

# The EU and the OSCE: Partners or Rivals in the European Security Architecture?

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Paper prepared for presentation for panel 5B: "Understanding the CFSP and Its Evolutions" of the 2015 European Union Studies Association (EUSA) conference, Boston, MA, 5-8 March 2015

Abstract: Since the Lisbon Treaty, the EU's role in foreign and security policy has grown considerably. The European External Action Service (EEAS) is justifiably considered to be the EU's fledgling "foreign ministry" and as such is tasked with managing European foreign and security policy on behalf of both the Union and the Member States. For its part, the Organization for Security and Cooperation in Europe (OSCE) works to ensure its vision of "comprehensive security" is realized not merely in Europe, but in all areas from "Vancouver to Vladivostok." As such, it would appear on the surface that the two institutions are natural partners in promoting a unified vision for European security as part of the European Security Architecture. This paper examines the relationship between the EU and the OSCE, specifically looking at the EEAS and the OSCE's Office on Democratic Institutions and Human Rights (ODIHR) and High Commissioner on National Minorities and posits a far more complex picture. The EU and OSCE's relationship is fraught with tension, and actions taken by both institutions in the interests of "European" security ultimately may serve to weaken not merely each institution but also the realization of European security as a whole.

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## Introduction

Characterizations of the relationship between the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE) have long vacillated between seeing the two organizations as either partners or rivals.<sup>1</sup> Generally these works have examined the two organizations through traditional lenses, but few have looked at the role the environment (or better yet, the architecture) in which they are embedded has played in the evolution of that relationship.

This paper, while ostensibly examining the EU and the OSCE in their various independent roles as security actors in Europe, flips the locus of analysis to spend most of its time on the architecture itself. It looks at the European Security Architecture (ESA) through a theoretical lens, and traces its conceptual evolution. It then explores how the OSCE and the EU fit within the ESA, the nature of their relationship, and the possibilities for the shape of the future ESA.

## The European Security Architecture: The History of a Concept

Perhaps more than any other region of the world, Europe's contemporary security situation reflects its complicated history. At the close of World War II, European states' attitudes toward security had changed dramatically from the earlier reliance on Bismarckian *realpolitik*.<sup>2</sup> In two areas, economics and geopolitics, European states recognized the need for closer cooperation not only with the newly self-aware superpower, the United States, but also with each other.<sup>3</sup> Economically, a core group of Western European countries created the European Coal and Steel Community, the forerunner of what would become today's EU. Militarily, the Allies gathered at Yalta and Potsdam to set the boundaries of what would become the ESA: NATO, the Western European Union (WEU), and the Warsaw Pact.<sup>4</sup> For the next forty-five years, expressed through alliances and dictated by the logic of the Cold War, the architectural paradigm of the period was straightforward: form followed function.<sup>5</sup>

This credo eventually became the basis for a set of assumptions which formed a kind of conventional wisdom in European security scholarship. With certain notable exceptions, security scholars during the Cold War relied on (and indeed required) a common understanding and conceptualization of the meaning of

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<sup>1</sup> See Van Ham (2006), (2009)

<sup>2</sup> See Kaunert and Léonard (2011)

<sup>3</sup> Yalem (1959), K (1947), Delzell (1960), Walton (1952), Cusack and Zimmer (1989), Holborn (1960), Pflanze (1958)

<sup>4</sup> See especially Hofmann (2011)

<sup>5</sup> Chicago architect Louis Sullivan is widely credited for the origin of this phrase, which implies the best design for a structure is that which allows it to function most efficiently. See Sullivan (1896).

“security:” deterrence theory and its application via containment.<sup>6</sup> The Soviet Union was not merely a tangible threat to European security; it was also an implacable ideological foe which insidiously attempted to undermine Western liberalism. Therefore, security was (and had to be) an uncontested concept— attempts to problematize or redefine it ran the risk of heightening both the causes and effects of instability and insecurity. Thus the Cold War security space, both conceptually and empirically, was bounded by the discourse of threat and response.

