁹³

Finally, the conflict between Azerbaijan and Armenia over *Nagorno-Karabakh*⁹⁴ is dealt with by the OSCE Minsk Group, currently co-chaired by Russia, the US and France, which has

⁸⁸ "We reaffirm the existing mandate of the OSCE Assistance Group in Chechnya. In this regard, we also welcome the willingness of the Russian Federation to facilitate these steps, which will contribute to creating conditions for stability, security, and economic prosperity in the region." (Istanbul Summit Declaration, 19 November 1999, Point 23., cited above [Note 32]).

⁸⁹ See Romanian Foreign Minister in Moscow, RFE/RL Newline Vol. 5, No. 27, Part I, 8 February 2001.

⁹⁰ See Survey of OSCE Long-Term Missions. The OSCE Assistance Group to Chechnya, 17 January 2000, at: <http://www.osce.org/publications/survey/survey12.htm>.

⁹¹ Extension of the mandate of the border monitoring operation of the OSCE Mission to Georgia, PC.DEC/406, 29 March 2001, at: <http://www.osce.org/docs/english/pc/2001/decisions/pced406.htm>.

⁹² See Liz Fuller, Does North Ossetian Initiative Threaten Georgia's Territorial Integrity?, RFE/RL Caucasus Report, 25 January 2001, Volume 4, Number 4, at: <http://www.rferl.org/caucasus-report/2001/01/4-250101.html>.

⁹³ For the latest developments in the Gali region see Robert McMahon, UN Envoy Hopes for Talks on Abkhazia's Status, REFE/RL Caucasus Report, 23 March 2001, Volume 4, Number 12.

⁹⁴ For background and development of the conflict see *f. ex.*: Rexane Dehdashti, Internationale Organisationen als Vermittler in innerstaatlichen Konflikten. Die OSZE und der Berg Karabach-Konflikt, Frankfurt a. M. 2000 (Studien der Hessischen Stiftung Friedens- und Konfliktforschung, Band 34); Sergiu Celac, The Nagorno-Karabakh Question: An Update, Caucasian Regional Studies, Vol. 5, 1-2 (2000); Dittmar Schorkowitz, Der "Gordische Knoten" Kaukasiens. Acht Monate für die OSZE in Berg-Karabach, 14. November 2000, at: <http://www.deutsch-armenische-gesellschaft.de/dag/shkbkr.htm>.

been dealing with the question for almost 10 years without any success. The peace process gained new momentum in February 2001, when the three existing OSCE peace proposals were leaked to the public in Azerbaijan⁹⁵ and caused extremely controversial discussions there and in other countries. On 3 April a new round of peace-talks was launched at Key West, which did not produce the hoped for major breakthrough.⁹⁶ Both the Azeri and Armenian leadership seem to be too weak to present the potentially unpopular solutions to their respective publics. Therefore Russia and the US have a decisive role to play in putting pressure on the conflicting parties, but this is unlikely to happen before they themselves have struck a 'big deal' which would establish a new framework for stability in that region, and not only there. Until this happens it would be more advantageous for both to keep these issues open, whenever that prevents the other from improving his strategic position.

Central Asia. This region, in which the OSCE is present with a field activity in each of the five Central Asian states⁹⁷, has faced a number of upheavals in 2000. *Uzbekistan* remained the centre of attempts by Central Asian Islamic militants based in Afghanistan to destabilize Central Asia. *Tajikistan* is still trying to recover from the five-year civil war which ended in 1997 and has also been destabilised by the ongoing civil war in Afghanistan. *Kazakhstan* faced problems in the north, where the majority population consists of ethnic Slavs, and felt threatened by the wave of Islamic radicalism. *Kyrgyzstan* also faced growing security threats from Islamic radicals based in Tajikistan and Afghanistan. Finally *Turkmenistan* became more and more isolated from the international community. All countries have in common a number of problems with their social and economic development, their human rights records, and a general trend in the direction of authoritarian rule. The region is also destabilised not only by the developments in Afghanistan, but also by the competition among its neighbours and the great powers for its enormous energy resources, and transportation routes.⁹⁸

The Russian Federation - one of the key players in this region – has several strategic interests, which can be summarised as follows: prevent the spread of Islamic radicalism in Central Asia, which would in turn endanger Russia; persuade the remaining Russian population not to leave the region in order to uphold influence; secure Russia's southern flank from outside influence

