

## **(Re) Designing security institutions in the post-Cold War era: the case of the OSCE**

The Conference on Security and Cooperation in Europe (CSCE, renamed Organization for Security and Cooperation in Europe in 1995) was created during the détente years of the Cold War. Acting as a dialogue forum between the participating states of the Eastern, Western and Non-Aligned Blocs, the CSCE's main tool was the Helsinki Final Act and its principles, including questions of human rights, politico-military and environmental / economic issues. The so-called Helsinki effect, which was instrumental in the demise of communism, has been largely documented both on micro and macro levels. However, the transformation of this regional security forum into a full-fledged regional security organization after the Cold War has not been systematically analyzed.

The puzzle this paper addresses is how can we understand the (re) design of the CSCE/OSCE and what are the consequences of this specific design. To explain the institutionalization process of this organization, the concept of strategic action in an international normative environment is used and the evolution of the OSCE is divided in three phases. As such, this paper is divided into three parts, it first discusses the theoretical framework used in this analysis and reviews its relevance compared to other models. The second part assesses the first two phases of this evolution: the end of the Cold War and the beginning of the (re) design process, the transformation of the redesign process between 1992 and 1999. The third part of this paper seeks to understand the third phase of the OSCE, the consequences of this redesign, and to highlight current and potential mechanisms to strengthen the role and effectiveness of the OSCE.

To put it briefly, the theoretical model used here starts with rational assumptions about the participating states. They seek to maximize their own national interests and thus act strategically. However, the actions and behaviour of the participating states are influenced by the new normative environment that has developed after the Cold War, namely the principles of liberal democracies and respect for human rights. Thus, the states have to either adapt to this environment by internalizing the norms or by instrumentalizing the norms. In the OSCE, instrumentalization of norms has been a driving force in the redesign process.

The empirical evidence is then divided into three phases. During the first phase, a common vision of a new Europe is being developed and participating states emphasise the necessity to fully implement the principles of the Helsinki Final Act. However, during the second phase, the conflict-ridden development of post-Cold War Europe forces the states to adapt and to introduce new mechanisms within the OSCE to insure their own security and interests. They must however, at the minimum, adopt the language of the new normative environment to do so. This leads to the transformation of the organization into a full-fledged regional security organization. In the third phase, the limits of the initial redesign are clearly shown and an internal crisis within the OSCE starts to limit its effectiveness, a new division between the East and the West seems to be recreated within the organization. This state of the affairs is still present today.

As such, in the concluding remarks, this paper seeks to analyze the mechanisms that have been adopted to resolve this political crisis and suggest some possible solutions to the OSCE current crisis.

## Part I The theoretical framework

The initial dilemma dealt within this paper is the causes and consequences of the redesign process of the OSCE after the Cold War. To be more specific, this paper divides the argument into a three-step evolution. The question is thus: What are the underlying factors that contributed to this three-steps evolution and what are the impacts of such a fragmented process?

Before describing the model used to analyse the three phases, a short review of current studies on the OSCE is needed to understand the relevance of both the empirical approach (the three phases model) and the theoretical framework tested here.

The notion of three phases within the OSCE is somewhat controversial. Some authors argue that these three phases are the result of the context and the development of European security (Kemp, 2004). Other argue that the institutional structure of the organization underpins the process (Stoudman 2004). Yet the influence of states, and in particular important or powerful states, could be the main explanatory factor according to some (Tudyka 1998). Finally, some believe that the normative foundations of the OSCE explain the evolution process (Farrel and Flynn 1999, Adler 1998). Due to the current state of research on the OSCE that can be divided, roughly, into two categories, I argue that the complex phenomenon that is the evolution of the OSCE after the cold war has not been fully studied or understood. In his review essay, Michael Merlingen (2003) illustrates the first category of studies on the OSCE. He argues that studies of the OSCE tend to be undertheorized and remain mainly on empirical and descriptive grounds. He

underlines two key elements in his discussion. First is the notion that this empirical bias has limited the analytical power of recent OSCE works :

Much of the research on the C/OSCE is informed by an empiricist conception of knowledge production that long ago fell out of favour in mainline international relations scholarship. Research proceeds as if the world could be known as it really is, i.e., as if observational predicates were isomorphs of sensual objects rather than theoretically constituted elements of inquiry. (Merlingen 2003 ; 81) and also “This lack of theoretical orientation limits the ability of analysts to appreciate the interpretative possibilities in the empirical material, restricting them in what they are able to notice and say about the organisation.” (Merligen 2003 ; 71)

The second is that more work based on IR theories are needed to gain a better understanding of the OSCE : “The more general point I wanted to make is that, irrespective of the theoretical perspective chosen by scholars, there is a need for a theoretical turn in OSCE studies.” (Merligen 2003 ; 81)

While he does not specifically mention this aspect, the other category of OSCE studies consists of policy-oriented research.