Given this discursive context, the vast majority of European security studies was, unsurprisingly, NATO-centric. European security meant, first and foremost, the study of alliance behavior, cooperation under anarchy and deterrence. In many respects, Europe provided the test case for the twin international relations paradigms of realism and neoliberal institutionalism in the guise of what was known as “strategic studies.” Citing Barkawi and Laffey, Buzan and Hansen note that “the majority of traditional Cold War Strategic Studies was for example overwhelmingly concerned with bipolarity and nuclear deterrence....Questions that concerned local and internal wars, not to mention non-military security issues, simply did not register with the mainstream of the field.”<sup>7</sup>

The basic contours of Europe’s security space were therefore established as much by security studies scholars as by the security organizations themselves. But it was a hegemonic discourse nonetheless. As a discipline, security studies categorized its objects of study into “hard” and “soft” security, operationalized via those institutions dedicated to “low intensity” and “high intensity” security issues, respectively. Non-governmental organizations (NGOs) such as Human Rights Watch or more institutionalized but still “political” organizations such as the Conference on Security and Cooperation in Europe (CSCE) managed the low end of the spectrum, while institutions such as NATO and the UN occupied themselves with high end security problems (such as responding to the threat of invasion).

The end of the Cold War changed more than the strategic facts on the ground. It also changed the nature of European security scholarship.<sup>8</sup> Since the demise of the Warsaw Pact, international relations scholars—with some notable exceptions—have noted something unusual about international security

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<sup>6</sup> See, for instance: Kissinger (1957), Kahn (1962), Russett (1963), Quester (1966), Rosecrance (1975)

<sup>7</sup> See Buzan and Hansen (2009):19.

<sup>8</sup> Thus as the threat of the Soviet Union and the looming possibility of nuclear war dissolved after the Cold War, so too did the strategy known as deterrence evolve into “common” or “comprehensive” security. Some scholars of European security even took a postmodern approach to interpreting it. For two recent interpretations of how the European security space is in fact postmodern, see Sandole (2007) and Mälksoo (2006). For some of the original conceptualizations of postmodern security, see Cooper (2003, 1996) and Buzan, Wæver, and de Wilde (1998).

<sup>8</sup> See Porter (1994).

arrangements.<sup>9</sup> Practically as soon as the Berlin Wall fell, there has been a realization that, at least in Europe, the Hobbesian image of an anarchic free-for-all no longer describes realities on the ground. Rather, there are patterns in the chaos, and it is up to international security scholars to attempt to discern and to understand them.<sup>10</sup>

This re-imagining of the borders of the international security space has led to a new focus on what is increasingly known as the “international security architecture.” Implying some measure of design, the international security architecture is characterized not by mere anarchy but by an overlapping web of organizations and institutions through which states and non-state actors operate in the complex and fluid environment of the post-Cold War world.<sup>11</sup>

A subset of these studies have begun to examine regionalized instances of security architectures, structurally similar security constructs which have distinct regional characteristics.<sup>12</sup> Of these, the most developed, and prominent, is that of Europe. Indeed, scholars studying Europe’s postwar evolution from Bismarckian realism into the paragon of liberal internationalism have labeled it a “zone of peace.” In this conceptualization, Europe has transcended its bloody past and has moved into a future where conflict among the European great powers is no longer even imaginable.<sup>13</sup> No other region of the world can boast of the depth or breadth of security institutions that are found in Europe.<sup>14</sup> Only Europe has the institutional legacy of cooperation and track record of peace that could serve as a model for other security architectures to follow. To that end, then, it is worthwhile to consider the European security space as a true architecture, the ESA.

