

# The OSCE in Search of a Meaningful Reform Agenda

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## Introduction

The Organization for Security and Cooperation in Europe (OSCE), the “largest” regional security organization in the world with 55 participating states and a geographical domain reaching from Vancouver to Vladivostok, is standing at a crossroads. Similar to many other international organizations, the OSCE is going through a phase of internal debate and is trying to adjust to coping with the new realities of a post-Cold War and post-“9/11” world. The Organization, once the icon of détente in Europe, is now struggling with a newly emerging East-West divide. More than once, tensions have run high between Western states and the Russian Federation. Both “sides” have rather different views on the OSCE’s role and functioning. These differences have to remain manageable. If not, the Organization might lose its relevance as an important forum for security issues. To prevent a possible deadlock between the two sides, a debate has started on an agenda for reforming the OSCE.

This article will explore this debate. First, it describes the development of the OSCE and focuses on the background to the current challenges that the Organization is facing. Central is the strategic advice of the OSCE’s Panel of Eminent Persons – *Common Purpose: Toward a More Effective OSCE* – and the reactions to this report. The main questions are: will this advice serve its purpose as the start of a process of structural change, and did the participating states manage to come to agreement on a reform agenda at the annual Ministerial Council in Ljubljana, which was held on December 5 and 6 2005? Or, in other words, will the Organization manage to adopt a meaningful reform agenda?

## Growth and Flexibility

After the optimism of 1990, as expressed in the *Charter of Paris for a New Europe* where it was stated that “the era of confrontation and division in Europe has ended” and that “... a new area of democracy, peace and unity in Europe” will soon be realized, Europe was confronted with the eruption of violence in many parts of the former communist world. This created a new impetus to the (then) Conference for Security and Cooperation in Europe (CSCE) and accelerated the institutionalization of many processes of the Conference. Many new mechanisms for conflict prevention and crisis management were adopted. Moreover, new permanent bodies were established, such as the summits of heads of state and government and the annual Ministerial Councils of foreign ministers. A permanent infrastructure was created with the opening of a secretariat in Prague and Vienna. The posts of Secretary-General, Chairman-in-Office and High Commissioner on National Minorities were created. As a result, in just a few years the CSCE started to resemble an organization rather than a conference, leading in 1994 to changing the name from CSCE to OSCE.

The 1990s not only saw important developments at the political level. The OSCE also became very active on the ground. Trying to formulate an answer to the conflicts in the Balkans, the Organization opened its first field missions in the region. These missions soon became, and still are, one of the Organization’s most important instruments. They perform activities in all phases of the conflict cycle – from early warning, conflict prevention and crisis management to post-conflict rehabilitation. The basic idea behind their work – and that of the OSCE in general – is the concept of “comprehensive security,” meaning that security is indivisible and involves both political-military, economic, and human aspects, which should be dealt with in a comprehensive, inclusive, and cooperative manner. This security concept is, amongst other things, reflected in the Organization’s three security dimensions: the political-military dimension; the economic dimension; and the human dimension, dealing with

human rights and democratic freedoms.

Another characteristic of the OSCE is its operational flexibility. Compared to other international organizations, it has a very modest secretariat that is manned by a limited number of permanent staff. The number of OSCE institutions is still limited, the largest and most prominent being the Office for Democratic Institutions and Human Rights. The Organization's special representatives and the earlier-mentioned field missions have a large degree of freedom in their operations. Finally, the OSCE has an annually rotating chairmanship with the minister of foreign affairs as acting Chairman-in-Office. He or she is responsible for the representation and strategic political guidance of the Organization. Slovenia currently holds the chairmanship and forms a troika with the past and future Chairmen-in-Office, respectively Bulgaria and Belgium.

