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CSCE: Beyond Process, 1990-92

I. Executive Summary

Although some early proposals conceived of the Conference on Security and Cooperation in Europe as an international institution with headquarters, secretariat, and treaty, the CSCE emerged from Helsinki in 1975 as an amorphous process, moving from conference to conference with no fixed address or schedule. For fifteen years, its review conferences and experts meetings succeeded in focusing attention on a range of inter-related problems from human rights to the environment to threatening military maneuvers, operating on the principle that these and other elements of security could not be treated separately. However, the end of the bipolar security "system" that had characterized the Europe in which CSCE was created led many of its participants to look to the CSCE as a new over-arching "system" within which its members could improve both their security and cooperation. As such, they pleaded for more structure and permanence for its activities, as well as a larger role for it in addressing the challenges of the time.

The Paris Summit of November 1990 endowed the CSCE with its first permanent institutions: the CSCE Secretariat, Conflict Prevention Center, and Office of Free Elections, later expanded to the Office for Democratic Institutions and Human Rights. These three institutions, minimally funded and staffed, were created to give the CSCE process some visible permanence and to assist the regular political consultations set up at the same time. The consultations process envisioned meetings of CSCE heads of state or government every two years; foreign ministers annually, plus possible meetings of other ministers; and senior officials three to four times per year. The CSCE Secretariat was set up in Prague to organize these meetings; the Conflict Prevention Center in Vienna to give institutional support to risk reduction efforts; and the Office of Free Elections in Warsaw to assist the transition to democracy across the continent. In April 1991, parliamentarians from the participating States took up proposals from the summit and formed a CSCE Parliamentary Assembly, to meet once a year to further security and cooperation in Europe, reviewing CSCE implementation and activities.

As the disintegration and unrest which were byproducts of the end of totalitarian rule in East-Central Europe continued to develop after 1990, states turned more and more to the CSCE. At the same time, CSCE took in new states emerging from the collapse of the communist order bringing its membership up to 52 states in 1992. Instead of the theoretical plans for collective security systems and talk of integrating the East into Europe that had sparked the small-scale, sometimes grudging institutionalization of 1990, states looked to the CSCE in 1991 and 1992 as a source of solutions for the broad and deep European problems that had emerged. More extensive procedures were developed, allowing CSCE bodies to send missions to a state without its participation in the decision; engage in conciliation or other forms of peaceful settlements of disputes through CSCE; exclude one participating State from decision-making; and even to establish and deploy CSCE peacekeeping forces.

And, CSCE plunged into the major disputes threatening peace and stability among its members, sponsoring a conference on the conflict in and around Nagorno-Karabakh and working with the EC and UN on various initiatives relating to the Yugoslav crisis.

However, a lack of willingness among participating States to maximize the procedures and bodies they have created, and to revise them as necessary to solve problems, has brought CSCE up short time after time. None of the more complex CSCE mechanisms has yet been used; and the steps that have been taken, such as the development of the Minsk Conference on Nagorno-Karabakh, have not led to resolutions.

Thus left without political imperative, the CSCE institutions have remained small and weak. Situated in three cities in order to send signals of inclusion to emerging democracies (two of which host the Secretariat and Office of Democratic Institutions and Human Rights), the institutions are isolated. Staffed by seconded diplomats for cost-saving purposes, they are inexpert. Responsible to committees of representatives of all participating States, they are unable to take independent or immediate action. They are small executive organs for the participating States' consultations, and as such scarcely have a record of their own to judge. On the other hand, this is precisely what most CSCE states want at this stage -- institutions without significant independent power.

The participating States' most serious challenge with regard to the development of CSCE was how to bridge the gap between the communist period and the post-communist period amid rapid change and increasing ethnic tension in Europe. CSCE had, by viewing all aspects of security together, with human rights at the foundation, achieved a certain success in creating common understandings from which solutions could be found. Eagerness to concentrate on development of a superstructure of procedures and bodies, at the expense of developing solutions to real problems suggests that the CSCE still has a way to go to become an effective force in Europe.

II. Development of CSCE Structures

The origins of the Conference on Security and Cooperation in Europe (CSCE) are usually traced back to a Soviet proposal, introduced in 1954, that called for the convening of a pan-European security conference. Resistance to this concept was rooted in many of the realities of the Cold War: the United States believed that the proposals for such a conference--originally presented as excluding the United States and Canada--constituted a Soviet sponsored attempt to divide the North Atlantic alliance; the Federal Republic of Germany refused to undertake any action that would appear to relinquish its aspirations for a united Germany or limit its ability to participate in the North Atlantic Treaty Organization; West European countries wanted to shape their relations with the East in such a way as to improve not only "security" in its narrowest terms but also to ameliorate the day-to-day friction between East and West the impact of that on average citizens. From then until the conference was finally established in 1975, proposals circulated for a European security conference as an international organization, staffed by secretariats and woven together by a web of treaties.

Instead, the CSCE developed into an amorphous process of diplomatic brinkmanship -- once likened to a "floating crap game"-- moving from city to city with no fixed beginning and no fixed end, but with the stakes measured in human lives. With consensus among the 35 participating States required for all decisions, activity was focused on discussion of national practices and in finding small steps forward that all could accept.

The ten fundamental principles and other provisions set forth in the 1975 Helsinki Final Act and subsequent documents inspired private citizens, non-governmental organizations and governments alike forcefully to champion the rights guaranteed in those documents but denied in practice, especially in the field of human rights. Unquestionably, the process contributed to the collapse of communism in the East-Central Europe and the Soviet Union.

Efforts to focus the CSCE squarely on security and place it in a structured, institutionalized framework originated for the most part, although not exclusively, east of the Elbe. At the time of its inception, Eastern efforts to minimize discussion of human rights in favor of security and, secondarily, trade relations set off a debate in the West, reflecting the perceived competition between military security issues and human rights/humanitarian concerns. The process which emerged attempted to balance these various sets of issues, setting the stage for confrontations but also for balanced consideration of the situation on the continent.

The decision to give the Conference on Security and Cooperation in Europe (CSCE) permanent institutions and regularized political consultations was taken by the participating States in the Paris Charter of November 1990, in the wake of the fall of the Berlin Wall and the subsequent transformation of the European political scene. The CSCE thus turned back toward earlier ideas.

The end of the Cold War, the frequently-expressed security concerns of the ex-Warsaw Pact states, and the Western desire to integrate them visibly into a Euro-Atlantic community of shared values, led governments of both Eastern and Western Europe to look anew at the CSCE. Here was an institution to which all the players in European security belonged, and whose principles reflected the sort of community that they hoped to build. At the same time, Western Europeans hoped that the CSCE could provide Eastern Europeans with a substitute for the more advanced Western European integration expressed through the European Community (EC) and North Atlantic Treaty Organization (NATO).

In 1988 and again soon after the fall of the Berlin Wall, Soviet President Gorbachev called for an all-European summit. A Franco-German-Italian initiative in January 1990 led to the scheduling of the Paris Summit for November 1990. Preparations for it quickly came to be seen as a chance to develop a new security system for Europe as much as to celebrate the hoped-for conclusion of the negotiations on Conventional Forces in Europe (CFE) and on Confidence- and Security-Building Measures (CSBMs), which were expected to revolutionize security by dramatically reducing conventional armaments and increasing military transparency in Europe.

With the unification of Germany, the disintegration of the Warsaw Pact and a clear end to ideological hostilities in sight, many European states felt that the time was right to institutionalize European cooperation and begin developing integrated approaches to security and other common challenges. Poland, Hungary and Czechoslovakia were most ambitious in this regard, proposing a European Security Council to administer cooperative security arrangements among all 35 CSCE states, replacing existing alliances. They would have created a permanent standing committee, with institutional support, and a center to oversee crisis management and arms control verification efforts, *inter alia*.

These proposals were too far-reaching for the United States and most Western European governments, although they were supported by Germany and the Soviet Union. West German Chancellor Helmut Kohl, well aware of the concern felt across Europe at the imminent re-emergence of a united Germany, went so far as proposing ten pan-European institutions, forming cooperative security structures which could eventually absorb the military alliances.

Reservations regarding institutionalization of the CSCE were expressed by states concerned that it might eclipse other European fora. Fears that the CSCE might develop into a body rivalling NATO as the premier organization managing European security and thus dilute U.S. leadership in European affairs were voiced by many in the Bush administration and would underlie official U.S. CSCE policy long into the future. Moreover, some of the same reasons NATO countries were not prepared to extend security guarantees directly to the emerging democracies inhibited them in the CSCE context. Most prominent among them was a continued fear of a nuclear-armed and hostile Soviet Union. The CSCE could not simultaneously embrace the Soviet Union and give security guarantees against it.

A second strand of opposition, voiced mainly by longtime advocates of the CSCE among the U.S. Congress and public, was concern that CSCE's utility as a forum for levying criticism and energizing progress would be subverted by these developments. They feared distracting attention from the human rights focus which had previously been the CSCE's mainstay. Not having developed a coherent alternative vision, and pressed by its allies and new friends from the Warsaw Pact, the United States found it necessary to fall into line at the London NATO Summit in July 1990.

The London Summit agreement made CSCE institutionalization inevitable several months before the Paris Summit. A structure prepared by the European Community at its June 1990 Dublin Summit was amplified at the NATO summit and formed the grounds for agreement on new structures and institutions at Paris. Western (principally U.S.) desires to appear responsive to East-Central European concerns, but not allow too-powerful bodies to emerge, kept the three institutions rigidly separate, two of them to be situated in former Warsaw Pact countries: the CSCE Secretariat in Prague and the Office for Free Elections (OFE) in Warsaw. To tie in with ongoing arms control negotiations, the Conflict Prevention Center (CPC) was located in Vienna.

However, complete agreement on the nature and future role of the new structures was never reached. Concern on the part of the United States that the political consultations process not develop into a competitor to the UN Security Council, or a comparably expensive bureaucracy, kept any non-administrative CSCE activity or expertise from being based with the site of consultations. Similar concerns about threats to the role of NATO limited the size and scope of the CPC. One institution, the OFE, was an 11th-hour U.S. addition to the original EC proposal, added more to preserve the CSCE's balance between human rights and military security issues than in response to requests from the new democracies. Compromises were evident in the tortured descriptions of the new bodies in the Paris Charter but did not provide a clear mandate for their activities.