The ESA formally consists of the four major European security organizations: the United Nations, NATO, the EU, and the OSCE.<sup>15</sup> UN Security Council mandates legitimize NATO security actions.<sup>16</sup> The EU’s security policy is enhanced via the incorporation of WEU assets and the continued development of the Common Foreign and Security Policy (CFSP). The OSCE, for its part, embraces a comprehensive notion of security that includes economic and human rights.<sup>17</sup>

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<sup>9</sup> For the exceptions see Mearsheimer (1994/95, 1990)

<sup>10</sup> See Milner (1991), Ruggie (1993b), Ruggie (1993a), Hopf (1998), Bousquet and Curtis (2011)

<sup>11</sup> Makarychev (2009), Wouters, de Jone, and De Man (2010)

<sup>12</sup> Ward (2003), Chandler (2004), Richmond (2006), Pape (2005)

<sup>13</sup> Slaughter (1995, 1997), Slaughter, Tulumello, and Wood (1998), Jung (1997)

<sup>14</sup> At best, Asia has what might be labeled a ‘nascent’ security architecture, centered around the burgeoning economic (and potentially security) institution of ASEAN. The African Union (AU) is hamstrung by political infighting and lack of resources, while the continent itself staggers under the weight of its seemingly unending internal and foreign policy crises. And while the growing influence of Brazil in South America should not be discounted, the region still struggles to emerge from the shadow of the Monroe Doctrine.

<sup>15</sup> Aybet characterizes the ESA a bit differently: NATO; the CSCE/OSCE; the EC/EU; and the WEU, leaving out the UN altogether. See Aybet (2000)

<sup>16</sup> Aybet, 8.

<sup>17</sup> Helsinki Final Act.

Despite the formal presence of the UN, the EU and the OSCE in the ESA, NATO has always been seen as its bedrock institution.<sup>18</sup> The quintessential security organization of the Cold War, NATO's founding purpose was, in the famous Hastings Ismay formulation, "to keep the Americans in, the Germans down, and the Russians out."<sup>19</sup> Indeed, for most of the existence of the ESA, the fact that a military solution was necessary to prevent Soviet incursions into Western Europe meant that, as far as hard security went, NATO *was* European security. In fact, it accomplished its objectives in a manner foreseen by few: it managed to win the Cold War without firing a shot at the Soviets or their Warsaw Pact allies.

NATO is not a political organization, however. It does not do foreign policy: that is reserved for its 28 member states. While it is far more political than it was during the Cold War, NATO has not evolved into a truly political organization in the way that some had predicted (or feared).<sup>20</sup> Precisely because of its accomplishments in bringing about a *military* end to the crises in Bosnia and Kosovo, and its (debatable) effectiveness in Afghanistan and Libya, NATO has not occupied itself with pushing for a debate on what constitutes security in Europe, or how foreign policy and security might be more interconnected in the 21st century than ever before. Instead, it has played host to an increasingly visible US-European split on military capabilities: this division has been (in)famously encapsulated by the widely-cited "Americans are from Mars and Europeans are from Venus" analogy.<sup>21</sup> A prominent example early in the Obama administration saw US Defense Secretary William Gates lambasting the European members of the NATO alliance for relying too heavily on American defense spending, warning of the possibility that NATO will collapse due to insufficient burden sharing.<sup>22</sup>

The Obama administration spent much of its first term repairing frayed transatlantic security relations, and since Russia's recent adventurism in Ukraine no one is talking now about NATO's imminent collapse. Nevertheless, the after-effects of the Mars/Venus trope has allowed policymakers on both sides of the Atlantic to avoid a thorough discussion of what security means in Europe today. More importantly, the focus on NATO has also diverted attention from all the other security organizations in the ESA. We will now turn to one of these forgotten security actors in the European security space: the EU.