### **Growing Pains and Calls for Reform**

As mentioned previously, the OSCE's range of duties and activities expanded greatly during the 1990s. Although the Organization has been successful in many of its activities, this increase has given cause to the risk of fragmentation and duplication. Moreover, the growth has resulted in a situation in which the Organization is involved in extensive discussions on a broad range of issues for which it possesses neither the manpower nor the financial resources. As a consequence, in some areas the OSCE is not able to develop an appropriate in-depth approach.

Another concern of a different nature, which is not entirely new to the Organization, is the bottlenecks within the internal organization. They revolve around the time-consuming decision-making procedures (based on consensus), the limited competence and influence of the parliamentary dimension of the OSCE through its Parliamentary Assembly, and the earlier-mentioned restricted capacity of the secretariat.<sup>1</sup>

An additional problem is the limited scope for political dialog and the lack of transparency in decision-making within the OSCE. Many former Soviet republics feel that they are being excluded from this process. The Russian Federation, in particular, has complained repeatedly about its subservient position within the Organization, and is increasingly exhibiting resistance to what it presents as Western domination of the OSCE. It has expressed its dissatisfaction, together with a number of other CIS countries (Commonwealth of Independent States), by issuing together the Moscow Declaration and Astana Appeal.<sup>2</sup> These declarations speak not only of a lack of transparency in decision-making, but also of double standards, and criticize the way in which the field missions are run. This "Eastern Bloc" also points at a perceived imbalance with regard to the three dimensions: in its view too much emphasis is put on the human dimension and too little is done in the area of the economic dimension. Finally, these countries criticize the fact that the OSCE's field activities are almost exclusively located "east of Vienna."

The urgency for reform became very clear in the past few years in which the Russian Federation and a number of other former Soviet republics not only strongly expressed their growing dissatisfaction with the Organization, but also obstructed its functioning by blocking approval of the central budget. In one particular case this almost led to the (temporary) closing of field missions. In the eyes of many Western observers, the Russian Federation also obstructs the OSCE's political functioning. Moscow, for instance, used its "veto power" several times to prevent a Ministerial Council from reaching a final declaration. Moreover, Russia hindered a common agreement being reached on regional issues, in particular on Europe's "frozen conflicts," such as in Moldova and Georgia. Finally, Western observers speak of downright non-compliance of OSCE principles by the Russian Federation, for instance in the case of Chechnya.

The internal divide described above is not the only reason why reform is needed. A number of external developments also demand new initiatives, the most important being the enlargement of NATO and the EU. These international organizations are partly active in the same (geographical) domain. An increase in overlap also exists between the OSCE and the Council of Europe. This development has provoked two responses. The first is growing cooperation, which is developing relatively well. The second response is a search for a more clear division of labor between the different organizations, which sparked growing awareness of the need to redefine the OSCE's role, mission, and tasks as a European security actor. This resulted in a call for a group of wise men to formulate a strategic vision toward a more effective OSCE within the rapidly changing European security architecture. Amongst those who suggested this were the Netherlands Advisory Council on International Affairs (AIV) in 2002,<sup>3</sup> and the Netherlands Chairmanship of the OSCE in 2003.

### **The Panel of Eminent Persons**

The idea of a representative, international group of experts was translated into a formal decision in December 2004. At the 2004 Ministerial Council in Sofia, the representatives of the participating states agreed to create such an expert panel. According to the decision, the Ministerial Council decided to establish a Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, "... in order to give new impetus to political dialog and provide strategic vision for the Organization in the twenty-first century." It also decided that "... the Panel will review the effectiveness of the Organization, its bodies and structures and provide an assessment in view of the challenges ahead."<sup>4</sup>

Compared to the "other" international panel of wise persons that published its findings earlier in 2005 – the High-Level Panel of the UN Secretary-General – the OSCE Panel's mandate was more focused on the Organization itself and less on dealing with new challenges to security as such. Whereas the High-Level Panel was instructed to recommend clear and practical measures for ensuring effective collective responses to common security problems and challenges facing member states, the Panel of Eminent Persons was primarily established to revitalize the OSCE.

