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Assessing the Success of EU-OSCE Co-operation: A Case of Mutualism?

Introduction: Basics of the Relationship and Co-operation Prior to the Turn of the Century

This contribution examines the co-operation between the European Union (EU) and the Organization for Security and Co-operation in Europe (OSCE), with an emphasis on the developments since the end of the Cold War, and particularly following the turn of the century. The contribution starts by introducing the basics of the relationship and its evolution over the years, focusing on the factors that made the revival of co-operation possible at the end of the 1990s. This is followed by a comparison of the two entities' identical security strategies and their field presence in the same regions, before turning to some of the shortcomings of the relationship, and the steps that have been taken by both sides to address them. Finally, the conclusion provides answers to the main research questions: How successful has the co-operation been, and can the relationship be classified as a case of mutualism?

Some key facts about this relationship highlight its sheer magnitude and significance, which have often been neglected by both scholars and policy makers: All 28 EU member states are also participating States of the OSCE; contributions from EU member states account for more than two thirds of the OSCE budget; and the EU constitutes one of the biggest donors of extra-budgetary contributions for a large number of OSCE projects and programmes.[1] The EU is represented in all OSCE decision-making bodies by the delegation of the country chairing the rotating Presidency of the Council of the EU. Co-operation takes place in a multitude of policy areas, including judicial and police reform, public administration, and anti-corruption measures; democratization, institution-building, and human rights; media development; small and medium-sized enterprise development; border management and combating human trafficking; and election observation.[2] The long history of co-operation between the EU and the OSCE is further evidence of the importance of their relationship and a further justification for this study.

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1 Cf. European Union External Action Service, *EU relations with the Organisation for Security and Cooperation in Europe*, at: http://eeas.europa.eu/organisations/osce/index_ en. htm.

2 Cf. Organization for Security and Co-operation in Europe, *The European Union*, at: http://www.osce.org/networks/111481.

The OSCE and its predecessor, the Conference on Security and Co-operation in Europe (CSCE), "have always been testing grounds for EU foreign policy",[3] dating back to 1970, when the foreign ministers of the then European Economic Community (EEC) decided to handle CSCE preparations within the format of the European Political Cooperation (EPC, predecessor to the Common Foreign and Security Policy, CFSP). This continued with the European Commission's active involvement in the preparatory negotiations of the Helsinki Final Act and the signature of two other basic OSCE documents, the 1990 Charter of Paris for a New Europe and the 1999 Charter for European Security, by the then Presidents of the European Commission.[4]

Throughout the 1990s, both the EEC/EU and the CSCE/OSCE underwent fundamental institutional changes while simultaneously having to deal with conflicts that were ravaging the European continent. Both invested considerable resources and energy in dealing with their internal processes, which accounted for their modest involvement in the resolution of the conflicts and their limited co-operation. The EEC was preoccupied with its transformation into the three-pillar EU, while the CSCE was slowly evolving into a fully-fledged organization. Thus, the wars that erupted in the former Yugoslavia and the former Soviet Union throughout the 1990s came as an additional burden, and owing to inexperience and unpreparedness, both the EU and the OSCE were slow to react and reluctant to intervene or co-operate in their settlement. Since then, it has become the norm that their involvement tends to be at its strongest in the aftermath of conflicts.

In the rare instances of co-operation in the 1990s, the EU and the OSCE worked together on an ad hoc basis.[5] Their co-operation broadened and deepened only after the EU started developing its CFSP, and particular modalities for co-operation were not discussed until the EU became more actively involved in civilian crisis management.[6] The Amsterdam Treaty, which was signed in 1997, but did not enter into force until 1999, recognized for the first time the possibility of the EU's having a comprehensive role in the area of crisis management.[7] In the words of the then High Representative for CFSP, Javier Solana, this was the first firm evidence of the "determination of the European Union to contribute more actively to peace and security in Europe".[8] Thus, the turn of the century marked a decisive shift towards greater intensification and formalization of the EU-OSCE relationship. At the same time, co-