Additionally, the NATO proposals had envisioned a CSCE Parliamentary Assembly. However, strong negative reaction from the U.S. Congress -- the proposal had been developed without prior consultation with Congress and was perceived on Capitol Hill as an executive branch diktat -- forced the United States to back away from its own proposal and limit Paris results in this area to calling for the creation of such a body.

A three-tiered process of political consultations was set in place, to which the institutions would provide a permanent complement. Again, hesitations voiced loudly by the United States but shared by others made the consultations appear ambitious but limited, in no way comparable to the frequent meetings of EC officials or the permanent consultative bodies in place at the UN and NATO. CSCE heads of state or government would meet every two years, foreign ministers annually as the Council of Foreign Ministers, and senior diplomats several times yearly as the Committee of Senior Officials (CSO).

Institutional Enhancement

Political consultations began with the first CSO in January 1991, but their limitations were immediately demonstrated as states struggled to respond to the Soviet crackdown in Latvia and Lithuania just prior to the meeting. Inability to even convene a special meeting on the subject, much less take concerted action, left frustrations. Additionally, some dissatisfaction with the institutions was also evident from the beginning. States which had wanted the institutions, particularly for the Conflict Prevention Center, to have more extensive mandates were not prepared to let the matter rest -- even for an initial period. Efforts continued in several areas to make the CSCE more capable of actions, although no common understanding of what the purpose and scope of the institutions should be had emerged.

The period following the Paris Summit was a difficult one for the countries of the CSCE. In the fourteen months between the Paris and Helsinki Summits, the Soviet Union and Yugoslavia disintegrated amid rising violence, as economic conditions worsened and ethnic tensions grew in most participating States. As feelings of unity and optimism substantially weakened, interest in using the CSCE to manage conflict grew.

The two "regular" ministerial meetings prior to Helsinki both grappled with perceived shortcomings in CSCE structures: the first, held in Berlin June 19-20, 1991, simply called for enhancements to all CSCE institutions as well as in the specific areas of information exchange with other major European and trans-Atlantic organizations and dialogue with non-CSCE states. The states did succeed in setting up an "Emergency Meeting Mechanism" which allows quick convening of the senior officials in emergencies, if thirteen states agree that a situation warrants immediate consideration.

This mandate for enhancement set off a period, lasting until the subsequent Council Meeting at Prague in January 1992, where the institutions were preoccupied with their own enhancement. The CPC was unable to hold any mini-seminars or set a format for its database and yearbook, tasks mandated to it by the Paris Charter, because it was preoccupied with its Consultative Committee discussions on aggrandizing its own powers and role. Likewise the CSO seemed to have only two topics of discussion: the Yugoslav crisis and development of CSCE's structures.

The Prague Meeting of the Council, January 30-31, 1992, presented the results of the first year's experience and discussion: gradual enhancement of the CPC's role, agreement in principle to expand the OFE, limited additional access for international organizations. Other issues, from the role of NGOs and non-participating States to the development of peacekeeping forces, were put off to the Helsinki Follow-Up Meeting. Interest in strengthening CSCE sometimes overshadowed the very conflicts that the institutions and structures were created to address, and often eclipsed the principles and norms on the basis of which all of CSCE operates. However, the intensive discussions preceding the Prague

ministerial had exhausted enthusiasm, if not potential, for further systematic enhancement of the institutions as such.

Instead, delegations came to the Helsinki Follow-Up Meeting, which ran from March 24 to July 8, 1992, focused on addressing the conflicts plaguing CSCE states. Several new measures and procedures were added to CSCE's tool chest, while CSO meetings which took place simultaneously with the Helsinki Meeting tried out several mechanisms and procedures for the first time. This, in practical terms, was the greatest expansion of CSCE's powers possible -- expansion of the participating States' interest in using its facilities to address conflicts in the region. Thus, not only was a procedure for CSCE peacekeeping agreed, but a draft mandate for cease-fire monitors in Nagorno-Karabakh was developed (although not adopted).

After the Helsinki Follow-up Meeting, a rapid worsening in crisis spots across the CSCE area, and the resulting sense of desperation among Europeans, led to increased efforts to address them through CSCE. An explosion in CSCE missions in late 1992 brought CSCE new visibility and a new sense of responsibility, if not many successes at which to point.

The first year's efforts had shown that political consultations did enable consideration of some thorny problems and national concerns: procedures for the development of a mandate for follow-on security talks encompassing conventional arms control and confidence-building measures; restraining arms transfers, working with non-CSCE states and encouraging economic transition in the East.

What they had not done successfully was produce spontaneity among high-level participants or visible new collective approaches to the problems of the participating States. Whatever benefit the East-Central Europeans may have derived from presenting their cases publicly on new security structures and the need for increased economic assistance, for example, did not translate into concrete steps.

III. CSCE's Institutional Resources

The three bodies created by the Paris Charter -- the Secretariat, Conflict Prevention Center (CPC), and Office for Free Elections, now the Office for Democratic Institutions and Human Rights (ODIHR) -- are commonly known as the CSCE institutions. Professional staff, it was decided, would be seconded from participating States on a rotational basis. Directors for each institution were chosen by the participating States at the first meeting of the Senior Officials in January 1991. Technical and administrative personnel are hired locally, subject to staff rules and funding restrictions negotiated by the participating States.

Administrative and financial arrangements for the institutions were negotiated by a committee of the participating States and have been reviewed at subsequent meetings of the CSO. The Helsinki Meeting created a Financial Committee of the CSO to give continuity to the process. The CSO has kept a tight hold over the institutions, requiring CSO approval to hire additional staff, shift money within budgets, and undertake almost any new projects.

Budgets for the first year of operation were set at 1 million dollars each for the Secretariat and the CPC, and 500,000 dollars for the OFE. As the responsibilities of the institutions have grown, as has the number of meetings they must host, so have their budgets. Budgets for 1992, adopted after the Helsinki Follow-Up Meeting, totalled approximately 3.6 million dollars for the Secretariat, 1.1 million dollars for the CPC, and 755,000 dollars for the ODIHR. These budgets included, as will future budgets, costs for peacekeeping and other CSCE missions -- which may run into the tens of millions of dollars. Funds are provided by the participating States according to a negotiated scale of distribution of costs -- the U.S. share is currently 9%.

From the beginning, though, states proved more reluctant to fund the institutions than they had been to create them. The increased frequency of CSO meetings strained the Secretariat budget and its staff to their limits; additional meetings, responsibilities added by subsequent Council meetings, especially financing missions to crisis areas drained the budgets of all three institutions. The pressures of the global economic slowdown threaten to tell on CSCE activities, although the creation of new offices or missions remains completely separate from consideration of their financial implications, which occurs subsequently. Already, smaller and less well-off states (but not the very poorest) have balked at the costs of long-term missions and, in Helsinki, forced the establishment of an annual ceiling, over which peacekeeping costs will not be paid according to the CSCE scale, but must be negotiated.

The Secretariat

The administrative body for the consultations process, the Secretariat was kept small and purely technical in character. In an effort to avoid creating a CSCE capital in Prague and a resulting UN-like bureaucracy, the United States vetoed proposals to establish national missions to the Secretariat or to give the Secretariat or its staff any policy-related functions. Instead, its duties involve administrative support for meetings of the Council of Ministers, the CSO, and other CSCE meetings as requested; creating an archive of CSCE documents; and furnishing non-restricted CSCE documents and information to the public.

The Secretariat, having the most well-defined responsibilities, has been the most successful of the three institutions. In addition to satisfactorily organizing the Prague Meeting of the Council of Foreign Ministers and the regularly scheduled meetings of the CSO whether held in Prague or elsewhere, the Secretariat has also had Emergency Meetings of the Committee to contend with -- five were held on the Yugoslav crisis in 1991, some with as little as 48 hours' notice. The Secretariat is thus organizing an average of one meeting per month, as opposed to the three to four meetings per year envisioned at the time of the Paris Summit in 1990.

This puts the operation under severe administrative strain. The Secretariat's responsibilities in the work of experts' groups and recordkeeping have expanded considerably since Paris, as has the number of meetings and participating States. It operated with a director and three officers for the first one and a half years of its existence; support staff had to be hired on temporary contracts, as states temporized over authorizing funds for the responsibilities they had assigned the Secretariat.

The location of the CSO, and thus the Secretariat, in Prague has been criticized for Prague's relative inaccessibility to travelers and underdeveloped infrastructure. However, these difficulties are offset by the generally helpful and flexible attitude of the host country, some cost-savings, and the improvements to infrastructure already visible. A more recent criticism of the Prague operation has been the lack of permanent representatives from participating States. Deliberately developed during the Paris negotiations in order to preclude the development of a mini-UN, the transitory nature of the CSO now makes expert-level work and the monitoring of CSO-mandated projects difficult and time-consuming. At present, CSO-mandated groups meet in Vienna with personnel present for the security talks held there; this has led to calls to relocate the CSO to Vienna, on practical grounds.

The Secretariat's role in relation to the general public has been less successful. The tendency on the part of most CSCE participants to regard the work of the CSO -- although it now controls all CSCE activity -- as the exclusive preserve of diplomats had prevented Secretariat officials from doing anything more than distribute agreed documents and brief the public on the organizational, not policy-related, side of the CSCE. Concerns have been expressed regarding invitations to speak on CSCE matters of substance or to distribute a

comprehensive summary of CSCE activities -- such a document would have to be negotiated among all participating States.

Provisions adopted in the Helsinki Document specifically authorize all CSCE institutions to provide information and briefings on their activities; designate an NGO liaison; retain and distribute titles of NGO submissions; and notify the public of upcoming meetings and other CSCE activities, if the CSO has agreed to make them public. The Secretariat is also to have a specific role in assisting the Chair-in-Office to brief on CSOs, and in media relations; all of these provisions will only be of use, however, if NGOs display persistent interest and Secretariat officials, as well as participating States, come to understand the necessity and value of working with the public.