The members of the Panel were selected on the basis of their knowledge of the OSCE and reflected the diversity of the Organization's participating states. The group included several former foreign ministers, a former OSCE Chairman-in-Office and a former OSCE Secretary-General: Nikolay Afanasievsky (former Deputy Foreign Minister and Russia's Ambassador to Poland); Hans van den Broek (former Foreign Minister of the Netherlands and former member of the EU Commission); Wilhelm Hoeynck (former Secretary-General of the OSCE); Kuanysh Sultanov (Deputy of the Senate of Parliament of the Republic of Kazakhstan); Knut Vollebaek (former Foreign Minister of Norway and former Chairman-in-Office of the OSCE, currently Ambassador to the United States); Richard S. Williamson (former Assistant Secretary of State of the United States); and Miomir Zuzul (former Foreign Minister of the Republic of Croatia).

In the first half of 2005 this seven-member Panel of Eminent Persons reviewed the OSCE's work and discussed several ideas for the Organization's future. On June 27 2005, it presented its final report to the Chairman-in-Office, the Slovenian Foreign Minister Dimitrij Rupel. This 32-page report, entitled *Common Purpose: Toward a More Effective OSCE*, contains more than 70 recommendations designed to revitalize the Organization and strengthen its long-term effectiveness. These recommendations fall within the following three categories:

- The OSCE's position, role, and approach
- Comprehensive, common, and cooperative security
- Structural response.

With regard to the OSCE's position, role, and approach, the Panel, amongst other things, states that the OSCE should focus on issues and areas in which it has a comparative advantage. The Panel believes that the OSCE should give priority to enhancing political dialog, early warning and conflict prevention, post-conflict rehabilitation, arms control, and confidence- and security-building measures. Other priority areas include the fight against terrorism, border management, encouraging regional economic cooperation, institution-building, and the promotion of good governance. Also mentioned are the fight against trafficking in human beings, drugs and weapons, the promotion of tolerance and non-discrimination, protection of freedom of the media, election observation, and the follow-up of recommendations – an activity that in cases such as Georgia, Ukraine, and Kyrgyzstan has led to much tension within the OSCE. On improving comprehensive, common, and cooperative security, the Panel stresses the need for a cross-dimensional perspective – that is to integrate issues of the politico-military, economic, environmental, and human dimensions into coordinated and pragmatic activities. With regard to the human dimension, the final report has a strong focus on “sensitivities,” but also re-emphasizes that human rights and security are inseparable.

Besides the very diplomatic language on ideas that are common knowledge and more or less accepted by the participating states, the Panel also addresses a number of difficult issues related to the Organization's structure. It states that “in order to improve its effectiveness, the OSCE requires structural reform.” A number of changes are necessary to address the following issues: the OSCE's identity and profile; consultative and decision-making processes; the roles of the Chairman-in-Office and Secretary-General; field operations; and operational capacities.

With regard to the OSCE's identity and profile, the most interesting recommendation is the Panel's suggestion that the Permanent Council should play a leading role in adopting the Organization's political priorities and planning activities in accordance with Ministerial Council decisions. At the same time, it suggests a stronger role for the Secretary-General in ensuring consistency and continuity of the OSCE's priorities. Another key point is the formulation of a statute setting out the basic goals, principles and commitments of the OSCE, as well as the structure of its main decision-making bodies. These recommendations seem to indicate a desire to formalize strongly the working of the OSCE, an idea that is much more in line with ideas in Moscow than in Washington and a number of other Western capitals. On improving consultative and decision-making processes, the Panel has formulated a variety of recommendations relating to rules of procedure and the preparations for the annual Ministerial Council. Furthermore, it has formulated recommendations on clarifying the roles of the Chairman-in-Office and Secretary-General. Basically, the role of the Chairman-in-Office should be to lead the Organization's political activities, and the Secretary-General – with help from a stronger secretariat – should focus primarily on the operational management and identifying long-term strategies and objectives. With regard to field operations, the report contains many concrete recommendations to improve further what it calls an innovative and operational aspect of the OSCE's work. Also on operational capacities, the Panel indicates the problem of staff being transferred very frequently, and recommends retaining staff for a sufficiently long period in order to preserve continuity.