In contrast, this essay tries to analyze and explain the evolution of the OSCE through theoretical and empirical methods. It also builds on the existing policy-oriented literature by moving from the ought and should to the more neutral and objective description and explanation of what and why it happened. This historical and more descriptive feature alone cannot however be studied as is. As such, this essay also pursues the recommendation of Merlingen to develop more theoretically relevant knowledge on the OSCE.

By moving from a shallow explanation of the evolution of the OSCE to a deeper explanation of the causes of the evolution (Kitschelt 2003), this paper is able to explain a larger part of the puzzle.

Thus, instead of focusing on a single factor that defines the entire redesign process, a problem-driven approach tries to focus on several mechanisms that explain this state of the past and current development. In short, by using a theoretical framework and a process-oriented method that enable the combination of different explanatory factors, this paper seeks an understanding that goes beyond descriptive work (by using theory) and beyond either/or dichotomy (by analysing multiple analytical tools).

To do so, this paper uses a theoretical model that combines notion of rationalist and constructivist explanations.

The model used here tries to answer the specific question of the evolution of the OSCE after the Cold War. As such, an evaluation of how international organizations precisely modify and shape the interests of states is out of the scope of this research. This is because this study does not seek to explain how states have reacted to the evolution of the OSCE but how the states have (re) designed the OSCE and how they changed the purposes and roles of the OSCE after the Cold War. By starting with a different question, however, this does not mean that a project tailored the other way around would yield different results. Accordingly, a systematic model would be one of reflective influence, where participating states and the OSCE structure both have impacts on each other and reinforce each other. This systematic model would however lack a decisive starting point, hence the choice of this study to concentrate on the evolution within the organization.

The model used here is akin to the sequencing attempts at synthesis. However, the process of the evolution must take into account the dynamic relations between state interests and the normative environment. As such, the sequence is adopted as an analytical tool, a starting point. But it is necessary to keep in mind the cross-effect of this model (see Cortell and Peterson for similar comments on a different sequencing model)

Thus, for clarity purpose, this project assumes that since states create international organizations, they should, in this case, be treated as a more coherent starting point. In short, the line is drawn at the level of the state, considered to be the main unit of analysis. Thus, this model starts with assumption on the level of socialization found within the OSCE. Using the five-phases process developed by Risse, Ropp and Sikkink (1998), the approach used here finds that the level of socialization should be viewed as states using norms and not internalizing norms.

After this discussion on what model could be used within the OSCE, it is now time to elaborate on the model itself. The model used here borrows and extends the theoretical contribution of Schimmelfenning on the enlargement of NATO and the EU after the cold war (2001, 2003) The model designed by Schimmelfenning is aimed towards an explanations of the enlargement of two regional international institutions: the EU and NATO. As such, it does not specifically address the creation of these institutions and the outcomes of these successive enlargements. On one hand, the last point, outcomes, is in fact addressed: since Schimmelfenning tries to explain why there was actually an enlargement, the outcome is the actual enlargement. This however has limits. It looks only at the immediate and most obvious outcome. The first element, the design of these institutions, is not addressed by Schimmelfenning. This can be explained by the fact

that since the factors enabling enlargements are to be found in the process of shaming and framing by particular states, an inside look at how institutional design helped or hindered is not necessary. This is somewhat problematic. As a first attempt at theorizing Goffmann in IR, Schimmelfenning's case studies of EU and NATO are relevant. But at the same time, reducing the causal explanation of these enlargements to a rational use of norms limits the capacity to go beyond the short-term outcome.

A logical extension of this rationalist framework embedded in a normative environment would be a complementary view on the design of regional institutions. In turn, by incorporating a conceptual model on the design of international organizations, the short-term focus of the outcomes are eliminated. This is explained by the fact that by looking at the design, it is possible to study a range of consequences, starting from the enlargement and moving forward to issue of cooperation, issues addressed and increasing or decreasing impact and relevance of the organization. To be sure however, for theoretical coherence, some guidelines must be introduced in order to address both the design and the range of possible consequences.

According to Schimmelfenning, his theory applies a sequencing model in which states are rational actors pursuing the maximization of their interests but are embedded in a normative social environment that acts as a tool or as a set of constraints regarding these national interests. Adding another layer to this process, the rational design of institutions (Koremenos et al 2001) gives a sense of continuity to the model by starting with the same rationalist approach and enables us to analyse more than just the short-term outcomes.