The Conflict Prevention Center

The concept lying behind the Conflict Prevention Center (CPC) had been the most ambitious of the three. Because of reluctance to assign it independent powers, however, the CPC's initial mandate scarcely touched on CSCE conflict prevention and crisis management efforts such as early consideration of problem areas, mediation and peacekeeping. These "political" tasks were left to the CSO. Instead, the CPC's mandate focused on implementation of agreed confidence- and security-building measures (CSBMs), which operate on the principle that clarifying military intentions and capabilities will effectively prevent conflict from emerging in the first place.

Although these traditional "security" tasks are useful in defusing arms races and tense cross-border situations, they do not address the causes of conflict facing the new Europe: ethnic strife, economic inequality, political instability. Continued interest in more actively involving the CPC in crisis management, and a gradual recognition by the United States that this could be done without threatening NATO's role, has led to slow expansion of the CPC's field of activity, following that of the CSO. Controversy continues, however, over the CPC's independence from the CSO in taking up and responding to conflicts. A somewhat opposed proposal would have the CPC implement CSO decisions on crisis management efforts. De facto, Vienna-based delegations to the CPC's Consultative Committee have served as the implementing bodies for CSO decisions; however, they have generally done so as ad hoc committees of the CSO, rather than the CPC.

The CPC's Consultative Committee (CC), with representatives of all participating States, provides the CPC supervision and guidance. The CC meets in principle once a month. The CC ensures day-to-day national interest and involvement in CPC activities but also interposes a layer of bureaucracy, and creates rivalry, between the CPC and the CSO.

Military Security Responsibilities

The CPC Secretariat and the CC were assigned responsibilities connected with agreed Confidence and Security-Building Measures -- holding meetings associated with the Mechanism for Discussion and Clarification of Unusual Military Activities and an annual meeting to assess CSBM implementation, publishing a yearbook and creating a database of military information exchanged among participating States, and hosting mini-seminars -- it has thus far failed to produce a yearbook or database and has hosted a total of three seminars and two CSBM implementation review sessions.

As a seminar-hosting body, the CPC has been more successful, hosting the 1991 Seminar on Military Doctrine for high-level officials and two smaller seminars in early 1992, dealing with conversion of military forces to civilian production and the role of armed forces in democratic societies. However, these same topics had been addressed in the preceding six months by seminars and activities for the new democracies hosted by NATO, the Western European Union, the Council of Europe, the European Community, and countless national and non-governmental efforts. The seminars hosted by the CPC also draw a mixture of private and government officials involved in decision-making on these issues and diplomats, inexperienced in the details of the subject. Seminars thus tended to be predominated by formal speeches and arguments among Western experts, rather than informal give-and-take on issues of importance to countries in transition. Although some useful exchanges occurred, if CPC seminars are to be more than duplicative of efforts elsewhere, they must involve relevant officials as well as diplomats and develop informal discussions.

In implementing agreed CSBMs, the CPC has hosted two Annual Implementation Assessment Meetings. The meetings served a useful purpose in bringing some delegations into compliance with their information exchange and educating new participating States on their CSBM responsibilities. The meetings have been exchanges of experience rather than criticism. As noted, the CPC has never produced either a yearbook or data bank of information based on the data exchanged under agreed CSBMs, as foreseen in its Paris Charter mandate. This failure was blamed initially on problems with data provided; subsequently, participating States have been more interested in enhancements to the Center and crisis management, and the CPC staff has not been effective in moving the project forward.

Consultative, Conflict and Crisis Responsibilities

Enhancement of the CPC's functions mandated by the Berlin Meeting of the Council and approved by the Prague Council, as well as decisions in Helsinki which assign new responsibilities to the CPC, move toward involving the CPC more intimately in crises. Dialogue on political-military issues became a permanent feature of the CC's agenda. The CC may send (by consensus) missions, when it deems them appropriate or particularly in

connection with use of the Mechanism for Discussion and Clarification of Unusual Military Activities.

The Mechanism for Discussion and Clarification of Unusual Military Activities (UMA) was, when agreed in Vienna in 1990, the first possibility for calling a CSCE meeting without a consensus. Any state with a "security concern" about another state's activities may address a request for clarification to that state. It must reply within 48 hours; if the requesting state is not satisfied, it may call a meeting with the requested state and/or a full meeting of the participating States at the CPC to discuss its concern. The mechanism has been used three times in 1991 and twice in 1992, all concerning the Yugoslav conflict. This mechanism triggered the first consideration of the Yugoslav crisis with a July 1, 1991 meeting. With the center of consultation transferred to the CSO, however, the subsequent uses of the UMA have served primarily to publicize or defuse concerns of states bordering the former Yugoslavia; a narrow but, considering the history of Balkan conflict, not unimportant role.

The CC has also undertaken limited projects relating to possible future crisis management activities. The Helsinki Document foresaw a role for the CC in peacekeeping missions as the body which might propose specific types of operations and where all participating States would be informed of missions' activities. Subsequently, the CSO assigned it to draft a mandate for a mission to Georgia, to monitor the cease-fire in Ossetia.

The CPC's first non-military function was to house the Dispute Settlement Mechanism, developed by the January 1991 CSCE Valletta Meeting on the Peaceful Settlement of Disputes. The mechanism provides for third parties -- one or more persons - - selected by disputing parties from a register of qualified candidates to facilitate the resolution of a dispute peacefully by the parties themselves (as opposed to an imposed solution). The mechanism does not specify how the group selected will proceed, in order to allow it to work "in such informal and flexible manner as it may deem practical." Use of the mechanism is restricted to disputes between not more than two participating States and excludes disputes within states or with non-participants. The Director of the CPC may select the group's members if the disputing parties are unable to agree on its composition within a specified time. The register, to contain up to four names submitted by each participating State, did not contain enough names to make the mechanism operational until August 1991. Thus far, however, the mechanism has not been used.

Interest in developing mechanisms for the peaceful settlements of disputes led to the scheduling of an experts' meeting in Geneva in October 1992. The participating States approved at Geneva a "comprehensive and coherent set of measures" designed to expand the options available within CSCE to assist states in resolving their disputes peacefully. That package contained four distinct elements: 1) modifications of the Valletta mechanism, largely intended to tighten its time frame; 2) a British-proposed conciliation procedure; 3) a French-proposed Convention on Conciliation and Arbitration; and 4) a U.S.-proposed procedure that would allow the CSO or Council to mandate conciliation on a consensus-

minus-two (the disputants) basis. The French-proposed convention is perhaps the most striking element of the package in that it constitutes the first convention negotiated directly within the CSCE process to wear a CSCE label.¹

The non-treaty elements of the package elaborated in Geneva will be politically binding on all the participating states upon final adoption at the December 1992 Stockholm meeting of the Council of Ministers, but the treaty itself will be binding only on those states which ratify it. Thus far, only a small fraction of the participating States has indicated the intention to ratify, while many others objected to not only its form and content, but also its placement within the historically political, not legal, CSCE framework. The United States, traditionally one of the strongest opponents to the introduction of legal elements into the CSCE, agreed not to block the convention's adoption but has vowed not to sign, ratify, or fund it.

To date, the CPC has almost no record to judge. Its staff has neither the authority nor the initiative to act effectively. Difficulties with budgetary oversight created resentment and further paralysis; the high cost of operating in Austria, and inadequate meeting premises provided by the Austrian government, have exacerbated the situation. Before Helsinki, the CPC dealt with conflict in name only, largely because CSCE countries have chosen to give it neither tools nor opportunities to address the conflicts which threaten the region.

While inaction was often blamed on the U.S.-imposed limitations, lack of political will to manage crises multilaterally through CSCE institutions was more damaging. The participating States have declined to use the CPC in crisis prevention or management. The Yugoslav crisis, for example, was far broader than the CPC's mandate, and participating States chose not to trigger its mechanisms. Initially, Austria and Italy did use the UMA to call a meeting on the crisis. The first-ever CSCE meeting called without consensus, July 1, 1991, was used to register concerns regarding border encroachments and human rights violations. However, the focus of the CSCE's efforts shifted, by the participating States' choice, from Vienna to the CSO. By the time the CSO addressed the crisis July 3, the EC, supported by the United States, had already assumed the leading role in responding. More recently, though, the CPC was mandated by the CSO investigate, through missions, developing hot spots such as Kosovo and Georgia and to study future responses in areas such as peacekeeping. As a function of its Vienna location, where CSCE security experts are permanently stationed for the security negotiations, it hosts several ad hoc groups and steering groups dealing with aspects of the Yugoslav crisis. As its tasks multiply, theoretical debates over its proper relationship to the CSO, the scope of independent activity permitted the CPC Secretariat, and the most effective ways in which it can discuss issues of concern continue. To the extent that those issues dominate discussion, the CPC will never

¹In contrast, the Treaty on Conventional Armed Forces in Europe (CFE) was negotiated "within the framework of the CSCE process" by a pre-restricted membership -- members of the NATO and the Warsaw Pact -- and only entered into force when all negotiating states had ratified it.

live up to its name.

Office for Democratic Institutions and Human Rights

The Office for Free Elections (OFE), now expanded to the Office for Democratic Institutions and Human Rights (ODIHR), began its existence with credibility problems worse than the CPC's. Created largely at U.S. initiative, located in Warsaw and staffed by two diplomats, the office was seen as a short-term venture whose need would die away as the new democracies grew more practiced in the mechanics of democracy. Delegates to the Paris Summit talked openly of shutting the office in 1992.

But, unhindered by the close scrutiny of a consultative committee and endowed with a clear mandate, the OFE set out to fulfill it: to "facilitate contacts and the exchange of information on elections within participating States." This it has done by holding seminars for electoral officials, participating in and coordinating international observation of elections. The OFE played these roles in Bulgaria, Poland, Romania, and Albania, and won some praise. However, it was accused of exceeding its mandate and, small and staffed by non-experts, it has been at best duplicative of the work of longer-established organizations.