3 Dov Lynch, ESDP and the OSCE, in: Giovanni Grevi/Damien Helly/Daniel Keohane (eds), *European Security and Defence Policy: the first 10 years (1999-2009)*, Paris 2009, pp. 139-146, here: p. 139.
4 Cf. Delegation of the European Union to the International Organisations in Vienna, *OSCE & EU*, at: http://eeas.europa.eu/delegations/vienna/eu_osce/index_en.htm.
5 Cf. Emma Stewart, Restoring EU-OSCE Cooperation for Pan-European Conflict Prevention, in: *Contemporary Security Policy* 2/2008, pp. 266-284, here: p. 273.
6 Cf. ibid.
7 Cf. Javier Solana, *Address by the High Representative for the Common Foreign and Security Policy of the European Union*, 18 January 2001, PC.DEL/27/01, p. 3.
8 Ibid.

operation received an additional impetus with the development of the EU's Stabilization and Association Process (SAP), European Neighbourhood Policy (ENP), and later the Eastern Partnership. Co-operation with the OSCE features prominently in the founding documents of these policies.[9]

Development of Identical Security Strategies

The first concrete step towards greater co-operation was made by the OSCE at the 1999 Istanbul Summit, when the Heads of State or Government issued the Charter for European Security, which contained the Platform for Co-operative Security. This call for increased co-operation with other international organizations was reaffirmed in the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, issued at the 2003 Maastricht Ministerial Council. Several days later, the EU followed suit with the European Security Strategy, which contains elements also found in the two OSCE documents. The remainder of this section is devoted to a closer comparative study of the above documents, which constitute the basis for closer EU-OSCE co-operation.

The Charter for European Security was issued at the dawn of the new century. It opens by expressing a "firm commitment to a free, democratic and more integrated OSCE area where participating States are at peace with each other, and individuals and communities live in freedom, prosperity and security".[10] Furthermore, it vows to create "a common and indivisible security space [… and] an OSCE area free of dividing lines".[11] The Charter then goes on to identify the common challenges all OSCE participating States were faced with, which include international terrorism, violent extremism, organized crime and drug trafficking, acute economic problems, and environmental degradation.[12] After a reaffirmation of the participating States' commitment to the Charter of the United Nations (UN) and the OSCE founding documents and an acknowledgement of the primary responsibility of the UN Security

9 Cf. Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament, Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, COM(2003) 104 final, Brussels, 11 March 2003, p. 16; Commission of the European Communities, *Communication from the Commission, European Neighbourhood Policy, Strategy Paper*, COM(2004) 373 final, Brussels, 12 May 2004, pp. 11-12; Commission of the European Communities, *Communication from the Commission to the European Parliament and the Council, Eastern Partnership*, COM(2008) 823 final, Brussels, 3 December 2008, p. 12; Council of the European Union, *Joint Declaration of the Prague Eastern Partnership Summit*, *Prague, 7 May 2009*, 8435/09 (Presse 78), Brussels, 7 May 2009, p. 10.

10 Organization for Security and Co-operation in Europe, *Charter for European Security*, Istanbul, November 1999, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425-443, here: p. 426.

11 Ibid.

12 Cf. ibid., p. 427.

Council for the maintenance of international peace and security, the 1999 Charter introduces the innovative Platform for Co-operative Security.[13] Based on the presumption that the "risks and challenges we face today cannot be met by a single State or organization",[14] the Platform aims to meet the call contained in the Charter for "even closer co-operation among international organizations".[15]

The Platform, which was adopted as an essential element of the Charter, aims to "further strengthen and develop co-operation with competent organizations on the basis of equality and in a spirit of partnership".[16] Co-operation is to be established with due regard to the particular strengths and comparative advantages of each organization, not intending to create a "hierarchy of organizations or a permanent division of labour among them".[17] The Platform, described as the "Operational Document" of the Charter, suggests that co-operation can be enhanced through the following instruments and mechanisms: "regular contacts, including meetings; a continuous framework for dialogue; increased transparency and practical co-operation, including the identification of liaison officers or points of contact; cross-representation at appropriate meetings; and other contacts".[18] As regards the field operations, the modalities for co-operation could include: "regular information exchanges and meetings, joint needs assessment missions, secondment of experts by other organizations to the OSCE, appointment of liaison officers, development of common projects and field operations, and joint training efforts".[19]