The EU is the only organization in the ESA that purports to have both a *foreign* as well as a *security* policy. Its enlargement policy has pacified its Eastern

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<sup>18</sup> Aybet sees 1995 as the key date in NATO's role as the primary actor in the ESA. Importantly, the ESA is as much about the *interrelationship* among these actors as it is about their individual competencies. Most scholars of the field confine themselves to speaking of the effects recent security changes have had on the institutions within the constellation; few--with the notable exception of Cornish and Kernic--have discussed the makeup of the architecture itself. See Cornish (1996), Aybet (2000), Kernic (2006)

<sup>19</sup> See Nye (2002) p.33.

<sup>20</sup> See Seidelmann (1997), Wallander (2000)

<sup>21</sup> Kagan (2003)

<sup>22</sup> BBC News (2003), Shanker (2011)

neighborhood, its development aid is the highest in the world, its conditionality clauses in trade and association agreements aim to spread democratic norms around the globe. EU soldiers keep the peace in Bosnia-Herzegovina through the EUFOR-ALTHEA mission and ships under the EU flag patrol the waters around Somalia in the EU NAVFOR anti-piracy operation.

Like the other actors in the ESA, the EU is also rhetorically committed to a comprehensive approach to security: the idea that security must be human- and not merely state-centric. Witness the language in the European Security Strategy. Of its three “strategic objectives,” the last—and most detailed—is “an international order based on effective multilateralism,” to be built through international organizations, trade, development, and the spread of good governance.<sup>23</sup>

Yet the EU is not a full-fledged provider of European security and foreign policy direction: it does not *itself* lead military missions, and it leaves much of the operationalization of foreign policy to its Member States. So how can the EU be thought of as a security actor in its own right within the ESA? The answer lies in a little-known organization embedded within the EU’s External Action Service (EEAS): the European Union Military Staff (EUMS).

## The European Union Military Staff and the Operationalization of Security Norms in the ESA

The European External Action Service (EEAS) is a prime candidate for an examination of the comprehensive interpretation of security as outlined earlier. The EU’s vision of security is broad, and may increasingly be incorporating foreign policy as much as defense.<sup>24</sup> This expansion of security functions, of course, might also be seen as encroachment. One area that has been understudied with respect to alternative explanations is the area of EU security, specifically how the EU understands its security function in the ESA.

Any hierarchical organization organizes itself via principles. Military organizations—or, in the case of the EU, supranational organizations with a wide-ranging focus to include security—organize themselves via formalized expressions of these principles, better known as doctrine. Technically, the European Union has no operational military “doctrine” in the traditional military sense.<sup>25</sup> EU “military” operations are carried out on an ad hoc basis and are better conceptualized as ‘crisis management’ operations than traditional military operations.<sup>26</sup> Insofar as there are a guiding set of principles and a common framework for understanding which underpins EU military activities, we can make

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<sup>23</sup> European Union (2003):9-10

<sup>24</sup> For some of the most recent scholarship on the overlaps between the security organizations of the ESA, see the slate of papers presented at the “Seeking Security” conference at the University of Texas at Austin, 23 February 2015 (<http://sites.utexas.edu/seeking-security>).

<sup>25</sup> See Bono (2004a, b)

<sup>26</sup> See Bono (2004a), Bickerton (2007a, b)

the case that some sort of EU military doctrine does in fact exist. Due in large part to the unusual nature of the EU military structure, EU military doctrine is quite loosely structured. Despite—or perhaps because of—this characteristic, EU military doctrine may actually be more flexible than doctrine in other military organizations around the world.

EU operational planning is conducted by the EU Military Staff (EUMS). The EUMS, created in 2001, is “the source of the EU's military expertise. It performs early warning, situation assessment and strategic planning for Petersberg tasks (humanitarian missions, peacekeeping and crisis management) and all EU-led operations.”<sup>27</sup>

The Mission of the EUMS, as directed by the Council of the European Union, is:

...[T]o perform early warning, situation assessment and strategic planning for missions and tasks referred to in Article 17(2) of the TEU, including those identified in the European Security Strategy. This also encompasses the identification of European national and multinational forces and to implement policies and decisions as directed by the European Union Military Committee (EUMC).<sup>28</sup>

Commanded by a three-star Director General, presently Lieutenant General Wolfgang Wosolsobe of Austria, the EUMS takes its direction from the Military Committee of the European Union (EUMC). The EUMC, comprised of the chiefs of defense of the member states, represents the highest military body within the EU.