Spurred by concern for the problems of democratic institution-building, as well as the immediate problem of the OFE's obsolescence as free elections became the norm in East-Central Europe, the United States lobbied hard for the OFE's expansion to the Office for Democratic Institutions and Human Rights (the addition of human rights to its title was actually a Norwegian inspiration). Acceptance of the idea at the Prague Council was followed by substantive development of its mandate at the Helsinki Follow-Up Meeting.

A crucial procedural limitation on the substance of the ODIHR is the greatly-increased oversight function assigned to the CSO by the Prague Council and Helsinki Follow-Up Meeting decisions. Only the least formal of ODIHR's activities, involving election monitoring, information-sharing, and small-scale seminars, can be undertaken without CSO approval. This reflects less an increased interest in the ODIHR's work than a fear (not shared by all) that it would engage in overly expensive or controversial activities if left alone.

The ODIHR is now charged with performing a clearinghouse function for activities relating to the development of democratic institutions, free elections, censuses, local democracy, and Council of Europe programs. It is to coordinate the CSCE's support program specifically for states newly-admitted to the CSCE, involving national and CSCE provision of expertise and advice including through seminars.

Several kinds of meetings are held by the ODIHR. A three-week meeting to review implementation of human dimension commitments, held in years without a CSCE Review Conference, replaces the Conference on the Human Dimension (CDH) as an annual session on the human dimension. The meetings are designed to focus on implementation review rather than drafting new commitments, although whether they will be able to do so is unclear.

Additionally, the ODIHR will organize seminars to address specific topics within the human dimension. Successors to the experts' meetings held in the past, the seminars are an attempt to hold short, focused, informal discussions on issues of concern. Although central to the concept put forward by the United States of an action-oriented ODIHR, the limitations of the seminar format combined with reluctance on the part of other participating States to make them truly informal and open to relevant governmental and non-governmental experts make them, and with them the role of the ODIHR, potentially only a CSCE sideshow. The first such seminar, held November 16-21, 1992, on tolerance, established good precedents for open, informal discussions among governmental and non-governmental attendees -- but responsibility for implementing the goals of such a session still falls to the participants themselves at home. The requirement for CSO approval at almost every stage of the planning process may also handicap the ODIHR's ability to do anything truly innovative.

The ODIHR houses several CSCE procedures. In addition to providing support to the High Commissioner on National Minorities (see below), and receiving information on national states of emergency demanded by the Moscow Document, the ODIHR plays a central role in the workings of the human dimension mechanism. The original mechanism, negotiated at the Vienna Follow-Up Meeting (1986-1989) and the Copenhagen Meeting of the CSCE Conference of the Human Dimension (1990), allows exchanges of information, leading to meetings, on cases and situations in the human dimension. Used frequently before 1990, i.a. to protest the treatment of incarcerated activists in East-Central Europe and the Soviet Union, it was perceived as too limited in the post-Cold War cooperative era. It has been used recently, however, to protest human rights violations in Yugoslavia, as well as over the treatment of Kurds in Turkey. Bilateral meetings under the mechanism may now be held at the ODIHR, and information on them circulated to other participating States through the ODIHR.

The ODIHR also maintains a list of experts from which, as agreed at the Moscow CDH, a state may request a panel for a good offices mission to the state, to investigate a human dimension problem and take whatever action it deemed appropriate to further dialogue and a resolution of the problem. If that panel is not successful, or if a state refuses to invite a panel onto its territory after being requested to do so by another state, the mechanism provides mandatory steps, more intrusive and confrontational. A state is

then obliged to receive a fact-finding mission sent by one state if it is supported by five others. In cases of "particularly serious threat to the fulfillment of the provisions of the CSCE human dimension," ten states may agree to send a mission without going through the good offices phase.

Although this mechanism was much-heralded at the time of its adoption, participating States did not nominate enough experts to make the list operational until spring 1992. Its first use came only in August 1992, when states of the European Community as well as the United States and Hungary sponsored a mission to Croatia and Bosnia-Herzegovina to investigate reports of prison camps and other human rights violations in those two states. Known as the Corell Mission after its leader, Swedish Undersecretary for Legal and Consular Affairs Hans Corell, the mission's report on war crimes in Croatia was published and forwarded to the United Nations for action. The mission's travel to Bosnia-Herzegovina, however, was deferred indefinitely due to unwillingness to expose mission members to potential security risks. Subsequently, Estonia has requested a good offices panel to examine alleged inequities in its citizenship laws.

Meanwhile, the practice of sending CSO missions on an ad hoc basis has largely supplanted the more cumbersome Moscow procedure. The ODIHR has been involved in several such missions, drafting reports on missions to Albania and Yugoslavia, as well as participating in missions to Nagorno-Karabakh and to ex-Soviet republics. The involvement of the ODIHR brings a welcome human dimension component to the deliberations of the CSO's conflict- and crisis-focused efforts; nonetheless, insistence among many participating States on separating conflict and crisis management from consideration of the human dimension prevents the ODIHR's mechanisms (as well as its other tools) from being used to address developing problems comprehensively.

Expansion has positioned the Warsaw Office to be the CSCE's human rights arm as well as an important human rights institution per se. At the same time, shifting the CSCE's human rights focus from political discussions to a bureaucratic institution threatens to undermine the centrality of human rights in the CSCE. Participating States made it clear in Helsinki that the Human Dimension was of secondary importance to conflict prevention and crisis management, which unfortunately has been conceptualized without the inclusion of the human dimension issues which so often spark conflicts. The requirement for extensive CSO oversight may doom timely ODIHR activity, as its proposals are given low priority in the flood of issues to be dealt with at CSO meetings.

The activities of the Office thus far have been duplicative and small-scale. Sending diplomats to do a job requiring the knowledge of specialists in law, human rights and democratic institution-building is questionable for an institution dedicated to democratic development. To maximize its effectiveness, the Office will need to utilize the expertise of existing institutions and to fold their contributions into the CSCE process. To date, although the ODIHR itself apparently coordinates well, strong feelings among the participating States regarding the role of the Council of Europe (CoE) have gotten in the way of real cooperation. Mindless lauding of CoE achievements in CSCE documents, as well as the intention to pass substantive human rights work to the CoE, look increasingly foolish as numerous new participants join the United States and Canada in remaining outside the CoE. More than ever, the ODIHR has a distinct role to play in organizing and coordinating activities to foster democratic institutions and human rights throughout the CSCE area, as well as in keeping human rights central to the CSCE process.

The ODIHR has already taken up this challenge in relation to the new participating States, sponsoring a seminar for them on constitutional law and making special efforts to have them present at CSCE meetings. Here, as long as CSCE funding holds out, the Office can make a real contribution to linking these countries to Europe, particularly as the Central Asian states are likely to be left outside narrower European organizations such as the Council of Europe.

The Parliamentary Assembly

Originally proposed by U.S. Secretary of States James Baker in late 1989, the idea of a CSCE Parliamentary Assembly was endorsed by the Paris Summit but not, as noted above, set up at that time. At the insistence of the U.S. Congress, creation of the Assembly was left to the parliamentarians themselves. At the invitation of the Spanish parliament, a founding meeting took place in Madrid in May 1991. It agreed that the Assembly would meet annually, normally in July, to assess implementation and discuss CSCE issues as well as consider proposals, recommendations, and declarations. In keeping with parliamentary procedure but breaking with CSCE tradition, decisions on substance are made by majority vote, with each delegation assigned a certain number of votes on the basis of population and other criteria. However, organizational, procedural, and financial decisions will require the consensus of all participating States. A Committee of Heads of Delegation, meeting more often than the Assembly, will deal with administrative and procedural matters. The Assembly's Secretariat is to be located in Copenhagen.

The Assembly's 1992 session, held in Budapest July 3-5, demonstrated its strengths and weaknesses clearly. It was able to call, far more strongly than the Helsinki summit a week later, for withdrawal of ex-Soviet troops from the Baltic States and for action to bring

peace to the former Yugoslavia. However, it mandated no follow-up (its next meeting is in July 1993) and was completely unconnected with the simultaneous Follow-Up Meeting. It thus remains primarily a speech-making and contact-forming body.

IV. The CSCE's Current Tool Chest

The Helsinki Decisions provide a fairly comprehensive overview of CSCE structures as they currently exist, in many cases restating or clarifying rather than establishing wholly new items. Summits continue to occur every two years, as decided at Paris, to "set priorities and provide orientation at the highest political level." Review conferences, immediately preceding the summits, will provide a comprehensive review of CSCE activities and implementation of CSCE commitments, and draft summit documents.

The Council of Ministers, comprised of Foreign Ministers of the participating States (or other ministers as decided), meets at least once a year as the central forum for regular political consultations within the CSCE process. At the annual "regular" meeting, the Chair rotates to the host country for the following year. In practice, the precedent of "extraordinary" Council meetings, at which the Chair does not change, has developed as a useful mechanism enabling the Council to meet as necessary -- a total of four times since the signing of the Paris Charter.

The Committee of Senior Officials

The CSO, the Council's agent, prepares Council meetings, implements Council decisions, reviews current issues and oversees CSCE institutions. As interest in frequent, formalized meetings of the Council has diminished (during the preparations for Paris, many states favored two or more formal meetings per year), the preeminence of the CSO has become clear. Its meetings have developed political significance in and of themselves, as a central site for consideration of issues with ramifications across Europe, North American, and Central Asia. Additionally, the CSO administers and regulates CSCE activities.

CSO activities themselves are coordinated by the country having hosted the last regular ministerial -- the Chair-in-Office. The Foreign Minister, or a representative, chairs all Council and CSO meetings. The Chair is responsible for much of the follow-up to decisions; for example, heading missions (unless otherwise agreed), conducting exploratory work, communicating with other organizations and briefing the public. These responsibilities have evolved informally, as have support structures for the Chair. Personal representatives, a troika of current, previous and forthcoming Chairs-in-Office, and a limited groups of states closely involved with a particular issue (e.g., states providing peacekeeping forces) can be mandated to implement decisions.

Conflict Prevention and Crisis Management -- Identifying Concerns

The CSO functions as the body where, between Council meetings, issues of concern to any participating State may be raised. The Yugoslav crisis has featured most prominently under this item, but the growing range of concerns treated by the CSO include ex-Soviet troops in the Baltic States, conflicts throughout the former Soviet Union, and the economic crisis faced by Central and Eastern Europe.