In December 2003, the Maastricht Ministerial Council adopted the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century. In large part it repeats the provisions of the 1999 Charter, including those on co-operation with the international community. In its opening lines, the Strategy reaffirms the OSCE's "multidimensional concept of common, comprehensive, co-operative and indivisible security" and its commitment to a "free, democratic and more integrated OSCE area without dividing lines".[20] In a similar fashion to the Charter, it expresses the participating States' respect for international law and the UN Charter, and recognizes the Security Council's overarching authority over the maintenance of international peace and security.[21] The OSCE Strategy goes on to list the already familiar

13 Ibid., pp. 441-443.
14 Ibid., p. 429.
15 Ibid.
16 Ibid.
17 Ibid.
18 Ibid., p. 442.
19 Ibid., pp. 442-443.
20 OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, in: Organization for Security and Co-operation in Europe, *Eleventh Meeting of the Ministerial Council, 1 and 2 December 2003*, MC.DOC/1/03, Maastricht, 2 December 2003, pp. 1-10, here: p. 1.
21 Cf. ibid.

threats of the new century: inter- and intra-state conflicts, terrorism, organized crime, discrimination and intolerance, economic problems, and environmental degradation.[22] According to the Strategy, the OSCE's response to these threats will be multidimensional and will not occur in a vacuum, but rather through a framework for co-operation, in a "co-ordinated and complementary way, which avoids duplication and maintains focus".[23] This underlines the ongoing validity of the 1999 Charter and Platform. Next, the OSCE Strategy examines each of the threats and the respective measures needed to address them. Last, but not least, it turns to co-operation with international organizations, reviving the spirit of the 1999 Platform for Co-operation. As no single state or organization can meet today's challenges, there is a need to intensify "interaction at both the political and the working levels [...] both at headquarters and in the field".[24] This would require contacts between envoys and special representatives, the development of shared strategies, and joint fact-finding.[25]

At a meeting of the European Council in Brussels, a mere ten days after the conclusion of the Maastricht Ministerial Council, the EU adopted its European Security Strategy (ESS). It had been drafted by the then High Representative Javier Solana and provided the conceptual framework for the Union's CFSP.[26] In its opening lines, the ESS, completely in line with the OSCE's documents from 1999 and 2003, reaffirmed that "no single country is able to tackle today's complex problems on its own".[27] The key threats it identifies are largely identical to that compiled earlier by the OSCE: terrorism; proliferation of weapons of mass destruction; regional conflicts; state failure; and organized crime.[28] In the next section, which deals with the first of the EU's strategic objectives, the ESS concedes that "none of the new threats is purely military; nor can any be tackled by purely military means", and addressing these threats required "a mixture of instruments".[29] This fully embraces the OSCE's concept of "common, comprehensive and indivisible security". Further resemblances are to be found in the next strategic objective, namely building security in the neighbourhood. Here, the ESS advocates promoting a "ring of well governed countries" on the borders of the EU; ensuring that enlargement does not create "new dividing lines in Europe"; and sharing the "benefits of economic and political cooperation" with the EU's eastern neighbours.[30] This is reminiscent of the call for a free, democratic, and more

22 Cf. ibid., pp. 2-3.
23 Ibid., p. 3.
24 Ibid., p. 9.
25 Cf. ibid.
26 Cf. European Union, External Action Service, *European Security Strategy*, at: http://www.eeas.europa.eu/csdp/about-csdp/european-security-strategy.
27 *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December 2003, p. 1.
28 Cf. ibid., pp. 3-4.
29 Ibid., p. 7.
30 Ibid., p. 8.

integrated OSCE area without dividing lines found on the very first pages of both the 1999 Charter and the 2003 OSCE Strategy.

The third and final strategic objective identified by the ESS is "an international order based on effective multilateralism",[31] and it is here that the similarities with the two OSCE documents are most abundant. The ESS declares that in our highly globalized world, security and prosperity are becoming dependent on an effective multilateral system, which is in turn dependent on the "development of a stronger international society, well functioning international institutions and a rule-based international order".[32] Similarly to the OSCE documents, the ESS also pledges the EU's commitment to "upholding and developing International Law"; recognizes the UN Charter as the "fundamental framework for international relations"; and reaffirms the Security Council's "primary responsibility for the maintenance of international peace and security".[33] Next, the ESS highlights the important role of regional organizations in strengthening global governance, and, in particular, commends the vital contributions of the OSCE and the Council of Europe.[34] Last but not least, it offers the following recipe for a stronger international order, interspersed with ingredients from all three security dimensions of the OSCE: "spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights".[35] The table opposite provides a comparative overview of the three strategies.

