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The underrated OSCE

1. The OSCE is an organisation that has both weaknesses and strengths.

Its limitations are

- its non-binding legal character and the fact that principles and resolutions agreed upon cannot be enforced legally. Also there is no mechanism for discriminate sanctions against violations of OSCE principles;
- the dependence of its operational strength on political consensus by all participating States;
- complicated and cumbersome mechanisms in cases where human and minority rights have been violated;
- the weak leadership structure of the Organisation and the time-consuming process for operational decision-making;
- the poor financial and – in the context of its comprehensive tasks – inadequate resources the OSCE has at its disposal;
- the institutional rivalry between the OSCE and other regional security arrangements which are rendered comparably more important by some participating States;
- the different affiliations and security policies of the participating States; some of which are allied states, others neutral or non-aligned;
- the intra-state, inter-state character of the Organisation: the most striking security challenges exist within state boundaries or are cross-national; and, finally,
- weak parliamentary legitimacy and low-profile public awareness.

Yet the OSCE also has strengths

- the very fact that it is the only existing pan-European institution, including the United States of America and Canada;
 - the overall positive record during the Cold War when the CSCE contributed to the diminishing risks of war, to enhancing confidence-building between states, and – above all – to perforating ideological barriers and autocratic power structures in the former communist societies of Central and Eastern Europe;
 - after the iron curtain fell, unlike other Cold War institutions, the CSCE became even stronger than before. The former conference mechanism was formally transformed – i.e. renamed - into an "Organisation" (OSCE) in late 1994;
 - OSCE principles have set a high political standard which has contributed to socialising the behaviour of Governments, both internally and in the field of international politics, and which non-state actors have recourse to allowing them to express their aspirations for freedom and democracy openly to safeguard human and minority rights;
 - the Organisation's focus is not only in the area of international security but also in inner-state conflict resolution, democracy building, and maintaining the rule of law within all participating States;
 - its institutional approach is comprehensive if one takes into consideration the complexity and multi-facetted character of security and stability nowadays;
 - the OSCE, though it is a security organisation, is not directed against any non-participating states or group of states, it does not even have a collective military capacity; and, last but not least,
 - in the 25 years of its existence, it has developed an institutional momentum of its own.
2. Ironically the strength of the CSCE during the Cold War was largely attributed to its institutional weaknesses. One may even assume that the OSCE only survived 15 years of Cold War because it lacked power.
- The deficiency in legally binding obligations made the participating States more susceptible to agreeing on common principles and political standards despite the existence of the military confrontation between East and West;
 - The weaknesses in CSCE leadership, structures and mechanisms posed less of a threat to those participating States, which were particularly afraid of any potential intrusive and interfering measures backed by the authority of an international institution against their national rule either domestically or out of country ;
 - Though the poor availability of financial means diminished the operational capabilities of the CSCE, at the same time it was exactly this low-level funding

that did not pose a serious challenge to the participating States' budgets and to domestic policy processes;

- The required consensus for decision-making did give a very high level of legitimacy to the institution's resolutions, and also – at least in politico-moral terms – raised high hurdles against any open violation of or flouting of the Helsinki Principles.

It is clear that the formerly encouraging effect of CSCE weaknesses has meanwhile been reversed. Since the major task of the OSCE today has ceased to be the resolution of political hostilities between states, the tearing down of ideological barriers and the de-escalation of military confrontation between the two major blocks, the primary interest of states has shifted from military to political stability, from arms control to economic and social prosperity. If its nations' governments consider the OSCE a waste of money and political investment due to operational inefficiency because of striking new challenges to common security, they will hardly be ready to further allocate funds and resources.

It can be clearly seen that, especially in the new NATO countries, further interest in a prominent role of the OSCE has almost disappeared. NATO and EU are being seen as better opportunities for a single impact on European affairs. If that becomes the rule, one might expect that enlargements of Western Institutions will gradually marginalize the OSCE. Eventually, its only function might be creating a formal link between Russia and an enlarging West.

3. The OSCE has been defined as a regional organisation according to Chapter Eight of the UN-Charter, like the UN the OSCE is "inclusive" by nature. It is neither a defence alliance nor a block of states. It is open to all European States, which have recognised and declared adherence to the catalogue of common standards and principles. All participating States of the CSCE have remained participating States of the OSCE, although after the dismemberment of the Warsaw Pact one might have expected a re-orientation of at least some of the "new" Central Asian States. One should also not exclude the fact that in the longer run OSCE space could be extended to other parts of the Mediterranean. Its restricted geographical scope and also the cultural affinity of the participating States could provide better chances, especially compared to the UN, of achieving a state of collective security as has been determined by the UN-Charter but still not realized.