Discussion of these issues has a political significance of its own, providing the possibility to demonstrate, both at home and abroad, national concern with a particular issue. More importantly, however, it is here that CSCE efforts at crisis management begin.

When concerned by a situation, a state has several options for bringing it to the attention of the CSO:

- Any state may always raise any issue during a meeting.
- A permanent agenda item called "current issues" provides more specifically for such discussions.
- States may also raise an issue quietly with the Chair-in-Office in advance, who will then conduct soundings and include the issue on the agenda, if no objections are voiced. Certain topics, such as proposals for CSCE peacekeeping or warnings voiced by the High Commissioner on National Minorities, must be broached through the Chair-in-Office.

Additionally, a special meeting may be called on any topic, if thirteen states support the request. This is the Emergency Meeting Mechanism adopted by the Council at Berlin. During preparations for the Paris Summit, the EC proposed enabling any state to call a meeting of the CSO if concerned by an emergency situation. The proposal ran into opposition from delegations reluctant to be called on the carpet in such a gathering, chiefly the Soviet Union and Yugoslavia. It was stifled at Paris by the United States, however, which was reluctant to move away from the CSCE's tradition of consensus making on all decisions, extremely jealous of its own sovereignty, and fearful of abuse. Mentioned as a possibility in the Paris Charter, the proposal was left for ministers to resolve at the first meeting of the Council of Ministers, in Berlin in June 1991. Frustration with CSCE's inability to react quickly to mounting crises in Europe, particularly the Soviet crackdown in the Baltics, gave additional impetus to the proposal.

The final outcome, the Emergency Meeting Mechanism, allows any state to express concern regarding an issue, requesting clarification. If it has not received satisfactory clarification within 48 hours, it may propose holding an Emergency Meeting of the CSO. If twelve other participating States support the request, the meeting must be held within three days of their agreement. Despite Soviet reluctance to envisage usage of the mechanism concerning conflicts within a state, the mechanism has been used repeatedly on one conflict which began within a state -- Yugoslavia.

Not long after its adoption at the Berlin Meeting of the Council in June 1991, the Emergency Meeting Mechanism was tested over the late-June outbreak of violence in Yugoslavia. Its frequent use over Yugoslavia (five sessions on Yugoslavia were convened in 1991) made it almost routine. The lack of action resulting from these meetings, compounded by the sense of frustration felt by CSCE states as they watched the coup attempt unfold in Moscow in August 1991 reinforced calls to give further powers to the consultative process. Fundamentally, however, the lack of response was due to a lack of concrete proposals by the participating States, and of commitment on their part to solve the crisis through the CSCE.

Collective Responses

Having identified a problem, the CSO may take essentially any steps it chooses to respond, although certain have been better mapped out and tried. First, it may issue a statement, as it does at every meeting, indicating at a minimum that a particular issue is of concern to the 52 participating States. Frequently, statements are also used to support or legitimize initiatives undertaken elsewhere, from UN resolutions to the EC monitor mission to Yugoslavia.

A step beyond statements is the sending of a CSCE mission. As has been mentioned earlier, missions have become a favorite tool of the CSO in connection with crises as well as new participating States. The existing mission mechanisms described above have been ignored, however, in favor of ad hoc CSO decisions and mandates, a procedure for which is now laid out in the Helsinki Document. Missions are dispatched in order to report back on a situation (even if no new information is gathered, as is usually the case, this gives the impression of CSCE interest in a situation) and, less often, to attempt to facilitate its resolution. The participating State or institution charged with organizing the mission (typically the Chair-in-Office) names participants (usually at the request of various participating States), arranges an itinerary, and has at least nominal responsibility for drafting the resulting report.

To date, the practical usefulness of CSCE missions is doubtful. Their reports are seldom discussed in detail; nor do they form the basis of decision-making, probably wisely, as they suffer from unclear or limited mandates and inexperienced participants often unwilling or able to explore beyond official interlocutors. The denunciatory value of the reports is also limited by their status as restricted documents not available to the public unless the CSO decides otherwise. They do, however, express to the citizens and government of the countries to which they are sent the concern of the wider community, and its insistence on transparency and access from countries which seek integration into the community of states.

A new development since the Helsinki Meeting has been long-term missions, which evolved from the desire to have a permanent presence in and around former Yugoslav republics, with the goal of providing information on tensions in the area surrounding Bosnia-Herzegovina and preventing, if possible, the spillover of conflict into other non-Serb areas under Serbian rule, particularly Kosovo, and into Macedonia. CSCE monitors have been in place in Macedonia and travelling among Kosovo, Sanjak and Vojvodina since September 1992. They are mandated to remain for at least six months and have been involved with some success in bringing different ethnic communities together to discuss conflicts over education (Kosovo) and participation in government (Sanjak).

Further, the CSO may try its hand at resolving a conflict. It could draw upon the missions of experts foreseen in the Moscow Mechanism, or on the Mechanism for the Peaceful Settlement of Disputes. Its newest tool, adopted at the October 1992 Geneva Meeting on Peaceful Settlements of Disputes, allows the Council or the CSO, without the consent of two disputing parties, to direct them to enter conciliation procedures to resolve a dispute. The procedures may be CSCE procedures foreseen in the Valletta Mechanism or the Convention on Conciliation and Arbitration, also adopted at the Geneva meeting, that participating States may decide to join. The CSO may throw its support to a process ongoing elsewhere, as has been the case with the EC and other conferences on Yugoslavia. Or the CSCE can, of course, set up its own structure for resolution of a conflict.

Its first such attempt was the eleven-member Conference on Nagorno-Karabakh, which was created by the Council in March 1992. Not a CSCE meeting itself, the Conference was to include Armenia, Azerbaijan and other interested parties (the United States, Russia, Turkey, Italy, France, Czechoslovakia, Germany, Sweden and host Belarus) and work toward a peaceful negotiated settlement to the crisis. Because a cease-fire was held to be a necessary condition for the opening of the conference, however, and because fighting on the ground expanded, the conference has never formally opened. Instead, a series of emergency meetings of the participants was held in Rome, but even those have not succeeded in creating the basis for progress toward a lasting peace or for a stabilizing CSCE presence. One of the CSCE's primary handicaps here has been its inability to deal with the

representatives of Nagorno-Karabakh itself, as they do not represent a CSCE participating State. Another has been the CSCE's inability to assign blame to one side when fighting escalates, or to deploy any sanctions or rewards to encourage the sides to take the negotiating process seriously. However, the biggest obstacle is simply the lack of will of the two sides to make peace.

On a smaller scale, CSCE has sent a long-term Personal Representative to Georgia to attempt to develop negotiating frameworks to resolve conflicts between the Georgian government and the regions of Abkhazia and South Ossetia. Similar action is being contemplated for Moldova's trans-Dniestr region. An upcoming mission to Estonia will also consider the establishment of a long-term non-military presence to facilitate improved relations between Estonians and the minority Russian community in Estonia. (This is in addition to the mission requested by Estonia under the Moscow Mechanism).

Ad hoc procedures have also been used, as the war in Bosnia-Herzegovina deepened and reports of atrocities grew, to develop a CSCE role in the global response. A CSCE human rights rapporteur mission to Bosnia-Herzegovina, the August 1992 Thomson mission, cooperated with the UN and International Committee of the Red Cross on the inspection of camps and other allegations of human rights abuses and led to CSCE representation at the London and Geneva Conferences on Yugoslavia. In addition, CSCE sponsored the long-term missions to Kosovo, Vojvodina and Sanjak to provide information and establish contacts in areas where concern existed that the conflict might spread, and expanded EC-sponsored missions to monitor adherence to UN sanction against Serbia. In response to a letter from UN Secretary General Boutros-Ghali requesting CSCE assistance in implementing UN resolutions on the conflict in Bosnia-Herzegovina, CSCE has indicated preparedness to "co-ordinate individual or collective contributions by its members" to peacekeeping activities including heavy weapons management. CSCE has stayed out of direct involvement in Bosnia-Herzegovina, partly because states have been more interested in using other fora (e.g. the European Community) to address the crisis and partly because CSCE was not perceived as ready to handle even the scale of operations undertaken by the UN to date. CSCE's consultative mechanisms have served a useful purpose in involving neighboring countries in the search for solutions and defusing their concerns -- not an insignificant achievement, in light of Balkan history, but one that highlights the failure of states to come to grips with the internal crisis.

The CSCE also has a procedure for initiating its own peacekeeping missions. Peacekeeping operations may be proposed by any participating State, through the Chair-in-Office. If consensus is reached by the CSO, and after the Consultative Committee has developed the terms of reference (it may also have been requested by the CSO to propose in advance types of peacekeeping operations), operational guidance passes to the Chair-in-Office assisted by an ad hoc group. The ad hoc group, to be located at the CPC, will fulfill

a liaison and monitoring function between the Head of Mission and the participating States, by providing information to the CPC Consultative Committee, where all participating states are represented. The ad hoc group will include representatives of all states providing personnel or other significant contributions, and the preceding, current, and future Chairs-in-Office (the Troika). The decision to draw on the resources of other organizations, such as NATO or the Western European Union (WEU), may be made after consultations with members of the organization as well as the consultations regarding the composition, size and character of the mission.

A provision precluding the use of CSCE peacekeeping for enforcement operations; stringent requirements for the existence of an effective and durable cease-fire and guaranteed security for personnel (stricter than corresponding UN requirements); and visible reluctance as well as a lack of infrastructure to undertake large-scale operations make CSCE dominance of major peacekeeping operations unlikely in the near future. Instead, the CSCE is likely to emerge as legitimator or guarantor for peacekeeping that emerges from the UN and is then carried out by smaller, more prepared organizations. The most obvious of these is NATO, although the WEU and CIS may some day have similarly developed infrastructures (both are certainly making efforts in that direction). Thus far, however, the CSCE has been unable to respond even in this capacity, when the UN, as noted, asked the CSCE for assistance in Bosnia-Herzegovina, and has been uncertain what its relations to ambiguous CIS and Russian "peacekeeping" operations in the former Soviet Union ought to be.