Further Factors that Influenced the Revival of OSCE-EU Relations

The personal effort of high-level officials also played an important role in the resumption of positive relations between the OSCE and the EU. One such example is the intervention by Chris Patten in 2000, which was the first time that a member of the European Commission had addressed the Permanent Council of the OSCE.[36] The then EU Commissioner for External Relations opened his speech by declaring that the EU and the OSCE are "servants in the same cause – that of a secure, democratic, peaceful and prosperous Europe".[37] He continued by stating that both organizations aimed to "promote the rule of law, to build solid and effective institutions, to promote human rights and fundamental freedoms and to entrench democracy".[38]

31 Ibid., pp. 9-10.
32 Ibid., p. 9.
33 Ibid.
34 Cf. ibid.
35 Ibid., p. 10.
36 Cf. Christopher Patten, *Speech by Commissioner Patten, EU Commissioner for External Relations, at the OSCE Permanent Council*, 23 November 2000, PC.DEL/743/00, p. 1.
37 Ibid., p. 2.
38 Ibid.

Comparative overview of the security strategies of the EU and the OSCE

	1999 Charter for European Security	2003 OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century	2003 European Security Strategy
Key threats to security:	International terrorism; Violent extremism; Organized crime and drug trafficking; Economic problems and environmental degradation	Inter- and intra-state conflicts; Terrorism; Organized crime; Discrimination and intolerance; Economic problems and economic degradation	Terrorism; Proliferation of WMD; Regional conflicts;' State failure; Organized crime, trafficking in drugs, women, and weapons
Justification for co-operation:	No one state or organization can face all the risks and challenges of today.	No single state or organization can meet challenges facing us today on its own.	No single country is able to tackle today's complex problems on its own.
Principles for co-operation:	On basis of equality, not intending to create hierarchy of organizations or division of labour	Coordination, complementarity, avoiding duplication, maintaining focus	International order based on effective multilateralism
Adherence to and respect for:	UN Charter; Security Council's primary responsibility for maintaining international peace and security	International law; UN Charter; Security Council's primary responsibility for maintaining international peace and security	International law; UN Charter; Security Council's primary responsibility for maintaining international peace and security
Approach to security:	Common, comprehensive, and indivisible security	Common, comprehensive, co- operative and indivisible security	None of the new threats to security is purely military nor can be tackled by purely military means; they require a mixture of instruments.
Ultimate goals:	Free, democratic, and more integrated OSCE area free of dividing lines and zones with different levels of security	Free, democratic, and more integrated OSCE area without dividing lines	World of well-governed countries; no new dividing lines in Europe; extend benefits of economic and political cooperation to neighbours
Fundamental values:	Democracy, rule of law, and human rights	Human rights, fundamental freedoms, democracy, and rule of law	Rule of law, democracy, good governance, human rights

This was especially the case in the Balkans, which Patten saw as fertile ground for closer EU-OSCE co-operation.[39] He praised the OSCE's involvement in the region, which he believed helped to "underpin the EU's Stabilisation and Association Process".[40] The Commissioner called for greater EU-OSCE co-operation in solving the frozen conflicts in Transdniestria and the South Caucasus, and identified Central Asia as a region where joint efforts should be furthered.[41] He clearly endorsed the OSCE's concept of security, mentioning EU-OSCE co-operation in all three dimensions of security, including conflict prevention and crisis management, economic and environmental issues, and the human dimension.[42]

Another prominent boost to EU-OSCE co-operation was given by the two speeches of then High Representative Solana to the Permanent Council of the OSCE. In these addresses, Solana gave new life to the relationship by touching upon the common past, shared values, similar goals, and increasing involvement of both organizations in the same regions. The first speech started by stating that EU-OSCE co-operation was becoming a "permanent feature of the new security order emerging in Europe after the end of the Cold War".[43] The need for closer co-operation in tackling the challenges and threats of the new century was justified by the already familiar diagnosis that "no single state, institution or organisation is able to meet these challenges and risks on its own".[44] Solana went on to describe the range of policy areas and regions in which EU-OSCE co-operation flourishes, with a particular focus on civilian crisis management and Kosovo.