### **Governmental Reactions**

Presentation of the Panel's final report did not immediately lead to formal reactions by the Organization's 55 participating states. Many of them also remained quiet at the first high-level meeting on the document, which was held on September 12-13 2005 in Vienna. At this meeting, the OSCE's Chairman-in-Office, Slovenian Foreign Minister Dimitrij Rupel, circulated a summary paper as a basis for further expert-level meetings. Agreements on specific issues have been waiting for the annual Ministerial Council in Ljubljana, which can

formally decide on the follow-up to recommendations provided by the Panel of Eminent Persons. In the run-up to “Ljubljana,” few participating states have issued public statements on the final report. Only the United States was early with its reactions.

At the opening session of the High-Level Consultations on September 12 2005, the US State Department issued a first formal statement on the Panel’s report. In this statement, delivered by the Principal Deputy Assistant Secretary in the State Department’s Bureau of European and Eurasian Affairs, Kurt Volker, it argued that “reform can strengthen what OSCE does best, but the Organization does not need major surgery.” The State Department also made clear that the United States strongly supports preserving the OSCE’s “flexible and relatively un-bureaucratic structure” and opposes proposals for a convention or charter establishing the OSCE as an international organization with a legal personality. The United States also opposes a proposal to restructure the role of the three personal representatives of the Chairman-in-Office on tolerance and non-discrimination. One of the personal representatives focuses on intolerance and discrimination against Christians and members of other religions; while a second focuses on anti-Semitism; and a third on intolerance and discrimination against Muslims. Furthermore, it opposes proposals that would weaken the flexibility or political leadership of the Chairman-in-Office. The chair currently rotates annually amongst the foreign ministers of participating OSCE states. The Chairman-in-Office coordinates the work of OSCE institutions, represents the Organization, and supervises activities related to conflict prevention, crisis management and post-conflict rehabilitation. The statement by Volker concluded with an appeal for a pragmatic approach to OSCE reform. “[The] OSCE, as it is now structured, does excellent work,” he said.

On the second day of the High-Level Consultation in Vienna, United States Ambassador Julie Finley provided a more detailed look at: US positions on OSCE field operations; OSCE functioning in the politico-military, the economic, environmental, and human dimensions; and on the OSCE’s operational capacities. Finley expressed particular concern about the OSCE’s human dimension activities, including monitoring elections, fighting the trafficking of human beings, promoting tolerance, and supporting the freedom and independence of the media. She also expressed support for efforts to increase work in the politico-military and economic and environmental dimensions – the other two dimensions of the comprehensive concept of security that the OSCE embodies. Finley also stated that the United States “will not agree to do so at the expense of the OSCE’s Human Dimension activities.” She also said that the United States cannot support proposals such as reopening for renegotiation past OSCE documents and commitments and eliminating the ability of election observation missions to make preliminary findings public immediately after elections.

The Netherlands reacted positively to the final report by the Panel of Eminent Persons. It regards the Panel’s work as a potential catalyst for the debate on reform, coupled with a list of sensible recommendations. With regard to the latter, the Dutch position is similar to that of the United States: changes may be needed, but not at the expense of the human dimension. The Netherlands is of the opinion that the OSCE does a lot of good work in this particular area and could be strengthened in other areas. Following the agenda during its chairmanship in 2003, the Netherlands supports the Panel’s ideas on strengthening cross-dimensional activities and strengthening cooperation between the OSCE and other international organizations.

### **Non-Governmental Reactions**

Early reactions on the establishment and report of the Panel of Eminent Persons came from non-governmental organizations. In a paper on *Ideas on Reforming the OSCE*, the International Helsinki Federation and the national Helsinki Committees very much welcomed the Sofia Ministerial Council’s decision to establish a Panel of Eminent Persons to formulate a strategic vision for the Organization. In the paper, the Committees also formulated a

number of their own ideas on reforming the OSCE.