⁹⁵ See Emil Danielyan and Liz Fuller, OSCE Karabakh Peace Proposals Leaked, RFE/RL Caucasus Report, 23 February 2001, Volume 4, Number 8. The May 1997 proposal foresaw the resolution of all issues of a peace-settlement in form of a package, with the division of responsibilities between Azerbaijan and Nagorno-Karabakh as a state and territorial formation within Azerbaijan to be decided later. This plan was accepted by Armenia and Azerbaijan, but rejected by Nagorno-Karabakh. The same outcome had the September 1997 proposal, which foresaw a step-by-step settlement. The latest plan, which was presented by the Co-Chairmanship of the Minsk Group of the OSCE in November 1998 aimed at a comprehensive settlement of the problem through the resumption of negotiations without preconditions, but was rejected by Azerbaijan this time.

⁹⁶ See No Obvious Progress Made at Armenian-Azerbaijani Summit, RFE/RL Newsline Vol. 5, No. 68, Part I, 6 April 2001.

⁹⁷ An OSCE Mission to Tajikistan and OSCE Centres in Almaty, Ashgabad, Bishkek and Tashkent (in December 2000 the PC reformed the former Central Asian Liaison Office into a Centre, now with more focus on Uzbek affairs (PC.DEC/397, 14 December 2000, at: <http://www.osce.org/docs/english/pc/2000/decision/pced397.htm>)).

⁹⁸ For developments in Central Asia see *f. ex.*: Ahmed Rashid, Central Asia Summary: Recent Developments in Uzbekistan, Tajikistan, Eurasia Insight, 17 January 2001 (at: <http://www.eurasianet.org/departments/insight/articles/eav011701.shtml>) and Central Asia Summary: Recent Developments in Kazakhstan, Kyrgyzstan and Turkmenistan, Eurasia Insight, 18 January 2001 (at: <http://www.eurasianet.org/departments/insight/articles/eav011801.shtml>); on the human rights situation: Rachel Denber, Central Asia and the Caucasus Repeat Past Mistakes on Human Rights, Human Rights, 21 June 2000 (at: <http://www.eurasianet.org/departments/insight/articles/eav011801.shtml>).

through military presence and closer military co-operation; prevent NATO getting a foot-hold in Central Asia; and have its share in the enormous energy resources.⁹⁹

Faced with this situation of insecurity, the OSCE will have to try to stabilise the region. Its best hopes for success will be through finding a way of addressing the security concerns of the Central Asian states. On the other hand, OSCE can not ignore the further deteriorating situation in the field of democracy and human rights. In order to address the military-political dimension of security the OSCE should pick up the loose ends of the Tashkent conference of October 2000, which marked a first step in the direction of regional co-operation. What is needed are concrete projects, not new declarations. If such projects could be developed, ideally also with the support of other international organisations, the OSCE could also contemplate assuming the function of project co-ordinator under the guidance of the Chairman-in-Office, but with a mandate going beyond the time limits of a chairmanship, which would add more sustainability and institutional memory to the efforts of the OSCE in this region. Nevertheless, one has to be very cautious in expecting results from OSCE activities, which are not in themselves sufficient to make a real difference on the ground in Central Asia.

Baltics and Eastern Europe. This last region to be reviewed in this article is of importance both to Russia and to the OSCE, which has a field presence in Estonia, Latvia, Belarus, Moldova and Ukraine. Perhaps of even greater importance than OSCE's field activities was and to a certain extent still is the involvement of the HCNM in Estonia, Latvia and Ukraine.

Russia has vital strategic and security interests in the region which can be summarised as follows: to prevent the said countries from becoming new NATO members, which in the case of the Baltic states can not be totally excluded in the near future; to uphold its strategic positions on the Baltic Sea (Kaliningrad *Oblast*), the Black Sea (Crimea), and in Trans-Dniestr; to protect the Russian minorities in these states and to use them as a means to influence the policy of these respective states; to secure the economic and political reintegration of these countries without overburdening Russia's capacities, which is already being achieved in the case of Belarus and could be an future option for Ukraine, which is currently on the brink of possible destabilisation because of allegations against President Kuchma about a possible involvement into the murder of a journalist, or Moldova as well, where the Communist Party which won the recent parliamentary elections is thinking of joining the Belarussian-Russian Union; and finally to use the imminent eastward expansion of the EU (Baltic States) to bring Russia closer to Western markets.