The second speech was far more comprehensive. It not only looked towards long-term prospects, but also delved deeper into history in order to retrace the origins of the relationship. According to Solana, both the EC and the CSCE were "born out of the cold war, with a similar desire – to establish forms of cooperation in Europe which would defuse the tensions between former enemies and prevent further conflict".[45] This cemented the notion of "natural-born partners" with a common past and, inevitably, a common future.[46] After this brief historical introduction, Solana pledged the EU's allegiance to the principles of the 1999 Istanbul Charter for European Security, and its "commitment to strengthen cooperation between international organisations and institutions".[47] Next, he acknowledged the "shared commitment

39 Cf. ibid., p. 3.
40 Ibid., p. 4.
41 Cf. ibid., p. 10-13.
42 Cf. ibid., pp. 13-15.
43 Solana, cited above (Note 7), p. 2.
44 Ibid.
45 Javier Solana, *Address to the Permanent Council of the Organisation for Security and Cooperation in Europe (OSCE) by Mr Javier Solana, High Representative for the Common Foreign and Security Policy (CFSP) of the European Union. "The European Union and the Organisation for Security and Cooperation in Europe: The Shape of Future Co-operation*, Vienna, 25 September 2002, p. 2.
46 Cf. ibid.
47 Ibid., p. 6.

of the EU and the OSCE to democracy, prosperity and stability in Europe as a whole, and beyond".[48] He insisted pragmatism was the partners' starting point, advocating greater exchange of information and expertise, co-operation on the ground and between headquarters, and the development of compatible methods and standards.[49] He envisaged a bright future for the relationship, one characterized by "coordination, complementarity and concertation".[50]

The Council of the EU also demonstrated willingness to contribute to the rejuvenation of the partnership with the OSCE. In its November 2003 draft conclusions on EU-OSCE co-operation, it called for closer links in conflict prevention, crisis management, and post-conflict rehabilitation.[51] This document recognized the shared principles and values of the two entities, above all the promotion of democracy, human rights, and institution-building.[52] Co-operation was to be guided by the principle of complementarity, avoiding duplication, taking into account the respective comparative advantages of each organization, and ensuring the added value of the relationship.[53] The conclusions also established modalities for regular contacts and meetings at the political, field, and staff-to-staff levels.[54] A year later, the Council produced a draft report with a two-fold aim: to strengthen the EU-OSCE relationship, and to reinforce the performance of the EU within the OSCE.[55] The EU vowed to continue to "promote security and stability in the OSCE area based on the core principles of democracy, good governance, the rule of law and respect for fundamental human rights".[56]

Co-operation on the Ground and Joint Field Activities

The key regions where the EU and the OSCE both have field presences are South-eastern Europe/Western Balkans, Eastern Europe, the South Caucasus, and Central Asia. Each of these regions will be examined in turn, starting with the Balkans, as this is where both the EU and the OSCE have their longest-lasting and largest involvement. The focus here will be on Kosovo and Macedonia. As mentioned in the introduction, both entities were reluctant to intervene in the immediate outbreak of the wars of Yugoslav disintegration, and when they did so, it was in a limited manner. Their strength was demonstrated in their contributions to post-conflict rehabilitation, especially following the

48 Ibid.
49 Cf. ibid., p. 12.
50 Ibid., p. 15.
51 Cf. Council of the European Union, *Draft Council Conclusions on EU-OSCE co-operation in conflict prevention, crisis management and post-conflict rehabilitation*, 14527/1/03 REV 1, Brussels, November 2003.
52 Cf. ibid., p. 2.
53 Cf. ibid.
54 Cf. ibid., pp. 3-4.
55 Cf. Council of the European Union, *Draft Assessment Report on the EU's role vis-a-vis the OSCE*, 15387/1/04 REV 1, Brussels, 10 December 2004, p. 4.
56 Ibid.

end of the Kosovo War, when the Stability Pact for South-Eastern Europe (SPSEE) was initiated by the EU, and later put under the auspices of the OSCE.[57] It was the "first comprehensive conflict prevention strategy of the international community, aimed at strengthening the efforts of the countries"[58] towards peace, democracy, respect for human rights, economic prosperity, regional co-operation, and integration into European and Euro-Atlantic structures. A similar formula, initiation by the EU and supervision by the OSCE, had been applied earlier in the Stability Pact for Europe. However, this was a relatively short-lived project, so the SPSEE can be considered the first successful and lasting EU-OSCE co-operation on the ground.