On September 9 2005, the International Helsinki Federation, together with the Netherlands Helsinki Committee and the *Helsinki Monitor* (quarterly on security and cooperation in Europe), also organized a seminar on the future of the OSCE, just before the first high-level meeting on the Panel's final report. This seminar's chairman, Arie Bloed, noticed in his closing remarks that there is quite some appreciation for the work of the Panel of Eminent Persons and that there had not been any strong criticism in the sense of "waste of time," "no proper direction," and so on.<sup>5</sup> During the meeting, it was stressed that the title of the final report – *Common Purpose* – should not only call for a sense of common purpose amongst the participating states, but also amongst the ordinary people that these states are supposed to represent. After all, the OSCE has created a community of values: a crucial characteristic of the Organization that was also reconfirmed in the report of the Panel of Eminent Persons.

A reaction to the work of the Panel of Eminent Persons of a different kind came from the President of the OSCE's Parliamentary Assembly, Alcee L. Hastings. In his address to the OSCE's Permanent Council on October 4 2005, he supported the ideas on the need for reform and adaptation and expressed the hope that the Ministerial Council in December 2005 would give much-needed impetus to the Organization. However, Hastings was very critical of the fact that the Parliamentary Assembly had not been represented on the Panel. He also lashed out at the Permanent Council for not responding to the Parliamentary Assembly's own report on OSCE reform and claimed that the lack of communication between different actors makes it extremely difficult to initiate OSCE reform.

By far the most critical reaction came from OSCE expert Vladimir Socor. In an article for the *Eurasia Daily Monitor* of the Jamestown Foundation, he focused on perceived flaws of the report. In his eyes, "the Final Report's most conspicuous characteristic is the absence of references to the hard issues: the OSCE's failures as a security actor in the 'gray zone' of Eastern Europe, and Russia's political and budgetary blackmail that seeks to neutralize as well the OSCE's democracy-promoting role." He continued, "on the security front, the report completely ignores the performance of the OSCE's Georgia and Moldova field missions, largely responsible for discrediting the Organization as a security actor in the host countries and internationally." According to Socor, "the report also passes over in silence the forced termination of the OSCE's Georgia Border-Monitoring Mission at Moscow's demand." This Mission had been designed as a confidence-building and border-management tool and, as such, also fulfilled an important conflict-prevention role. In general, Socor heavily criticized the lack of criticism *vis-à-vis* Russia. He believes that the report simply ignores this crucial problem and appears to imply deference to Russia in former Soviet-ruled countries.

### **Concluding Remarks**

The above-mentioned comments and criticisms raise questions regarding the value of the work of the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE. Are basic challenges to the OSCE indeed ignored by the Panel? How new or original are the ideas and recommendations that are formulated in their final report? And how can this report contribute to strengthening the OSCE? Will it share the same fate as that of the report by the High-Level Panel on UN reform and result in not much more than an interesting public debate and a few high-level meetings without much follow-up?

In reaction to the criticism of Socor and others that the Panel has avoided addressing basic challenges to the OSCE, one can only say that *of course* the Panel has carefully avoided mentioning the basic problem of non-compliance by the Russian Federation and a number of former Soviet republics. One has to bear in mind that the Panel's main goal was not to produce a comprehensive and all-inclusive analysis of the current situation, but to produce a meaningful tool for starting structural reform of the OSCE. The starting point for

recommendations was therefore the search for a common purpose and not highlighting what divides the participating states. On this basis, the Panel listed ideas and recommendations that have been extensively discussed in various forums inside and outside the Organization, and that are not necessarily new or original. It concerns ideas and recommendations that might be agreed upon by the participating states. The Panel thus seems to have produced a report that may not only stimulate debate, but that can even function as an agenda for reform. It has already resulted in high-level meetings and was also discussed during the Ministerial Council in Ljubljana on December 5-6 2005.