Modalities for Decision-Making

The drawbacks of formulating CSCE-wide responses by consensus had been evident during the August 1991 coup attempt in Moscow. Western leaders, stunned, scrambled for appropriate responses: some, like France's Francois Mitterrand, were later criticized for being too soft on the plotters. The recognition that, had the coup succeeded, Soviet ability to block consensus would have prevented active CSCE response spurred interest in revising the consensus rule. Such revision had been discussed since 1990 as possibly necessary in order to allow the CSCE to act as a "European Security Council," but most countries still liked the security of the consensus rule.

German Foreign Minister Genscher called, at the Moscow Meeting of the CSCE's Conference on the Human Dimension for isolation of regimes committing or permitting serious violations of the Charter of Paris. Isolation, in his view, should allow all other CSCE states to agree to measures "to reinforce the system of values of the Charter of Paris, without being hindered by the need to achieve consensus with the regime involved." Subsequent consultations revealed a great deal of hesitation surrounding this idea, because

of attachment to the consensus rule and initial German interest in the possibility of taking military action without consensus. So, when a formal proposal was made, Germany made it alone and as a "proposal for discussion," not expecting a decision at the Moscow Meeting. The initial language would have permitted the participating States, "[i]n case of serious violation by a CSCE participating State of the provisions of the Helsinki Final Act or of the Charter of Paris," to "take peaceful measures to induce this State to comply with its CSCE commitments even in the absence of this State's consent."

Eventually co-sponsored by nine other states, the proposal began to gain acceptance by the end of the Moscow Meeting. The United States, which along with some others had serious reservations about abandoning the consensus rule, promised to look at it further. Further discussion and modification of the idea led to the acceptance, at the Prague Council of Ministers in January 1992, that appropriate action could be taken without the consent of the state concerned in "cases of clear, gross and uncorrected violations of CSCE commitments." Continued disagreement about what constituted "appropriate action" was to be resolved through further consideration of modalities at the Helsinki Follow-Up Meeting. Before a theoretical decision could be undertaken, however, the CSO had met and decided, after lengthy discussion, to exclude the rump "Yugoslavia" from decision-making concerning the crisis. This status was used to exclude the Yugoslav delegation from subsequent communique-drafting and mission-mandating on the crisis, as well as the eventual decision to exclude Yugoslavia from the CSCE completely for three-and-a-half months.

This precedent for less-than-consensus decision-making has been reinforced by adoption of the directed conciliation procedure, which foresees consensus-minus-two in order to send those two countries to resolve a dispute. However, proposals to remove consensus decision-making more routinely, through the establishment of a limited membership "Security Council" or executive body have met with no enthusiasm. Not only is the knowledge that actions come from the united will of the 52 important for CSCE's successes; moreover, many states only feel able to commit to a procedure or proposal knowing that they can later intervene in its implementation. Efforts to establish reduced-membership groups to speed implementation have often produced, instead, resentment and gridlock as other states ensure they have their say. Consensus, cumbersome as it may sometimes be, is a foundation of CSCE and will remain so.

Other Functions of the Senior Officials

Preparation of Council Meetings

Besides developing modalities for Council meetings, the CSO negotiates Council "results," leaving only the most difficult or topical questions for ministers to resolve. Many issues are mandated to the CSO by the Council, but the CSO, guided by the Chair-in-Office, also takes initiatives.

In preparation for Council meetings, the CSO drafts communiques. It is, of course, common diplomatic practice for the results of high-level meetings to be written by lower level officials in advance. Ministers and their staffs act no differently at CSCE meetings than at other ministerials -- this perhaps marks a significant failing of the CSCE consultative process, which had aimed for a new character of dialogue among ministers. The summaries of conclusions issued at the Berlin and Prague Council Meetings were of a complexity and detail evidently resulting from weeks of advance work on issues with which the ministers were, by and large, unfamiliar. The U.S. delegation in Prague was placed in the embarrassing position of hearing Secretary of State James Baker, in his Washington-prepared speech to the Council, call for steps that had in fact already been adopted by the meeting.

The combination of low-level bureaucracy and high-level pressure also leads to the introduction of last-minute initiatives and a lack of coherence or of relevance for the non-specialist reader. Inevitably, any controversial issue will be papered over or postponed to the next meeting. The frequency of Council and CSO meetings has led to an endless trickle of little decisions and manufactured "advances." For example, one plank of the Prague Document on CSCE institutions which was considered crucial to subsequent bureaucratic debates states simply, "The Committee is the agent of the Council." Not what one might imagine as the stuff of debates among foreign ministers concerned with expanding peace and prosperity among their countries.

The Economic Forum

A U.S. initiative to bring substance and regularity to discussion of economic issues, the Economic Forum is in reality not an institution at all. Rather, the CSO will convene as the Economic Forum once a year, to give political impetus to discussion of economic transition, propose future cooperation, and review implementation of existing commitments. As the Economic Forum cannot engender its own follow-up, and as EC and EFTA countries, fearing duplication and/or demands for aid, were actively hostile to its creation,

prospects for an active, important role for it within the CSCE seem low. This is particularly the case given the low profile that economic and environmental issues have had within the CSCE, by and large . Having the structure in place, however, provides a focal point for economic concerns which will likely have to feed into conflict prevention in future. The Forum's first meeting will be March 16-18, 1993, in Prague, focusing on elements of a favorable business climate, the human factors of economic transition, and integrating economic and environmental factors.

Administration of CSCE Institutions

The administrative duties of the CSO include oversight and budgetary review of CSCE activities. After a year plagued with financial inexperience and micromanagement on the part of the diplomats assigned to the CSO, a Financial Committee of the CSO was created to work in conjunction with the CSO. In addition to the time-consuming review of the budgets of the three institutions, as well as their staffing plans, the Financial Committee must deal with costs and procedures for CSCE missions, which will now be included in the budgets of the institutions. A lack of financial expertise, both on the Financial Committee and in the institutions, as well as the tendency to view financial issues from a political, rather than strictly practical perspective, has complicated the challenge posed by expensive initiatives at a time of shrinking national budgets. The CSCE also does not seem to have learned from the painful lessons of the UN bureaucracy. The inability either to keep expenses and picayune oversight to a minimum or to create a comprehensive system staffed by qualified persons and monitored by independent financial experts threatens to hamstring time-sensitive crisis management efforts, where often the lives of monitors may hang in the balance. Even more fundamentally, the habit of adopting decisions without considering their financial implications, and without the concomitant will to pay the costs come what may, will bring CSCE activities to a halt.

High Commissioner for National Minorities

The High Commissioner is to be an independent, unbiased individual of high stature who can investigate problems relating to national minorities confidentially, before they reach crisis proportions. The High Commissioner is empowered to gather information, including through visits, and promote dialogue over situations which, in his or her opinion, have the potential to develop into a conflict requiring the attention of the Council or CSO. Communication with organizations or individuals who practice or publicly condone terrorism is prohibited, as is involvement in situations "involving organized acts of terrorism." The lack of a hard and fast definition of terrorism may well allow this provision, added at the

insistence of several states with militarized opposition groups, to be used to frustrate legitimate efforts at dispute resolution.

Further steps are tightly controlled by the CSO. Following a trend requiring that every CSCE activity report back to the CSO for guidance, the originally-broad powers of the High Commissioner were circumscribed by requiring that he or she consult with the Chair-in-Office before paying a visit and after visiting or concluding consideration of an issue. If unsatisfied with the results of consultations, the High Commissioner may issue an early warning, which will be put on the agenda of the CSO. Further action by the High Commissioner aimed at resolving the issue, or action on an issue already under consideration by the CSO, requires consensus of the participating States through the CSO.

The extensive development and specification of the High Commissioner's accountability to the CSO may provide more stimulus for political actions at early stages of crises, although it circumscribes the ability of the High Commissioner to act quietly to resolve conflicts.

The post was created by the Helsinki Follow-Up Meeting and will only be filled in December 1992, when the Council of Foreign Ministers confirms the nomination of former Dutch Foreign Minister Max van der Stoep. Whether his activities, joined to the flood of early warnings, from the media, non-governmental organizations, and their own diplomats in a given country will help generate political will to act to resolve conflicts at an early stage remains to be seen. Concerns have also been raised that the presence of the High Commissioner, particularly if the person chosen is not well-grounded in the histories of specific local conflicts, may exacerbate latent conflicts. However, the dedication of a high-ranking, impartial individual to CSCE national minority issues is a helpful step toward providing the CSCE with the independent capabilities that will be necessary over the long run to work profitably with emerging disputes. The structure will also bring human dimension issues into core considerations of security problems, where they belong. Much will depend on the figure chosen to be the High Commissioner and on the degree of seriousness and openness with which states approach his or her activities. Already, subjects such as Slovak-Hungarian relations are mentioned as profitable for High Commissioner attention.

Consultative Committee

The Consultative Committee of the Conflict Prevention Center (CC) is developing, slowly, as a separate site for political consultations and conflict prevention/crisis management activity. Consisting, as a rule, of heads of delegation to the security talks in Vienna, the CC was created to work with the CPC staff and provide political direction for the institutions.

A vestige of proposals for a European Security Council, the existence of the Consultative Committee made clear the importance of the CPC but complicated questions of the CPC's relationship to the Council.

This rivalry between the Consultative Committee and the CSO is more precisely a rivalry between national CSO and CC representatives. With military/arms control interests focused on the CC, and CSCE offices in control of CSO delegations, interest in expanding the role of one at the expense of the other has grown beyond initial desires to slip whatever substance possible into the CC, which the United States insisted was an implementing body only. Continued reluctance to subordinate the CC to the CSO, as would seem to be implied by the Paris Charter's stipulation that the CC be responsible to the Council, of which the CSO is the agent, as well as debates over its relationship to the Forum on Security Cooperation (FSC) threaten to limit its effectiveness and undermine the position of those wishing to build it up.