The OSCE Mission in Kosovo (OMIK) and the EU Rule of Law Mission in Kosovo (EULEX) are the largest missions fielded by the two organizations. OMIK represents the third time that the OSCE has become involved in Kosovo and, along with EULEX, falls under the authority of the United Nations Interim Administration Mission in Kosovo (UNMIK). In the four-pillar structure established by the international community, responsibilities were divided as follows: the UN took care of Pillars I (Police and Justice) and II (Civil Administration); the OSCE was in charge of Pillar III (Democratization and Institution-building); while the EU was responsible for Pillar IV (Reconstruction and Economic Development). However, the boundaries between the pillars have eroded, and the EU has taken on new responsibilities, with EULEX focusing exclusively on three rule-of-law sectors – police, customs, and judiciary. This has not resulted in any major duplication of activities, as OMIK retains a much broader mandate, and the co-operation between OMIK and EULEX has functioned relatively successfully. Most recently, this was exemplified in the municipal elections of 2013, when OMIK was in charge of facilitating the elections in the four northern Kosovo municipalities, in co-operation with the Kosovo Police, KFOR, and EULEX.[59]

Macedonia has been another venue for successful EU-OSCE co-operation in the Balkans. In fact, the Mission to Skopje is the OSCE's longest-established field mission,[60] while the EU has been similarly active, having deployed two civilian (EUPOL Proxima and EUPAT) and one military (EUFOR Concordia) missions.[61] Co-operation has intensified recently, particularly following the 2001 insurgency and the conclusion of the Ohrid Framework Agreement, which was brokered by the EU. In order to be in a

57 Cf. Ugo Caruso, *Interplay between the Council of Europe, OSCE, EU and NATO*, European Academy, Bozen/Bolzano, 2007, pp. 162-163.

58 Stability Pact for South Eastern Europe, *About the Stability Pact*, at: http://www.stabilitypact.org [website now defunct].

59 Cf. Organization for Security and Co-operation in Europe, *OSCE Secretary General: Kosovo election process "significant step forward"*, 1 December 2013, press release, at: http://www.osce.org/sg/109101.

60 Cf. Organization for Security and Co-operation in Europe, *OSCE Mission to Skopje*, at: http://www.osce.org/skopje.

61 Cf. European Union External Action Service, *Completed Missions and Operations*, at: http://eeas.europa.eu/csdp/missions-and-operations/completed/index_en.htm.

better position to assist with the implementation of the provisions of the Agreement, the size and mandate of the original OSCE Spillover Monitor Mission to Skopje were extended.[62] Co-operation has been on a sound footing, especially at the level of the Group of Principals meeting, chaired by the EU Special Representative and attended by the OSCE Head of Mission. Overall, the general trend in the Balkans is for greater EU involvement, which is natural given that all the countries are either candidates or potential candidates and are deeply involved in the SAP. Nevertheless, the OSCE presence remains of crucial importance, so co-operation is desirable if peace, democracy, market economies, and ultimately European integration are to be guaranteed for the future.

Turning to the other regions identified above, co-operation in the theatres of frozen conflicts is of particular interest. For a long time, these conflicts remained the prerogative of the OSCE, though the EU has lent more support in recent years in the search for viable resolutions. For most of its duration, the Transdniestrian conflict was dealt with via a five-sided format, whose participants were Transdniestria, Moldova, Ukraine, Russia, and the OSCE. This was expanded in 2005, when the 5+2 format was established, including the EU and the USA as external observers,[63] with the OSCE actively supporting their inclusion. Since the start of EU participation, co-operation between the OSCE Mission to Moldova and its EU partners has increased. The EU's more active involvement in the two frozen conflicts in Georgia followed only after the 2008 war. Ironically, at the end of the same year, the OSCE failed to extend the mandate of its Mission to Georgia.[64] Nevertheless, EU-OSCE co-operation has remained vital, as both partners, along with the UN, are co-chairs of the Geneva talks.[65] The Nagorno-Karabakh conflict is characterized by less EU-OSCE co-operation, and it remains largely the prerogative of the latter partner, negotiations being carried out within the Minsk Group. Central Asia is the region where EU-OSCE co-operation has been most underdeveloped, but at the same time, it contains great potential for growth. This is especially the case since 2007, when the EU expressed its firm interest in the region with the adoption of its Central Asian Strategy.[66]

62 Cf. Organization for Security and Co-operation in Europe, *OSCE Mission to Skopje*, *Mandate,* at: http://www.osce.org/skopje/106928.