In short, this model consists of three specific phases: the design phase, the evolution phase and the outcome phase. In the design phase, participating states try to maximize their interests and to achieve their objectives. In the second phase, they are beginning to understand the nature of the normative environment that surrounds them and they use this environment in order to achieve their goals. As such, by framing the debate in accordance to the norms prevailing in the environment or, in contrast, by shaming the other participants and making them change their behaviour by using the normative framework, the states modify their actions by taking into account these new normative features. Thus, an essential part of the bargaining game focuses not on transaction costs and information maximization, but the game derives from the new normal. While the two first parts of the process can be historically located within a determined time frame, the effects of the third phase are more diffuse. As such, the outcomes and the framing / shaming will happen at the same time. However, it is possible to determine with some accuracy the impacts of this game. For example, in the case of the enlargement, the success or failure is the final outcome. In terms of institutional evolution, outcomes should be studied from the point of view of major changes within the organization structures and mandates.

By applying this model to the OSCE, it is possible to explain the puzzle at hand.

## Part II The empirical evidence

The Organization for Security and Cooperation in Europe (the Conference on Security and Cooperation in Europe, CSCE, was renamed the OSCE in 1995) is the

largest regional security organization with 55 participating states from Vancouver to Vladivostok. Created during the détente years of the Cold War, the Helsinki Final Act formed the basis of the CSCE. This document enshrined three sets of principles: on human rights, on politico-military affairs and on economic, scientific and environmental issues. As such this compromise between the Soviet bloc (which gained the principle of the integrity of borders and territories) and the West (which forced the inclusion of human rights issues in the final act) was seen as part of the political process of the Cold war and the détente. Loosely organized as a forum between participating states from the East and West with follow-up meetings during the Cold War, the CSCE was viewed at the time as complete victory for the USSR<sup>2</sup>. In this view, the West accepted the principles of the inviolability of borders and only got (empty) declarations and principles concerning human rights. But between 1975 and the end of the Cold war, the dissidents in the Soviet bloc used the Helsinki Final Act, and especially principle VII of the Decalogue concerning human rights, to undermine the legitimacy of the Soviet regime. This so-called Helsinki effect has been largely documented both on the macro level and the micro level.

In 1990, the then-CSCE played a prominent role to mark the end of the Cold War by signing the Charter of Paris for a new Europe which, in the spirit of euphoria of the time, reiterated the Helsinki Final Act principles and called for the creation of a new Europe, free, democratic and guided by the norms stated 15 years ago in Helsinki: “The era of confrontation and division of Europe has ended.” and also “Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades.” (Charter of Paris, 1990)

However, the events did not unfold according to the new Europe vision of the Charter and in 1992, when the second Helsinki summit started, the mood was grim, conflicts had erupted once again in Europe. Division, once again, was there. As such, the CSCE's role and mandate that seemed to have been fulfilled in 1990 with the end of the Cold war proved to be still relevant. These dramatic changes in the context of European security enabled the CSCE to redesign itself from a Cold War forum to a full-fledged international organization capable of dealing with new threats and new conceptions of security after the Cold War.

This institutionalization process was reflected both on a political and operational level. The new political will to provide security in this new environment of conflicts (both ethnic in the Balkans and internal in the post Soviet countries) made possible the development of a permanent organization with a secretariat, different bodies acting either on behalf of the member states (the permanent council) or directly for the organization (the Chairman-in-Office, the Troika) and annual meetings at the ministerial levels and ad hoc summits at the head of state level. On the operational level, the OSCE developed new structures based on the three dimensions of the Final Act to cope with the new threats. The High Commissioner on National Minorities was established in 1992 to provide support to participating states in resolving ethnic tensions or conflicts. The Court of Conciliation and Arbitration was set up in 1995 to establish mechanisms for peaceful resolutions of conflict. Other structures deal with freedom of media, anti-terrorism action, economic and environmental issues, democratic institutions and human rights.

This broad overview of the institutionalization process highlights two separate mechanisms. First, the OSCE continued to act with a comprehensive and global vision of security, addressing not only question of immediate resolution of conflict but also the roots of conflicts and tensions such as poverty, natural resources scarcity, etc. The second aspect is the distinction between the political and the operational level. While the main political and decision-making bodies of the OSCE shared the idea of a forum to discuss issues relating to security and promote mechanisms to solve these problems in general ways, the operational level evolved in autonomous fashion with, for example, field missions not being held too accountable. This is reflected in the decision to use the term participating states and not member states and the fact that the OSCE decisions are only politically binding and have no legal basis.