The Ministerial Council was able to agree on a roadmap for reform, new scales of contribution and a capable Secretary-General. "This is all good news," according to the Chairman-in-Office Dimitrij Rupel. And indeed it can be concluded that the report has served its purpose well as a catalyst for the start of the much-needed reform process toward a more effective OSCE in the future. The bad news is that the Ministerial Council once again was not able to produce a Ministerial Declaration or a regional statement on Moldova.<sup>6</sup> This highlighted again the inability to overcome divisions between East and West when it comes to the approach to frozen conflicts and compliance with OSCE commitments, and caused the Chairman-in-Office to say that "OSCE participation cannot be a free ride. It is above all an effort at sharing responsibilities and commitments."<sup>7</sup>

What also became very clear is that the OSCE's election-monitoring activities are nowadays at the heart of the dispute between the Western bloc headed by United States and the Eastern bloc headed by the Russian Federation. At the Ministerial Council, the Russian Foreign Minister Sergej Lavrov accused OSCE election-monitoring staff of being biased and using double standards in former Soviet republics. US Under-Secretary of State Nicholas Burns stated on the contrary that OSCE monitors in Georgia, Ukraine and Kyrgyzstan have played a neutral role.<sup>8</sup> This open disagreement on the OSCE's role in election monitoring clearly showed in Kazakhstan's recent presidential elections, where Putin congratulated the president on the outcome whereas the OSCE stated that elections did not meet internationally set democratic standards. In this respect the division between the two blocs is far from being bridged. Although embarking upon the road to reform in itself is a hopeful sign, it remains to be seen whether both sides will be able to agree upon implementing a meaningful reform agenda during the Belgian chairmanship in 2006.

In the meantime, the general public is likely to hear from the OSCE only in relation to turbulent election processes, as was the case in Georgia, Ukraine, and Kyrgyzstan. This is even more likely with forthcoming general elections in Ukraine in March 2006 and presidential elections in Belarus in September 2006, which easily may lead to another major political row between the Russian Federation and the Western participating states.

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## Notes

1. See Edwin Bakker and Bert Bomert, *The OSCE and the Netherlands as Chairman-in-Office* (The Hague: Netherlands Helsinki Committee, 2003).
2. *Declaration by the Nine Heads of State of the CIS on the State of Affairs in the OSCE*, 514<sup>th</sup> Plenary Meeting of the Permanent Council (PC) (July 8 2004), PC.Jour/514; *Appeal of the CIS Member States for the OSCE Partners, Adopted in Astana*, 526<sup>th</sup> Plenary Meeting of the PC (September 23 2004), PC.Jour/562/Corr.1.
3. *The Netherlands and the Organization for Security and Cooperation in Europe: Role and Direction* (The Hague: Advisory Council on International Affairs (AIV), 3 May 2002).
4. *Establishment of a Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE*, Decision No.16/04, Ministerial Council, Sofia (December 2004).

5. *Life Begins at 30*, report of the Helsinki Monitor Conference on the OSCE's future after 30 years, held in Hofburg, Vienna, on September 9 2005 (The Hague: Netherlands Helsinki Committee, 2005).
6. An agreement was reached, however, on Georgia for the gradual running down of Russian military bases as part of the 1999 Istanbul commitments made by the Russian Federation.
7. Press release entitled *OSCE Chairman-in-Office Says Participating States Have "No Free Ride" on Adhering to their Commitments* (December 6 2005); and *Statement by Dr Dimitrij Rupel, Chairman-in-Office of the OSCE, at the thirteenth Meeting of the OSCE Ministerial Council*, Ministerial Council Ljubljana (December 6 2005), MC.GAL/6/05.
8. "Rusland: waarnemers van de OVSE zijn partijdig", *NRC Handelsblad* (December 6 2005).