

A Contribution to the Agenda for the Dutch Chairmanship of the OSCE: a Recapitulation of Findings

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Resumo

A CSCE tinha como principal objectivo, durante a Guerra Fria, ser um fórum de discussão das duas superpotências. Uma vez terminada esta conjuntura internacional, os Estados membros da actual OSCE ainda não lhe definiram o seu novo papel e responsabilidades. A ambiguidade desta organização é ainda agravada pelo facto de haver no seu seio uma divisão entre os seus membros: entre aqueles que fazem parte da NATO e da UE e os que não fazem. Estas duas organizações vieram retirar em parte a importância política que a OSCE detinha.

A OSCE poderá contudo ter um papel importante na estratégia de prevenção de conflitos funcionando como plataforma para troca de informação entre as várias organizações, que já estão no terreno, assim como continuará a ser um fórum de consulta e discussão importante devido ao seu cariz securitário multidimensional.

Abstract

During the Cold War the CSCE had as a main goal to be a forum of discussion for the two super powers. Once this international setting was over, member states were not able to define a new role and responsibilities for it. The ambiguity of the organization is even more aggravated by the fact there is no clear distinction between those, which are NATO and EU member states, and those who are not. These two organizations diminished the political importance of the OSCE.

The OSCE may have an important role on a strategy of conflict prevention working as platform to exchange information among several organisations, already on the field, as well as it will keep being an important forum of consultation and discussion due to its multidimensional securitarian nature.

* The Advisory Council on International Affairs (AIV) is an advisory body for the Dutch government and parliament. In particular its reports address the policy of the Ministry of Foreign Affairs, the Minister of Defence, the Minister for Development Co-operation and the State Secretary of Foreign Affairs. In the middle of 2001 the Dutch government asked the AIV to produce an advisory report on the Organisation for Security and Co-operation in Europe (OSCE) in the light of the Dutch Chairmanship of the organisation in the year 2003. The following article is a recapitulation of the findings and recommendations of the AIV as presented to the Dutch government on 3rd May 2002.

Introduction

The evaporation of the East-West conflict has put an end to the need for the Organisation for Security and Co-operation in Europe OSCE (or the CSCE, as it used to be called) to act as a meeting place for the two power blocs. It is no longer self-evident that the OSCE should be the principal platform for consultation and dialogue, particularly as there are plenty of other forums at which the former Eastern and Western allies can now meet. Given that the role of a meeting place between East and West was the main reason for the CSCE's existence during the Cold War, it is hardly surprising that its successor, the OSCE, is now immersed in uncertainty as to its future role and responsibilities. The participating States have not managed to find suitable alternatives to fill the gap left at the OSCE by the ending of the East-West conflict.

Despite the introduction of such catch-all terms as 'comprehensive security' and 'co-operative security', there is still a lack of cohesion in the wide range of disparate activities performed by the OSCE. Indeed, the terms in question are so all-encompassing that they have not helped to harmonise the security interests of the various participating States.

The reform and expansion of NATO and the European Union are casting an ever larger shadow before them. The OSCE is now dividing into two separate camps: on the one hand, there are the Member States of these two organisations and those countries that seem likely to join them in the near future; on the other hand, there are the other countries, for whom no such prospect beckons.

As US-Russian relations improve, as more countries join NATO and the European Union and as the two organisations become more actively involved in matters affecting European security, so the OSCE will gradually tend to lose its political significance.

The operation of the OSCE is based on the political will of the participating States to subject their international relations and their domestic policies to common, political agreements. These impose limitations on states' political freedom, given that states are expected to observe certain agreed standards of behaviour, both vis-à-vis each other and in relation to their own citizens. Whilst the participating States do not always succeed in upholding these standards, they remain the benchmarks by which their conduct is judged. If participating States fail to meet the standards (as in Chechnya and the former Yugoslavia, and as in the case of the 'frozen conflicts'), they may be called to account for their conduct in the OSCE. Nonetheless, the OSCE is not capable of enforcing a certain standard of behaviour. It is important to realise that this tradition of consultation that has gradually come into being during the years of the OSCE's existence has helped to canalise political

change, both in Europe as a whole and in individual countries, and has an inherent value for this reason.