This institutionalization process however did not achieve its full objectives. The period between 1992 and 1999 could be summarized as the period of structural and operational innovations while the period following the Istanbul Summit and the Charter of European Security in 1999 could be described as the stagnation of reforms and the consolidation of a crisis within the organization. While the 2001 terrorist attacks on the World Trade Centre enabled the OSCE to focus on terrorism and regain a capacity of action, the actual period that started in 2003 consists of an open and ongoing crisis among the organization. Three distinct reasons can explain this state of affairs. First, the division of labour among the different security organizations in Europe (NATO, the European Union and the OSCE) was never fixed and the term interlocking institutions was frequently used to describe the architecture of European security. However, the initial failure of the OSCE to prevent conflict in the Caucasus and its inability to limit the

conflict in the Balkans changed the hierarchy within these organizations. While many thought that the OSCE could provide a better framework for security in the post Cold War era due to its inclusive nature, both in terms of members and of issues, the chain of events soon relegated the OSCE to a secondary role. Its inability to secure consensus and to act efficiently and rapidly hurt the reputation of the OSCE. While the organization grew in size, both the number of structures and the number of states, it did not grow in its actual capacity to provide security in Europe. The support for the OSCE also diminished with the successive enlargement of the NATO and the European Union.

This incapacity to act can be attributed to the decision making structure of the OSCE. The consensus-based mandate of the OSCE limits its capacity to react and act rapidly to a changing situation. And although this consensus gives more credibility to the decisions made, the fact that decisions are only politically binding makes non-compliance more attractive for the participating states. Finally, even though the OSCE is a self-proclaimed region arrangement under Chapter VIII of the UN Charter, the discussion on a possible OSCE peacekeeping force never materialized, thus undermining the legitimacy of the OSCE as an organization with the necessary tools to resolve conflicts.

The third reason that accounts for the failure of the institutionalization process lies in the so-called imbalances found within the organization. Due to the political nature of the OSCE decision, legitimacy of the decisions is essential. However, many participating states feel that the OSCE has a double standard attitude both in geographical term (focus on the non- EU countries) and towards the three dimensions (a focus on human rights). This has undermined the political capability of the OSCE to pursue its reforms and its projects. Another element is the instrumentalisation of the OSCE.s norms by the

participating states to advance their own interests. The European Union enlargement and the closure of the field missions in the Baltic States are example of this practice.

Thus, the OSCE is in a state of perpetual redesigning and it has enjoyed different degrees of legitimacy and operational capabilities. This perpetual redesigning did not however eliminate the crisis within the organization.

### Part III The way Forward

The actual crisis within the OSCE despite the many attempts at reforming the organization led the Chairman-in-Office for 2005 Dimitrij Rupel to focus its mandate on revitalization, reform and rebalancing. He thus proceeded to establish a panel of eminent persons on strengthening the effectiveness of the OSCE. This mandate was adopted at the Ministerial Council of December 2004 in Sofia.

While a detailed study of the composition of the panel would be relevant to open the black box of the negotiations mechanisms within the OSCE, this section will only briefly discuss the actual work done by the forum, first in the consultation phase and then through an analysis of the main recommendations of the panel.

The panel is composed of seven persons who should represent the diversity of the OSCE community. In short, a representative of the five main actors within the OSCE should be on the panel: one from the Russian federation, one from the European Union, one American and two representatives from countries with field mission (one in Central Asia and one in the Balkans). The other two members had exercised the functions of Secretary General and Chairman-in-Office of the OSCE. This meant, in practice, that the

more politically influent countries could keep a close eye on the panel and put forward their own interests. The fact that only two members of the committee had extensive experience within the OSCE meant that the first part of the consultation phase was a learning process. This in effect had limits on the capacity of the panel to deal with the details of the organization.

However, these limits to the efficiency of the panel do not mean its final recommendations are useless or too general. Their final report, *Common Purpose: towards a more effective OSCE*, consists of three sections. In the first section, they discuss the state of affairs within the OSCE. The second section discusses substantial reforms while the third section deals with institutional and structural modifications.