In addition to its concrete tasks within the Conflict Prevention Center (discussed in detail above), the CC serves as a forum for discussion of security issues with politico-military implications of concern to any participating State. In the past, it has tended to send issues to the CSO for decisions and responses, but continued interest in expanding the role of the CC as another nucleus of a "European Security Council" or, bureaucratically, as a counterweight to the influence of Prague has led to its slow accretion of consultative activities.

The CC is slowly acquiring a role in CSCE conflict prevention and crisis management. Mandated by the CSO to put together a mission to Kosovo during the Helsinki Follow-Up Meeting, the CC subsequently acquired its own capacity to send missions. It may also draw the CSO's attention to situations of concern and would serve as the liaison with participating States during peacekeeping operations, as well as propose modalities and host the ad hoc group providing operational guidance for peacekeeping missions. Tasks mandated to the CC, from developing financial modalities for peacekeeping to considering cooperation in verification of arms control agreements, indicate a wide scope for its slow growth. The increasing flow of CSO activities to the CC's Vienna seat, however, has led to a confusion of the functions of the two bodies and has engendered more theoretical argumentation, rather than resolving the dispute in a practical way. Over time, the existence of two competing committees is not in CSCE's best interests.

The Forum on Security Cooperation

The Forum on Security Cooperation (FSC) succeeds the CSCE's military talks, the Negotiations on Confidence- and Security-Building Measures (CSBMs), and the autonomous bloc-to-bloc negotiations on Conventional Armed Forces in Europe (CFE). Although both

were long-term negotiations, FSC has a more permanent status than did either -- its mandate provides neither for conclusion of the talks nor for a review of the mandate. Instead, the priority topics, contained in a Programme for Immediate Action, may be revisited.

Priorities set for its opening phase include harmonization of existing arms control obligations; development of further confidence- and security-building measures and information exchange; co-operation on non-proliferation issues and defense conversion; development of military contacts and transparency regarding force planning; encouragement of regional measures, negotiated among the countries concerned and blessed by the full CSCE; and security enhancement consultations, to include cooperation, goal-oriented dialogue, and "further strengthening the norms of behavior among them through the elaboration of additional security instruments."

The list of priorities, and its lack of concrete proposals or references to traditional arms limitation or reduction measures, suggests that FSC will be more an institutional setting for dialogue than a traditional arms control negotiation. Indeed, most countries involved in the mandate negotiations believe that FSC incorporates the CPC -- this view was hedged to accommodate the United States' insistence that they remain separate, but the document stipulates that the CC, "in respect of the existing and future tasks of the CPC," forms part of the arrangements for the Forum.

The work of the CPC effectively forms a third portion of FSC's activities, after the activities listed above split into two sub-groups. Harmonization, further confidence-building, information exchange, and subjects on which participants agree to have negotiated results will occupy one sub-group; other "proposals for security enhancement and co-operation" which either will not be accepted by all as subjects for negotiation or simply are not suitable (seminar topics, for example), will be considered separately. Originally conceived to allow topics of great concern to some participants to be discussed while avoiding negotiations that other states refused to enter into, such as defense planning, the prospect of ongoing dialogue reinforces FSC's institutional role. The difference between dialogue in FSC and in the CC remains hazy, especially as representatives to the two groups will generally be the same individuals. Over time, as the CC takes on more independent conflict and crisis management roles, much of the strictly military dialogue is likely to shift to the FSC.

V. Membership and Participation

Changing Membership

Since the Paris Summit, the CSCE has grown from 34 to 52 participating States, with a continuing status for certain Mediterranean states (they are invited to speak at certain meetings, and special Mediterranean fora are held for them) and Japan a speaking, but not decision-making, presence at most meetings. Expansion began at the June 1991 Council meeting in Berlin, where Germany, as host, became interested in admitting Albania, which had declined to participate in CSCE in 1975 but requested and received observer status in 1990. Only a month before, the Senior Officials had felt that Albania was not ready to move from observer status to full CSCE membership. The United States had opposed Albanian membership but was brought along by German pressure and by the testimony of then-opposition leader, now Albanian President Sali Berisha before the Helsinki Commission that Albanian entry into the CSCE would favor the development of democracy. At the same time, unwillingness to displease the Soviet Government made Germany and others unwilling to simultaneously take the step of admitting the Baltic States, or even to grant them observer status for the meeting. As Chair-in-Office, Germany was able to exert pressure on other CSCE states to support Albanian accession, while sidestepping the Baltic issue.

The Council thus established the precedent that new members would be admitted at ministerial level, and that such admissions were contingent on the acceptance of all CSCE commitments and a CSCE rapporteur mission. The establishment of such missions had been discussed at the 1990 Copenhagen Meeting of the CSCE Conference on the Human Dimension, and the Albanian mission would prove the first in a rapidly-expanding area of CSCE activity.

International recognition of the independence of the Baltic States finally came after the failed coup attempt in the Soviet Union in August 1991. When the Soviet Union indicated that it would accept their independence, the last obstacle to their joining the CSCE was removed. In light of the Berlin precedent for admitting members at ministerial level, as well as the political symbolism of the decision, German Foreign Minister and CSCE Chair-in-Office Hans-Dietrich Genscher arranged an extraordinary Council meeting just before the opening of the Moscow Meeting of the CSCE Conference on the Human Dimension on September 10, 1991. With the submission of letters from the three republics indicating acceptance of all CSCE commitments, the three became members. (Such was the desire to welcome them, though, that the precedent for rapporteur missions to new states was ignored).

The first major change to the CSCE's composition came with the admission of ten former Soviet republics (Georgia did not apply until late February 1992) at the January 1992 Prague Council Meeting. In early January, the CSO had agreed that all former Soviet republics were eligible for membership, while Russia as the "continuing state" of the USSR was given the USSR's seat. This agreement was reached, despite the concern of many participants that the "European" character of the process would be diluted, because of strong efforts by the United States and Germany. The republics were required to sign identical letters of accession, drafted by the Committee of Senior Officials, accepting all CSCE principles and commitments, including the military commitments regardless of whether or not their territory had previously been covered (Soviet Asiatic territory had been excluded), and the visit of a CSCE rapporteur mission to assess the state of compliance with CSCE principles (although the newness of Russia's government was overlooked and no mission was mandated for it). Seven of the ten sent their foreign ministers, as did Slovenia and Croatia, which were admitted as observers after the Yugoslav delegation let it be known that it would block consensus on their participation. Bosnia-Herzegovina and Macedonia were denied even observer status; Macedonia nonetheless sent its foreign minister, who had the status of a private citizen but was given special treatment and access to social events for ministers by the Czechoslovak hosts.

Full membership for Slovenia and Croatia, as well as Georgia, came at the opening of the Helsinki Follow-Up Meeting on March 24, 1992, at another extraordinary ministerial. The "Yugoslav" government had by this time accepted the inevitability of the loss of the republics, and, feeling international pressure, no longer blocked their entrance. Subsequently, the CSO admitted Bosnia-Herzegovina to stress support for its integrity -- its admission was confirmed at the July 9-10 Helsinki Summit. Continuing Greek pressures, however, have prevented membership or even observer status for Macedonia.

The advantage of the admission procedure, as it has evolved, is the speed with which the CSCE can send a political signal to the peoples and governments of states by admitting - or excluding -- them. However, this same speed leaves new members insufficient time to acquaint themselves with CSCE commitments and procedures. The frequency of CSO meetings and the detail of the issues involved puts new states at a severe disadvantage, unless they are brought in as observers early on. Thus far, that has not been done -- many of the former Soviet republics now members of the CSCE lack the financial and staff resources to send representatives to Prague. Additionally, particularly with reference to the former Soviet republics, the speed of the decision left many European delegations with unfortunate doubts about the appropriateness of the new additions. States only just developing as independent entities will, of course, take time to bring the spirit of CSCE commitments into their laws and societies (as, indeed, did quite a few of the original CSCE participants). While acceptance and willingness to help the new states seems to be growing, the necessity and benefits of aiding them without patronizing them was not immediately

apparent to all at the time of their entry. CSCE has tried to encourage their participation through a program of coordinated support, including a variety of seminars and other activities.

Other non-participating state representatives have become more frequent attendees at consultations. Since the Helsinki Follow-Up Meeting Japan has enjoyed the right to be invited to summit, Council, and other appropriate meetings, and to make contributions, as it shares CSCE principles and is engaged in European cooperation. Efforts were made to gain similar status for the non-participating Mediterranean states, which have a historic relationship to the CSCE involving special meetings and a speaking role at certain sessions, but they have not as yet attempted to join the consultative process.

Efforts to routinize contacts with international organizations, in order to exchange information and harmonize efforts, have been complicated by controversies around two of the most prominent organizations, the Council of Europe (CoE) and NATO. Aggressive support of the CoE as Europe's supreme human rights body, ready to assume CSCE's functions, alienated the non-member United States. U.S. insistence on the presence of NATO elicited similarly strong resistance led by France, disliking expansion of the role of the U.S.-dominated body (although France is a NATO member). Subsequent efforts to allow routine attendance and presentations at meetings by representatives of these -- and other -- organizations have proven difficult or impossible. It can only be hoped that, as CSCE gets further into projects requiring practical cooperation, from peacekeeping to promotion of tolerance, these knee-jerk reactions will cease.

Delegations

When the program of consultations was negotiated, "Senior Officials" were expected to be at the level of political director in European foreign ministries -- between Assistant Secretary and Undersecretary in the U.S. system. Officials of this level, it was hoped, would be able to speak authoritatively, make and alter his/her country's policies, but also understand the intricacies of the CSCE.

The CSCE has not commanded the interest of such senior officials. Attendance of political director-level officials has fallen off sharply since the first CSO meeting in January 1991. The United States has always been represented by its ambassador to the CSCE military talks or to the Helsinki Follow-Up Meeting; other countries send arms control negotiators, CSCE office directors, or diplomats from their Prague embassies. Apparently the bureaucratic and inward preoccupations of the CSO, as well as its inability to act decisively in the face of European crises, overcame the desires expressed at the Paris Summit to create a frequently-meeting high-level consultation body for CSCE states.

Ambassadors bring with them diplomats, with no non-governmental members and few, if any, specialists on the areas under discussion. These problems have added to the CSO tendency to focus on form, rather than substance, and to evade fundamental causes, often rooted in human rights violations and past history.