63 Cf. Organization for Security and Co-operation in Europe, *OSCE Mission to Moldova*, at: http://www.osce.org/moldova.

64 Cf. Organization for Security and Co-operation in Europe, *OSCE Mission to Georgia (Closed)*, at: http://www.osce.org/georgia-closed.

65 Cf. Organization for Security and Co-operation in Europe, *OSCE Mission to Georgia (Closed)*, *Overview*, at: http://www.osce.org/georgia-closed/43383.

66 Cf. European Union External Action Service, *EU Relations with Central Asia*, at: http://www.eeas.europa.eu/central_asia/index_en.htm.

Shortcomings of the Relationship

Co-operation between the EU and the OSCE has not been without its shortcomings, and certain criticisms have been levelled at the relationship. For instance, the development of conflict-prevention and crisis-management policies by the EU has led to accusations that it has breached the OSCE's area of jurisdiction, resulting in geographical and functional overlap.[67] While this may be an exaggeration, it is not untrue. This is proven by the efforts on both sides to ensure complementarity and compatibility, while reducing duplication of their respective activities. The argument has also been made that accession to the EU tends to result in the termination of OSCE missions,[68] as was the case in Estonia, Latvia, and Croatia. The host states are said to often feel stigmatized by the continued presence of the OSCE, and even view it as a potential brake on their EU membership. As a consequence, however, the sudden withdrawal of the OSCE can result in unfinished business.[69] However, this issue has been partly redressed by the Copenhagen Criteria, which candidate countries have to satisfy before they can become members of the EU. According to the criteria, countries wishing to join the EU need to have stable institutions "guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities".[70]

Furthermore, during the accession negotiations, the candidate countries have to adopt the *acquis* in full without any opt-outs. This process is clearly asymmetrical, with the EU unilaterally imposing the rules and closely monitoring the process via regular reports. In cases where candidate countries have made insufficient progress, the EU has postponed their accession to ensure compliance with its norms. This occurred, for instance, during the EU's enlargement into Central and Eastern Europe, when the EU opened accession negotiations with five of the candidate countries in 1997, while the five "laggards" had to wait until 1999.[71] In the case of the Western Balkans, the SAP included additional conditions for membership relating to regional co-operation and good neighbourly relations.[72] In the case of Croatia, the opening of accession negotiations was made conditional upon full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY).[73] Thus, through its stringent membership criteria, rigorous approximation process,

67 Cf. Stewart, cited above (Note 5), p. 267.
68 Cf. ibid., p. 268.
69 Cf. ibid.
70 European Council in Copenhagen, 21-22 June 1993, *Conclusions of the Presidency*, DOC/93/3, 22 June 1993, at: http://europa.eu/rapid/press-release_DOC-93-3_en.htm?locale=en.
71 Cf. Tim Haughton, When Does the EU Make a Difference? Conditionality and the Accession Process in Central and Eastern Europe, in: *Political Studies Review* 2/2007, pp. 237-238.
72 Cf. European Commission, *Conditions for Membership*, at: http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm.
73 Cf. Delegation of the European Union to the Republic of Croatia, *Overview of EU-Croatia Relations*, at: http://www.delhrv.ec.europa.eu/?lang=en&content=62.

and regular scrutiny, the EU has ensured that its founding values and principles, which are similar to those of the OSCE, are not compromised.