Baltic States. Latvia and Estonia want to see the work of the OSCE Missions come to an end because they feel stigmatised by their presence in the country. The more concrete the integration of Estonia and Latvia into EU and/or NATO becomes, the less politically acceptable are the Missions for them. OSCE is therefore considering terminating them by the end of 2001¹⁰⁰, although it remains unclear if they will be replaced by some other form of representation in the region.

In *Belarus*, the Advisory and Monitoring Group of the OSCE came under heavy pressure from the Lukashenko regime at the beginning of this year, so that the forced termination of its work could not be excluded at some point¹⁰¹. The OSCE adopted a hard stance in Belarus,

⁹⁹ See *f. ex.*: Russia Rethinks Its Central Asia Strategy, Eurasia Insight, 20 March 2001, at: <http://www.eurasianet.org/departments/insight/articles/eav032001.shtml>.

¹⁰⁰ See Address by Mircea Dan Geoana, 11 January 2001, cite above (Note 24): "Based on the OSCE's assessment of their progress we will recommend appropriate action be the end of the year 2001."

¹⁰¹ Lukashenko accused the AMG of exceeding its mandate by training several thousands of future election monitors in human rights and election standards for the forthcoming presidential elections in Belarus. See

with the 2000 parliamentary elections not regarded as meeting international standards for democratic elections because of insufficient progress regarding transparency of the electoral process, access to the mass media, and meaningful powers for the new parliament. During their March visit to Belarus, the OSCE, EU and Council of Europe Parliamentary Assemblies formulated detailed criteria for the recognition of the forthcoming presidential elections as free and democratic, and also made it clear that there remain other serious concerns in the field of democracy and human rights.¹⁰² Should the majority of the Belarus population re-elect Lukashenko in more or less democratic elections, the OSCE and other organisations or states could face the embarrassment of being forced to recognise his democratic credentials.

In *Moldova*, finally, the OSCE is still trying to contribute to a solution to the Trans-Dniestr conflict. Retaining a commitment to the principle of territorial integrity of Moldova, the OSCE has to deal with three different, but nevertheless inter-related, issues. The first is the issue of the withdrawal of Russian forces and ammunition by the end of 2002, as stipulated in the 1999 Istanbul Summit Declaration.¹⁰³ While some progress in the reduction of equipment and ammunition is possible, the withdrawal of Russian forces is quite a different matter, because - and this is the second issue - a part of it constitutes the Russian contingent of the peace-keeping forces which controls the security zone. It has already been mentioned above that Russia is keen to receive an OSCE mandate for its peace-keeping forces following a political settlement of the Trans-Dniestr conflict. In this third area early progress seems to be very unlikely, because the positions of the conflicting parties diverge too much. While Chisinau is ready to grant the Trans-Dniestr region a large degree of autonomy, Tiraspol is more and more uncompromising and is aiming at nothing less than a confederation, which would leave the current leadership. It will be interesting to see if the Moldovan Communist Party, which is ideologically closer to its counterparts on the other side of the Dniestr than previous governments and thus has less excuse not to find compromise, can add new momentum to the peace-talks.

Belarussian President Blasts OSCE Mission for Exceeding Mandate, RFE/RL NEWSLINE Vol. 5, No. 19, Part II, 29 January 2001; and OSCE Denies Lukashenko's Charges of Anti-State Conspiracy, RFE/RL NEWSLINE Vol. 5, No. 20, Part II, 30 January 2001.

¹⁰² Statement by OSCE Chairperson-in-Office on Belarus elections, Chairman-in-Office Press Statement, 17 October 2000, at: http://www.osce.org/news/generate.php3?news_id=1160; and Parliamentary Troika issues statement on Belarus, Advisory and Monitoring Group in Belarus, Press Release, 7 March 2001, at: http://www.osce.org/news/generate.php3?news_id=1526.

¹⁰³ See Point 19 of the Istanbul Summit Declaration, 19 November 1999, cited above (Note 32): "Recalling the decisions of the Budapest and Lisbon Summits and Oslo Ministerial Meeting, we reiterate our expectation of an early, orderly and complete withdrawal of Russian troops from Moldova. [...] We welcome the commitment by the Russian Federation to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002."

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