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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.