The dimensions of the OSCE

The AIV believes that the OSCE tends to lean too heavily on past successes in the arena of arms control. The AIV advises the Dutch Chairmanship to consider, and to discuss in the OSCE, which of the existing agreements on arms control should be prioritised. It is also absolutely vital that the Forum for Security Co-operation should keep in touch with the debates and consultations at the OSCE in general, and within the Permanent Council in particular. Precisely how this is done (i.e. whether the Forum does the groundwork for the Permanent council or whether the two consultative bodies are fully merged) is of lesser importance than the fact that the OSCE's security policy dimension continues in full force. If the Forum for Security Co-operation loses touch, it is at risk of becoming a political irrelevance.

The AIV believes that the OSCE's primary objective, as part of the Economic and Environmental Dimension (EED), should be to prevent and contain conflicts. The OSCE can seek to attain these goals by acting as a catalyst in conjunction with other international organisations that are active in the fields of economics and/or the environment. Thanks to their mandates, expertise and experience, such organisations may be in a better position than the OSCE to take effective, targeted action in this area. In this connection, the OSCE should operate basically as a platform for exchanging information on activities with other international organisations that are active in the fields of economics and the environment. The organisations involved here would include, for example, the European Union, the World Bank, the IMF, the OECD, the EBRD and the United Nations Economic Commission for Europe. The OSCE should focus its efforts on those countries which are unlikely to qualify for membership of the European Union in the near future, as it is these countries that will probably be most open to assistance and support offered by the OSCE as part of a conflict prevention strategy.

The AIV would like to draw the following conclusions:

- The current position occupied by the OSCE leads the AIV to conclude that the OSCE – acting partly as a complement to and partly in conjunction with other international organisations – still has a valuable role to perform in the relations between its participating States.

- The OSCE offers a genuine platform for permanent consultation between the participating States. This tradition of consultation is valuable in itself. In addition, the OSCE is the only regional organisation for co-operation on security issues of which the US and the Russian Federation are members on equal terms. Another important point is the membership of the Central Asian countries.
- The concepts of 'comprehensive security' and 'co-operative security' are so wide-ranging as to be scarcely capable of defining the limits of the OSCE's activities and responsibilities. Moreover, the OSCE operates in three different dimensions, each of which has its own particular characteristics and dynamics. In other words, the OSCE is a regional organisation that has the mandate and expertise that are required to tackle security issues from a broad perspective. The other side of the coin, however, is that the OSCE encompasses a huge variety of tasks and activities. The OSCE has an important role to play, for example, in relation to policing, election observation, security policy and the human dimension, each aspect of which has a bearing on the security situation in Europe. At the same time, these responsibilities are so diverse that it is not always clear what the OSCE's focus is or should be. As a result, the OSCE may be said to be an organisation that performs a large number of disparate activities the relationship between which is not always clear and in respect of which it is also not always clear why the OSCE in particular should perform them.
- The AIV urges the Dutch government to prioritise, during its Chairmanship of the OSCE, the themes of conflict prevention and post-conflict rehabilitation, based on the OSCE's expertise in relation to the security dimension, the economic and ecological dimension, and the humanitarian dimension. Designating conflict prevention and post-conflict rehabilitation as policy spearheads should also make it easier to set priorities in terms of the OSCE's responsibilities and activities. Any new activities it is proposed the OSCE should undertake its work in the field of conflict prevention and post-conflict rehabilitation.

Decision-making

The AIV concludes that decision-making in the OSCE revolves around its status as a conference with a minimum of rules and procedures as well as a segmented set of

decision-makers, and that the expansion of the European Union and NATO is having the effect of drawing a line in the OSCE between the Member States and prospective Member States of these two organisations on the one hand, and those countries that are unlikely to qualify for membership in the near future on the other. Given that most of the latter countries are located in regions in which OSCE missions have recently been undertaken (where such missions have not actually been conducted in the countries in question), it would not be going too far to claim that the OSCE is in fact divided into two camps.

The AIV urges the Dutch Chairmanship to ensure that the question of raising the efficiency of decision-making remains on the OSCE's agenda. The AIV is aware that agreement has not been reached in the past on proposals made by delegations in this connection. Most countries are unwilling to abandon the principle of consensual decision-making. For this reason, a proposal has been made for a procedure (i.e. the institution of a 'committee of wise men') that could promote change by applying pressure from the outside.

The AIV believes that the members of the OSCE should be prepared to invest in the relationship with the Russian Federation. Indeed, any failure to treat Russian criticism of the OSCE as a serious matter could easily be construed as ill will. It goes without saying that each individual complaint made by the Russians should be assessed on its own merits. At the same time, the AIV urges the Dutch Chairmanship to do its utmost to facilitate a proper discussion of issues that have been exercising the minds of Western Europeans, despite the fact that certain partners may be reluctant to discuss them, and may perhaps even be opposed to any form of discussion. Such issues include religious freedom, the integration of ethnic minorities, the deplorable position of many Roma and Sinti groups in Western Europe, and xenophobia.