The EUMS receives operational guidance from the EUMC, but it is up to the EUMS to create doctrine based on that guidance. The EUMS has wide latitude to formulate doctrine based on the situation at hand. Indeed, doctrine development is one of the core tasks assigned to the organization in its creation document.<sup>29</sup> Granted, it could be argued that the doctrine produced by the EUMS is not strictly ‘doctrine’ at all but rather a ‘one-off’ or ad hoc set of operational orders that are relevant only to the particular situation. Nonetheless, it is doctrine in the sense that the EU sees it as such.

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<sup>27</sup> “Military Staff of the European Union,” available at [http://europa.eu/legislation\\_summaries/foreign\\_and\\_security\\_policy/cfsp\\_and\\_esdp\\_implementation/r00006\\_en.htm](http://europa.eu/legislation_summaries/foreign_and_security_policy/cfsp_and_esdp_implementation/r00006_en.htm) (last accessed 3 March 2014). The EUMS was created by the Council of the European Union (Council Decision of 10 May 2005 amending Decision 2001/80/CFSP, OJ L 132, 26.5.2005, p. 17).

<sup>28</sup> “European Union Military Staff (EUMS) Terms Of Reference And Organisation,” available online at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:102:0025:0033:EN:PDF> (last accessed 5 March 2014).

<sup>29</sup> The EUMS is to “contribute to the development of concepts, doctrine, plans and procedures for the use of military assets and capabilities for natural or man-made disaster consequence management operations.” Source: European Union Military Staff (EUMS) Terms Of Reference And Organisation, section 4 (“Tasks”)

Within the EUMS structure, the directorate responsible for doctrine development is the “Concepts and Capabilities” Directorate. Its mission is “[t]o be responsible for EUMS concepts, doctrine, force planning and capability development including crisis management exercises, training, analysis and lessons learned, and for cooperation with the European Defence Agency. Vis-a-vis EUMS planning, to ensure coherency between the EU military concepts and the crisis management procedures”<sup>30</sup>

The language employed by the EUMS in its self-description of the mission of this Directorate is instructive. While there is an EU foreign policy, embodied in the newly-ratified Lisbon Treaty, and known the “European Security and Defense Policy” (ESDP), there is no EU-wide strategic military doctrine. There are instead military ‘concepts.’ At the strategic level, these concepts are known as the Petersberg Tasks, which are: humanitarian and rescue tasks; peace-keeping tasks; and tasks of combat forces in crisis management, including peacemaking.<sup>31</sup>

At the operational level, the EUMS has developed concepts based on both operational experience (most notably in Operation Artemis, conducted in Congo in 2003) and in preparation for future actions. These topics, while not military orders, are nonetheless directly relevant to military doctrine. Some of them, such as military planning at the political and strategic level, and logistics support, speak to “classic” military doctrine writing tasks at their respective levels. Others, such as “comprehensive planning,” are more amorphous, and reflect the EU’s broad-minded conception of itself as a “wide-ranging” security actor.

Another area in which the flexible doctrine creation process in the EU has worked to the EUMS’ favor is in the area surrounding logistics and support planning. Here the EUMS has the specific task to “[m]onitor and take initiatives for the development of logistic doctrine/concepts and procedures in the field of multinational logistic support for EU-led military operations in consultation with MS [Member States].”<sup>32</sup>

Again, note the use of ambiguous language in what amounts to a military task (“monitor and take initiatives”). The EUMS is not tasked with making doctrine in the sense of hard and fast rules. Rather, it is tasked with developing doctrine/concepts, which is a very different proposition indeed.