Another shortcoming held responsible for hampering the relationship, is the OSCE's lack of legal personality. In its 2010 resolution on strengthening the OSCE, the European Parliament called for a joint EU-OSCE effort to "continue the dialogue on the legal framework of the OSCE and to reiterate the need for a prompt adoption of the draft Convention on international legal personality, legal capacity and privileges and immunities", which would strengthen the Organization's "identity and profile, also solving a number of practical problems for its personnel".[74] Furthermore, the OSCE should address its representation at headquarters level, as it lacks a permanent liaison structure with the EU.[75] Just as the EU has its Delegation to the International Organisations in Vienna, the OSCE could establish an office in Brussels, which could also liaise with other international organizations headquartered there with which it maintains close relations (e.g. NATO). Both entities are working towards addressing the problem of competition for human resources.[76]

Conclusion: A Case of Mutualism?

The relationship between the EU and the OSCE has developed rapidly since the end of the Cold War, and particularly since the turn of the century, when several factors made this favourable, including, above all, the EU's gradual development of the CFSP; its increased involvement in conflict prevention, crisis management, and post-conflict rehabilitation; and the launch of the SAP and ENP. With these initiatives, the EU began to intervene in policy areas and regions that were long considered the traditional domain of the OSCE. This inevitably led to some duplication of activities, geographical and functional overlap, and even to an unjustified fear on the side of the OSCE that its role would diminish in the future. However, these turf wars were kept to the minimum, and the focus was quickly shifted to greater cooperation, complementarity, and concertation between the two entities. In the process, each had to accept certain demands made by the other side, but were able to do so without compromising their founding values and principles. Examples include the closing down of OSCE missions in the states

74 European Parliament, *European Parliament resolution on strengthening the OSCE – a role of the EU*, P7_TA(2010)0399, 3 November 2010, p. 8, at: http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2010-0603&format=XML&language=EN.

75 Cf. Monika Wohlfeld/Jaroslaw Pietrusiewicz, EU-OSCE Cooperation, in Andrea Ricci/Eero Kytömaa (eds), *Faster and more united? The debate about Europe's crisis response capacity*, Office for Official Publications of the European Communities, Luxembourg 2006, pp. 186-190, here: p. 188.

76 Cf. Alyson J.K. Bailes/Jean-Yves Haine/Zdzislaw Lachowski, Reflections on the OSCE-EU Relationship, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2007*, Baden-Baden 2008, pp. 65-77, here: p. 72.

aspiring to EU membership and the EU's gradual adoption of the OSCE's comprehensive and multidimensional approach to security. These examples show the ability of both actors to learn from each other. Such was the most logical outcome because of their common past, shared values, and similar goals. After all, EU and OSCE membership are not mutually exclusive.

The intention of pursuing co-operation rather than confrontation was clearly expressed by both sides early on. The overlap between the 1999 Charter for European Security/2003 OSCE Strategy and the 2003 European Security Strategy of the EU was a reassuring signal. In a similar fashion, high-ranking officials, particularly High Representative Solana and Commissioner Patten, took it as almost their personal cause to facilitate the dialogue. Once the example was set at the highest political level, it was replicated at lower levels. The most recent illustration of this was the resolution of the European Parliament calling for the OSCE to be strengthened, and for the EU to play a leading role in that process.[77] As regards co-operation on the ground, there have been relatively successful cases, such as Kosovo and Macedonia, and less successful ones, mainly concerning the frozen conflicts. The general trend has been for the EU to expand its activities in the Balkans – but not without the OSCE's consent. In Eastern Europe and the South Caucasus, and particularly in the theatres of frozen conflicts, the OSCE remains predominant, but the EU's contributions are increasing. Central Asia remains the region where the potential for co-operation is yet to be fully explored.

In conclusion, to paraphrase Javier Solana, the EU-OSCE relationship is not only one between natural-born partners, but also one from which both participants benefit. On the one hand, "the OSCE still has a lot to teach the EU".[78] In many cases, the OSCE has been the pioneer, both in terms of the development of expertise in certain policy areas, as well as its involvement in particular regions, which in turn has given the OSCE a new role and *raison d'être*. On the other hand, the EU, with its greater resources and capacity, stands a good chance of fulfilling its commitment to strengthen the OSCE, and through this to enhance its influence as a global player. But above all, it is us, the citizens of a more secure Euro-Atlantic and Eurasian community, who are increasingly benefitting from this co-operation.

77 Cf. European Parliament, cited above (Note 74).
78 Bailes/Haine/Lachowski, cited above (Note 76), p. 76.