Chairmanship

The Dutch government can boost the Netherlands' chance of success during its Chairmanship of the OSCE by guaranteeing:

- 1 a high standard of expertise in issues that are on the OSCE's agenda, in particular in relation to areas in which the OSCE has performed missions;
- 2 adequate political and diplomatic groundwork in devising a strategy for tackling these issues; it is vital in this respect that the Chairman-in-Office is sufficiently aware of the concerns of all the members of the OSCE;

- 3 sufficient staffing levels, both in Vienna and The Hague, and both fast and high-quality communication between The Hague and Vienna;
- 4 sufficient financial resources to fund new initiatives and projects;
- 5 the Minister of Foreign Affairs should be the political embodiment of the Chairmanship. This should be reflected in a high level of personal commitment and personal activity. After all, the Minister of Foreign Affairs represents the highest political authority in the organisation. He, rather than the Chair of the Permanent Council, is the OSCE's public face. In this connection, it is also important that the Dutch Chairmanship of the OSCE should be supported by the entire cabinet, as other ministries apart from the Ministry of Foreign Affairs may be called upon to perform certain OSCE duties during the Netherlands' term of office.

The experience gained by previous Chairmen-in-Office of the OSCE leads the AIV to conclude that developments in the international arena will be the main determinants of the way in which the Netherlands discharges its responsibilities as the Chairman-in-Office of the OSCE. In other words, the role performed by the Chairman-in-Office revolves around the latest international developments. Against this background, it is crucial that the Dutch government should take steps to enable the Chairman-in-Office to respond swiftly and effectively to international trends.

The experience of the Norwegian Chairman-in-Office demonstrates in particular the importance of ensuring that the OSCE unit in The Hague and the delegation in Vienna work in parallel with each other. This can only be done on the basis of clear arrangements about the division of responsibilities. Also, the experience of previous Chairmen-in-Office underlines the value of ensuring that both the head of the OSCE unit in The Hague and the Permanent Representative in Vienna (having due regard for their own individual powers and responsibilities) have direct access to the Minister of Foreign Affairs. This is the only way of guaranteeing that the Minister of Foreign Affairs can act effectively and decisively in discharging his role as the Chairman-in-Office of the OSCE. This is on condition, though, that communication between The Hague and Vienna is both open and fast.

To ensure that the Dutch Chairmanship is both effective and efficient, the AIV recommends that the delegation in Vienna should make maximum use of 'groups of friends', 'open-ended working groups' and 'special representatives of the Chairman-in-Office'. The use of such groups should help both to create broad support for

decisions taken by the OSCE and to ensure that other participating States, apart from the Chairmanship, remain closely involved in the work of the OSCE.

The AIV advises the Dutch Chairmanship, in strengthening the position of the Secretary General and the Secretariat, to restrict itself to a number of small-scale but concrete measures that the Chairman-in-Office is capable of taking on its own accord. More specifically, the Netherlands has in the past supported the principle of strengthening the Secretariat. The AIV proposes in this connection that, for the benefit of future Presidencies, the staff complement of the OSCE Secretariat should be supplemented by as many staff as are required to enhance its continuity. In a similar manner to the role performed by Programme Officers in relation to missions, the prime duty of these additional members of staff should be to guarantee the continuity of OSCE policy under successive Chairmen-in-Office. They should not concern themselves with the OSCE's operational duties and should instead concentrate on supporting the Chairman-in-Office in preparing decision making in Vienna. As long as this suggestion has not been adopted, the Netherlands could consider strengthening the Secretariat by seconding Dutch officials to the Secretariat at its own expense.

Political and public support

As a first step on the road to boosting political support for the OSCE, the Dutch Chairmanship could propose that the acting Chairman-in-Office should not only set out, to OSCE's Parliamentary Assembly, its strategy for the Chairmanship and the plans it wishes to implement at the beginning of its term of office, but it should also report, at the end of its term of office, on the results that have been achieved during the past year of its Chairmanship. As long as there is insufficient support for this suggestion, the Dutch Chairman-in-Office could put it into practice on a voluntary basis.