Though it is directly involved in both strategic and operational planning, it is important to note that the EUMS is not an operational headquarters (OHQ).

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<sup>30</sup> “European Union Military Staff: Providing Military Capabilities to the EU,” available at <http://www.european-council.europa.eu/media/1000053/eums-brochure-summer-autumn-2013.pdf> (last accessed 5 March 2014).

<sup>31</sup> “EUROPA/Summaries of EU Legislation/Glossary/Petersberg Tasks,” available online at [http://europa.eu/legislation\\_summaries/glossary/petersberg\\_tasks\\_en.htm](http://europa.eu/legislation_summaries/glossary/petersberg_tasks_en.htm) (last accessed 5 March 2014).

<sup>32</sup> See “EU Concept for Logistic Support for EU-led Military Operations” (2008), section L, 2, D, 144.

When a military mission looks likely, the EUPC must decide how it will exercise command and control (C2). There are three possibilities for C2, only two of which are autonomous. The other takes place under what are known as “Berlin Plus” arrangements, whereby the EU establishes an OHC at NATO headquarters and utilizes NATO common assets and capabilities.

To get some idea of how the EUMS diffuses “doctrinal” norms without actually calling the product “doctrine” as such, it is worthwhile to examine in some detail the concept development process itself.<sup>33</sup> There are around 30 concepts in place at the European Union level, all of which have the same information format standardized across the board. Each year, the EUMS develops a Concept Development Implementation Programme (CDIP), which serves as a calendar or timeline for concepts developed in that yearly time frame.<sup>34</sup> The CDIP is a calendar or a timeline, a menu with concepts approved by all 28 (now 29) Member States via their military representative (MILREPs), who either accept fully, accept partially, or reject the concepts set forth by the EUMS.

Each CDIP has four parts. Part One is a two-page description in general terms of what is contained in the document. Part Two, known as Annex A, is a projection over two years of how the concept will be implemented. Part Three, known as Annex B, is a one-page standardized memo. Part Four, known as Annex C, is a collection of relevant conceptual documents (not all of which are military in nature). Importantly, Annex C was inserted in March 2013 to make up for the lack of “corporate memory” among MS mil-reps and the EUMS itself, whose officers rotate out of the organization on a two-year basis. Annex C was, according to EUMS officers, “highly appreciated” by the MS delegations.<sup>35</sup> Each quarter, concept guideline updates are sent to Member States to provide updates from EUMS on the state of concept development.

Four times each year, a concept design and execution (CDE) seminar is held. All Member States are invited, though not all attend. At each seminar, Member States in attendance generate new ideas for security concepts, and provide feedback on existing concepts to the EUMS. The June CDE seminar is most important. Having the CDE seminar in June is a perfect opportunity for Member States to weigh in on concepts, especially as the turnover of the EU rotating presidency from one MS to another takes place at the same time.

Also four times a year, in conjunction with the CD&E seminar, a Quarterly Information Package is sent to the Member States. The purpose of this rather lengthy document is to show linkages between the concepts already in place and

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<sup>33</sup> Information for this section comes from interviews with EUMS staff officers, conducted in Brussels in late July 2013.

<sup>34</sup> See “EU Military Staff – Moving Forward,” by Lt Gen Ton Van Osch, *Perspectives* 11, (2011), available at [http://consilium.europa.eu/media/1899626/itw\\_van\\_osch\\_moving\\_forward\\_impetus\\_11.pdf](http://consilium.europa.eu/media/1899626/itw_van_osch_moving_forward_impetus_11.pdf), last accessed 7 March 2014.

<sup>35</sup> Interview with EUMS staff officers, 26 July 2013.

those under consideration. Member States have the ability to request change to some concepts, while retaining others in their entirety. The QIP serves as a reference point for concepts, providing institutional continuity to the process.