The panel focused their review of the OSCE on two broad aspects. First, they believe that the OSCE should be used to prevent the drawing of new dividing lines within Europe. Second, they argue that the OSCE has many comparative advantages that can be used to construct a united Europe: consensus-based decision-making, flexibility, broad membership, comprehensive vision of security, the use of the three dimensions, and strategic use of field missions to work at the local level. It should be noted that from the very beginning the panel wants to move forward: the question of the actual crisis is only mentioned in the introduction, and only briefly. The second section deals with substantial reforms. They thus put forward a large proposal list of activities and actions the OSCE should get involved in. In this long list, they focus on rebalancing the activities of the organization both in geographic term and in term of the three dimensions in order to avoid double standards. To summarize their argument, the OSCE should focus its activities to achieve a common purpose. Since the structure of the organizations consists

of a consensus-based mandate, only a sense of common purpose, of each state wanting to move in the right direction, the same direction. This catch phrase repeatedly appears in the document as the new key element to avoid drawing new dividing lines.

The third section focuses on the structure of the organization. They argue that that the OSCE way forward used to be the creation of new projects, new institutions and new activities. In order to achieve the common purpose needed, a restructuring of the OSCE on its essential activities should be made. As such, the proliferation of structures should stop. The other underlying theme of their argument is the need to raise the profile of the organization. This can be done by focusing on a given set of priorities and making the organization more transparent. Thus, they propose a structure of three pillars, one for each dimension, to give more clarity to the organization. As part of the objective of raising the OSCE profile, the notion of public diplomacy surfaces at different moments in the document: the need for more transparent annual meetings to highlight the key achievement of the OSCE during the past year, the need for a public face for the OSCE, the secretary general, and also to give the legal personality to the OSCE in order to define clearly its status (although decisions would remain only politically binding). In short, the OSCE needs more transparency, accountability and a better public profile.

While the panel put forward two distinct objectives to reform the OSCE, common purpose and public diplomacy, they seem to do a better work at proposing recommendations for the second aspect. For example, they believe that the countries blocking consensus should be identified. This goes contrary to the goal of not drawing new dividing lines. They also seem to propose ways to rebalance the OSCE in terms of the three dimensions (by proposing amongst other thing to use a cross-dimensional

approach to the current security problems in Europe), but they avoid the geographic imbalance within the organization. This paper also focused on the concept of public diplomacy as one central aspect of recreating (popular) legitimacy within the organization and is also part of this strategy to raise the OSCE profile. We argue that, while popular legitimacy cannot provide a miracle solution to the OSCE crisis, it must be acted upon. As such, if the OSCE is able to bring public awareness on the achievements of the organization, it can potentially boost its legitimacy amongst the member states. New ideas and possible solutions can also emerge from discussions between citizens and government of the member countries. To repeat what we stated in the introduction, the actual crisis is a political one: to raise the public profile of the OSCE is an essential element to develop solid foundations on which to build the future role and structure of the organization.

## Conclusion

By using a theoretical model to answer the puzzle posed by the evolution of the OSCE after the Cold War, this paper argued that a three-step logic prevailed within the organization. This logic explains the initial enthusiasm and the following institutional enlargement but also helps to determine the origins of the current crisis within the organization. As such, while there have been many crises during this process, the current one is a result of the preceding decisions and behaviours of the participating states. The nature of the actual problem is thus political and a political solution should be found.

In this final section, we want to ask some questions to stimulate the debate and the

exchange on the future of the OSCE. The role of the discussion should not be to revitalize the OSCE per se, but rather to create a better sense of security in Europe, and a common purpose in achieving this Europe whole and free using the OSCE as a creative tool.

The first and foremost question to ask is why care about the OSCE? What are the benefits that the OSCE can bring to the European security debate? What are the effectiveness and the limits of the current structure of the organization? How can we reshape some of those structures to be more efficient? Which institutions and mandates should be upgraded or be given more or less attention? What is the impact of the normative tools of the OSCE? What is the place of power configurations within the organizations?

These are some of the questions we need to ask, but we can also discuss the role of Canada within the OSCE. Canada is, implicitly always associated with the OSCE: from Vancouver to Vladivostok. But besides this reference to Vancouver, Canada's role within the OSCE does not enjoy a high public profile. Why should Canada care about the OSCE? What are the benefits Canada can enjoy by participating in creating a Europe whole and free? How can the internationalist culture of Canada help to raise the profile of the organization at home and abroad? Can Canada play a role to bring forward human security within the organization?

2005 marks the 30th anniversary of the Helsinki act in 1975, the beginning of the CSCE/OSCE. We should look back at what the CSCE/OSCE did in those thirty years and build upon these achievements to construct an organization that will help prevent new dividing lines in Europe. We should also look forward and ask questions, discuss the future of this organization. While some countries of Eastern Europe can look forward to

future EU and NATO enlargement, not all countries of the OSCE can see such vision in a foreseeable future.

How then can we still build a sense of common purpose? This is not an easy question, but it is an essential one, and the answers we draw can erase some lines.

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