Many of the same ambassadors represent their countries on the CPC/CC. Always an ambassador-level body, the CC always has military expertise at its disposal but has otherwise become largely indistinguishable from the CSO as its level of representation has declined.

The scheduled Council meetings have thus far attracted high percentages of CSCE foreign ministers. However, the second day of ministerial speeches often features many empty seats, and the threat of evasion as Council meetings become more routine remains. Summits have also been well-attended, with Helsinki drawing all but two heads of state or government.

Unfortunately, many of the recently-admitted states, particularly the Central Asian republics, have not found it possible to be represented at CSCE meetings beneath the level of foreign ministers. Both financial and staff constraints have contributed to their absence; other CSCE participants continue to encourage their attendance through national efforts as well as CSCE-sponsored seminars and briefings.

Participation of the Helsinki Commission

Helsinki Commission staff have participated, as full members of the U.S. delegation and with important specialized expertise, in CSO and Council meetings, and in many of the CSO working groups. Additionally, Helsinki Commissioners routinely bring to the attention of the United States delegation issues relating to human rights, individual cases, and NGOs.

The Commission also furnishes its reports and publications to the institutions, where they are used in public relations and form an important part of archives of CSCE materials.

Non-Governmental Organizations

The role of non-governmental organizations in CSCE consultations is more limited than their role at experts' and follow-up meetings. No role was foreseen for them when the processes were created: the Paris Charter says only that "organizations, groups and individuals must be involved in an appropriate way in the activities and structures of the CSCE," without providing for more than the release of public documents by the CSCE Secretariat.

Access and openness for NGOs and individuals have diminished from the standards set at experts' and follow-up meetings, to the point that the agreed decisions of the Council were not available to them during the Berlin Council meeting. The situation has improved subsequently, with ministerial hosts arranging ample NGO facilities in conference buildings, although physically separate from delegates' areas.

The fundamental concern remaining, however, is the lack of interest or outright hostility with which many delegations respond to NGO interest in the CSCE's structures. Seeing the political consultations as the locus for inter-governmental work rather than the intersection of governmental and non-governmental activity which characterized the "old" CSCE, many delegations are indifferent or even hostile to improving NGO and public access to and information on CSO and Council meetings. Discussion of the issue at the Helsinki Follow-Up Meeting produced commitments allowing the institutions to be somewhat more open in sharing information and meeting schedules. As yet, however, some participating States remain largely hostile to involving NGOs in the work of the institutions -- even for projects, such as human dimension seminars, where their expertise is undisputed. U.S. proposals to go further, envisaging the organization and funding of CSCE activities by NGOs or international organizations, were met with deep suspicion.

It must also be noted, however, that NGO interest in the CSCE as a whole has waned since the end of the Cold War, and the institutions and consultations have not matched the appeal of earlier meetings. Without more interest from the public, the process will continue to close itself off; finally, it will suffer from the lack of public comprehension and support. It is thus in the interest of diplomats and governments to foster public interest and involvement in the process -- although this has escaped many.

VI. Outlook for the Future

As the number of CSCE initiatives has expanded exponentially since the Helsinki Follow-up Meeting, concern has grown over CSCE's ability to sustain such a high level of activity. Sweden, which will take over the Chair after the Stockholm Meeting of the Council of Ministers December 14-15, 1992, has expressed its desire to streamline and improve procedures during its tenure. Immediate amalgamation of the CSCE institutions in Vienna has been rejected for political reasons; this is likely to occur de facto over time, however. More immediately, the post of CSCE Secretary-General will be created to assist in managing all the activity; likely, however, the independence and oversight powers of such a post will be strictly limited. Moreover, the fundamental problems of professionally staffing and managing CSCE activities have not been addressed; a fear of the development of "UN bureaucracy" prevent development professional staff or of centralized procedures governing missions, equipment, etc. However, the growing requirements of CSCE activities are leading inexorably, but haphazardly, toward bureaucracy -- but an unplanned one.

VII. Conclusions

Since institutionalization began in November 1990, the CSCE has had not only to make the transition from a standard-setting, hortatory role to an active one, but also to deal with the crisis in expectations that overtook both it and Europe in the aftermath of the Cold War. The descent from the optimistic glow which infuses the Charter of Paris into the near-panic which characterizes late 1992 efforts at crisis management was swift and brutal. The CSCE's institutions were designed as political symbols in that happier moment, not as the executive organs of peacekeeping forces, peace conferences, and international courts. But, since they, by their existence, provided the only semblance of a united Europe, they have been drawn upon to deal with Europe's emerging problems.

And, in fact, CSCE conflict prevention and management procedures have made significant advances since the Paris Summit. The CSCE has provided a site for discussions and its principles have provided a basis for progress in Moldova and the withdrawal of troops from the Baltics; even in the cases of Yugoslavia and Nagorno-Karabakh, the CSCE provided the only forum where all parties affected were meeting on the crisis and, as such, played a useful role in preventing the conflicts' internationalization. Discussions, statements and missions, while not providing hoped-for long-term solutions, have had the beneficial effects of publicizing crises, emphasizing international concern, and driving home the necessity of attending to international human rights standards for countries desiring acceptance by the international community. Missions established in several regions of the former Yugoslavia have shown some progress at bringing the two sides together on the ground. These are modest achievements, but they are real ones. The progression evident from the early 1991 inability to even convene a meeting over the Soviet crackdown in the Baltic States to the 1992 planning for long-term CSCE monitors to prevent the outbreak of violence in Kosovo, Sanjak, and Vojvodina is a welcome one.

Taken against the backdrop of spreading conflict in Europe, however, the record of the CSCE's institutions and structures is far from impressive. Two years after their creation, not only have they failed to solve any of the deepening conflicts in the former Yugoslavia, the Caucasus and across the former Soviet Union, but they have also remained peripheral to efforts to address those crises, as well as other conflicts plaguing participating States. The future shape of the Soviet Union, Yugoslavia, and now Czechoslovakia; the most crucial trade and disarmament issues; long-running disputes such as that over Cyprus; and developments related to the integration of Europe are all being shaped largely by the UN, bilateral and other multilateral fora.

The imperfect structure and functioning of the institutions themselves reflect the failure of the participating States to develop structures with clear mandates that they are able to fulfill. Conflicting imperatives -- creating and spreading out the institutions in order

to appear responsive to East-Central European concerns, while preventing the emergence of bodies that could compete with the EC or NATO, and keeping costs down -- have resulted in three small bodies, staffed by diplomats rather than professionals. Budgetary pressures on participating States are increasing; but, so are the number of tasks assigned to each body. Over time, understaffing, duplication and lack of expertise threaten to undermine their functioning further. In the future it will likely be necessary, for practical reasons both within the CSCE and for participating States' representations, to combine CSCE activities in one city and with one secretariat. Although this was strenuously opposed as creating a mini-UN in 1990, participating States will have to accept UN-like structures if they expect CSCE to do UN-like work.

Participating States are now asking the institutions and consultative bodies to do the work associated with standing UN bureaucracies -- supply, finance, direct and monitor sizeable and complex missions; oversee substantial budgets; inform the public and press on a wide variety of controversial issues. However, the institutions and consultations were specifically designed to preserve the prerogatives of the participating States and prevent the development of any CSCE bureaucracy. While no one wants to repeat the UN experience in this regard, the insistence on participating state oversight in matters ranging from hiring of temporary staff to the purchase of cars for mission leaders slows and complicates implementation of political decisions, at times posing a danger to missions in the field. Procedures will have to be streamlined, areas of action prioritized, and the institutions granted some degree of independence in order to ensure smooth support for CSCE initiatives. Preferable though it may have been, the "floating crap game" approach to CSCE is no longer an option. This also implies substantial financial commitments on the part of all participants; and the willingness to take a hard look at proposed activities from the point of view of financial implications and available resources. The traditional diplomatic inclination to leave financial issues for the technicians leads only to disaster.

Even supposing the bodies themselves can be rationalized, however, political will among participating States to take decisive action through the CSCE remains limited. Built-in structural impediments preventing the CSCE from undertaking enforcement action in peacekeeping, or from using its mechanism for the peaceful settlement of disputes to consider disputes involving territorial integrity, national defense, or sovereignty over territory are indicative. Even more damning, though, is the rush to other institutions at the onset of a crisis. The EC, having leapt to manage the Yugoslav conflict when it first emerged, passed its responsibilities directly to the UN. Armenia appealed to the UN for assistance even as the CSCE was first attempting to set up the Minsk Conference on Nagorno-Karabakh.

Moreover, states have failed to trigger the mechanisms and processes which do exist. The greater interest in renegotiating than in using both the Moscow Human Dimension Mechanism and the Valletta Mechanism for the Peaceful Settlement of Disputes speaks

more poorly for the participating States, particularly those who strongly supported their creation, than for the mechanisms themselves. The weaknesses of the mechanisms, which are manifold, reflect the interests and concerns of the participating States which developed them with concern for parochial national interests first and foremost.

CSCE also remains little-known and badly understood within the participating States. Unwillingness to spotlight CSCE's activities, to open them fully to the press and public, and to support the institutions in their efforts to work with the public will, over time, limit CSCE's funding and its authority in crisis situations.

Finally, the CSCE has plunged into crisis management, tossing about terms and creating procedures that are a political scientist's dream, while de-emphasizing the issues that resonate most with the peoples it is trying to assist: observance of human rights and development of democratic, open, and prosperous societies. The marginalization of human rights within CSCE deliberations and of the ODIHR within the institutionalization process not only undermines public support, but cuts off consideration of crises from their underlying causes, comprehension of which is necessary to achieve lasting solutions.

The CSCE processes have shown themselves to be at their strongest when relying on fundamental CSCE principles to respond to particular situations, and weakest when attempting to manipulate bureaucratic procedures to give a semblance of action. The way forward, lies through increased national commitment to resolve disputes peacefully, through CSCE structures given sufficient resources to accomplish their tasks on behalf of the 52, rather than through the creation of ever-more complex and restrictive CSCE procedures and bureaucracy.