The AIV also recommends that the OSCE should strengthen its public information activities and should develop a public information policy. The Dutch Chairmanship could take action to this end, for example, by proposing to earmark a higher proportion of the OSCE budget for public information purposes on a permanent basis. Another possibility would be to examine ways and means of integrating public information into all aspects of the OSCE's work, including the activities conducted by the OSCE in the field, for which the OSCE should publicly assume responsibility.

Missions

The AIV advises the Dutch Chairmanship to standardise procedures for reporting on missions to the Permanent Council in Vienna, and to establish a fixed mechanism for discussing the reports.

The AIV also advises the Dutch government to advocate the idea of placing a time limit on future OSCE missions, notably by stipulating a deadline by which the objectives of the mandate pertaining to the mission in question must have been achieved. This will compel the parties involved and all other OSCE participating States, to a much greater extent than is currently the case, to pursue a political dialogue about the situation in the host country. In addition, setting a time limit will have the effect of forcing the governments of the countries concerned and the heads of missions, to a greater extent than is currently the case, to achieve both political and other objectives by stipulated deadlines, thus giving Vienna a greater degree of control over the missions. Finally, steps could be taken to ascertain which of the missions currently in operation could be subjected to a time limit along comparable lines.

Finally, with a view to exercising proper control over the missions, the AIV advises the Dutch Chairmanship to continue the practice of inviting the Programme Officers from the Secretariat to attend discussions of the missions. The Romanian Chairmanship first instituted this practice in 2001. There is every reason for the Dutch Chairmanship to continue this practice, also as it can help to strengthen the Secretariat and improve cooperation between the Chairmanship and the Secretariat.

Issues and the strengthening of the OSCE

The AIV advises the Dutch government to exercise caution in formulating its objectives for its Chairmanship of the OSCE, not so much because of any dearth of ideas or suggestions, but rather because practical experience shows that there are only very limited opportunities for individual countries to influence OSCE policy. Moreover, the need to respond effectively to international developments and to guarantee the continuity of the OSCE's activities will in itself inevitably create a richly filled agenda that is bound to require a great deal from the Dutch Chairmanship. As regards ideas and suggestions for issues to be raised by the Dutch Chairmanship, the Dutch government should take its lead from the OSCE's current agenda and from the German-Dutch proposals presented in the spring of 2001.

The AIV calls upon the Dutch Chairmanship to launch a debate within the OSCE on the desirability of conducting independent evaluations of the organisation's activities, in particular of missions. The aim would be to identify the strengths and weaknesses of the OSCE's operations and to draw conclusions for future operations. The precise nature of the evaluation unit is not the most important aspect here; the key issue is that a debate should be started. The UN's Lessons Learned Unit could serve as a model in this respect.

The AIV advises the Dutch government to ensure that human rights violations in Central Asian countries remain on the OSCE's political agenda during the term of its Chairmanship. The governments in question should be warned that such violations are contrary to the values, standards, rules and arrangements agreed within the OSCE. The Chairmanship will need to decide, on a case-by-case basis, whether silent diplomacy or political pressure forms the most effective means of improving the human rights situation in these countries.

The AIV urges the Dutch government to use its Chairmanship in 2003 to give a fresh impetus to the debate on the legal status of the OSCE.

The analysis of the AIV begs the question of whether the OSCE is not at risk of having its operational capability eroded. If this were the case, the OSCE would lose its political relevance and would run the risk of becoming irrelevant. This is a danger of which many participating States are aware and is also the reason why the issue of internal reform has been raised at regular intervals. As different participating States have different ideas about the type of reform that is needed, the debate generally founders before any progress can be made. After all, the participating States have disagreed for many years now about the reform and renewal of the OSCE, despite claims that the organisation cannot otherwise function effectively. Perhaps external pressure can bring about the type of progress that internal discussion has thus far failed to produce.

The AIV proposes that the Dutch Chairmanship should argue in favour of the formation of a representative, international group of wise men, whose task it would be to examine the reform and renewal of the OSCE. The group's mandate should in any event include defining the limits of the OSCE's responsibilities and duties, thereby making allowance for the possibility of shedding certain responsibilities and joining forces with other organisations. Other issues to be examined by the group are the continuity of the OSCE's operations in the light of the annual rotation of the Chairmanship, and the organisation of the decision-making process. Not only should the group of wise men be representative of the community constituting the

organisation's participating States, it should also carry sufficient political clout to make it difficult for the participating States to ignore its recommendations. The group should submit regular progress reports to the Permanent Council in Vienna before presenting a final report suggesting ways in which the OSCE's Ministerial Council meeting scheduled for December 2003 could reach agreement on the reform and renewal of the organisation.