Because of its comprehensive approach the future legitimacy of the OSCE will very much depend on its contribution to conflict prevention and conflict resolution, and also to successful economic and social transformation in reforming societies of Central and Eastern Europe. To develop a "collective security identity" within the OSCE a gradual alignment of deep social differences and an improving political and economic integration of the participating States are required. It is a lesson learned from the success of the EU that a stable peace order will only emerge if stable democracies, the rule of law, functioning market economies and a higher level of mutually beneficial interdependence are in place everywhere. By applying its comprehensive approach the OSCE can accurately assist the societies of the participating States in this endeavour.

4. This being said however, the OSCE will hardly be transformed into a real system of collective security. The two most important reasons for this are that (1) participating States feel this system lacks credibility and (2) the most important impact of the OSCE

on security is not bound to the classical military security of states but to diminishing risks for the outbreak of military hostilities both between and within states. One may even say that if the OSCE in combination with a growing EU were more effective and successful in terms of conflict prevention, there would surely be fewer requirements for military defence precautions.

5. During the Cold War the OSCE was mainly considered a tool in the hands of the governments to provide as much stability as necessary to avoid any open military confrontation between East and West. Though formally also in charge of issues like the rule of law and democracy within the states, the OSCE was not in a position to follow up on these issues operationally. The threat of war was overriding, and some governments misused it to distract their peoples from domestic autocratic rules and to diminish cross-national non-state contacts. Today the probability of wars between states in Europe has become much less likely. Yet at the same time some of the conflicts within transforming societies that were hidden for so long by the East-West conflict have worsened dramatically within a very short period of time.

In operational terms post-Cold-War conflict prevention is still the best preparation against conflicts making them much less likely. The crucial issue in particular is that states and governments that are affected by domestic conflict are often more a part of the problem than a part of the solution. Domestic conflict has to be tackled by domestic conflict resolution but may require international assistance in order to be able to enforce international law and the principles of the OSCE: This is both a challenge but also a chance for the OSCE.

6. The comprehensive approach and the societal appeal of the OSCE provide proper guidelines for all state and non-state actors. Yet while it is still governments who negotiate and take major decisions, the legitimacy of OSCE field operations have in theory clearly extended to what were formerly called "internal matters". The OSCE has been successful with its operations even though the public awareness of its successes has been much lower than of its assumed failures. For example the High Commissioner on National Minorities and the Field Missions of the OSCE in the Baltic States, in Slovakia and in Georgia have made tremendous contributions to the de-escalation of tensions within these countries and have also strengthened their neighbourly relations. One may conclude, that the suspension of Yugoslavian participation in the OSCE was therefore an incomprehensible mistake. First, if rights are suspended then commitments are also affected, secondly, the OSCE has had less influence on the Yugoslavian domestic situation since 1992, and finally, the democratic opposition in Serbia has also lost legitimacy and therefore cannot benefit from OSCE principles.
7. Nevertheless the weaknesses of the OSCE may become a threat to its existence. The OSCE is not only threatened by perceptions of inefficiency, inadequate enforcement capacity and insufficient resources but also by an implicit institutional rivalry with other security organisations. The OSCE is not a substitute for other existing mechanisms but complements them. However, contrary to public opinion, it is not any less important than other organisations. Moreover it is indispensable to European security because of its original authority and capabilities.
8. What should be done to make the OSCE better prepared to meet present and future challenges?

- The OSCE should be in a position to act according to the principle "OSCE first", which was articulated initially by the former German Foreign Minister Kinkel and Dutch Foreign Minister Kooijmans in May 1994. This would require a political consensus among the participating States to provide a more prominent and also more enveloping role for the OSCE in national and cross-national conflicts, which have already begun to escalate. It would require a proactive capacity to ensure early warning and early conflict management by the OSCE. The new REACT project is a step in this direction.
- Non-Governmental Organisations have become more relevant because they have been influential in the creation of structures to promote civil society in transforming nations. In this respect BASIC's active role in providing assistance to the OSCE in the field of small and light weapons are a positive signal .
- The legitimacy of the OSCE for "non-state" actors must be improved if inner-state conflicts are to be tackled neutrally. A proper step into this direction would be a stronger role for the Parliamentary Assembly and a more prominent representation of NGOs in the process of conflict prevention and early conflict resolution.
- Finally, the most successful OSCE operational mechanisms (HCNM, field missions) should be strengthened. This includes clear-cut mandates, properly qualified mission members, appropriate equipment and funding, and also very important, the creation of public feedback in order to make people aware of the positive role which the OSCE is bound to play in European security.