The CDIP is agreed to by all Member States, with work area levels ranging from “high” politics (the High Representative) to Member State military representatives, to action officers at lower levels. These action officers also meet with their counterparts at NATO on a working level to share information and discuss the current state of affairs. They exchange information on concept development, and provide a means of “testing” how concepts may play in member states outside of the EU but inside NATO (and vice versa). Intriguingly, EUMS officers note that informal discussions are far more productive than formal meetings, since the exchange of official doctrine or concept documents requires coordination at levels far above the working group. This mode of norm diffusion is hugely important, showing that doctrinal concepts are transferred on a regularized basis but in a parallel, quasi-informal environment.

Fitting with the EU’s broad, or comprehensive, notion of security, the EUMS also works with non-military agencies to produce concepts, depending on the topic. For example, EUMS staff officers work with their counterparts in the European Development Agency (EDA) on concepts relating to climate security. At every stage of the process, experts from outside the walls of the EEAS buildings are consulted, in order to provide objective analysis of the concept under discussion.

The concept development timeline, from start to finish, takes around 18 months. It begins with an idea, generated either internally or externally. From there, a “food for thought” paper is generated, leading to a draft concept and finally concept approval. At all stages, the EUMS seeks to incorporate and leverage the experience of member states. Member state national caveats and so-called “red lines” are excluded from the concept, to prevent surprises from scuttling the entire concept development process.<sup>36</sup> From the working group of staff officers, the draft goes to a higher-level working group, that of the Military Committee, where additional feedback from member states is requested.

The EU is unquestionably a rather distinct actor in the ESA. Having no formal military doctrine only magnifies the distinction between the EU and NATO, but in many respects this is a distinction without a difference. EU military concepts, as formulated by the EUMS, represent the operationalization of EU security thought. They have been generated, managed, and transmitted through member state representatives, filtered through supranational institutions, and codified via working documents available to all Member States. In that respect, they are discursive, shaped as much by the EU’s conception of “security” as by any objective measure of what that security entails.

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<sup>36</sup> Unsurprisingly, the EUMS staff officers interviewed for details on this process noted that the more “ownership” taken by the member states, the smoother the process of concept development became.

## The OSCE's Office of Democratic Institutions and Human Rights (ODIHR) and the High Commissioner for National Minorities: Norm-driven institutions within a Comprehensive Security Organization

The predecessor to the OSCE, the Conference on Security and Cooperation in Europe (CSCE), was what can be called a 'quasi-institutionalized' international organization, created in the 1970s in the midst of a general thaw between the United States and the Soviet Union with both states as founding members, along with every state in Europe save Albania.<sup>37</sup>

The CSCE was designed from the beginning to be a political, rather than a treaty-based (and thereby legal) organization. Reflecting its political but not legal status, the CSCE's component elements (all nation-states, except for the Holy See) were known as *participating* states rather than *member* states. However, as with other international organizations, the CSCE did provide states with a forum in which to communicate without renewing contacts every time, and meetings were regular (though contingent upon agreement reached at the end of each conference).<sup>38</sup> So while the CSCE can best be thought of as a *process* rather than a traditional international organization, it was institutionalized enough to satisfy most contemporary definitions of an international organization.

The early 1990s were a time of great expectation and hope in the CSCE, as they were for the rest of the world. The Cold War had ended, and leaders in Europe were suddenly faced with the task of dealing with this change. The CSCE was seen as a better choice than NATO for confronting these transformations, as the institutions such as NATO and the Warsaw Pact were designed to prevent war between the superpowers, not promote dialogue like the CSCE.<sup>39</sup> Coupled with this expectation was a concrete desire to shape the CSCE to better deal with the challenges facing the area 'from Vancouver to Vladivostok,' most notably the desire to institutionalize various mechanisms to confront the conflict just beginning in Bosnia-Herzegovina and Croatia.

In November 1990 the leaders of the CSCE states met in Paris for a three-day summit to sign the historic "Charter of Paris for a New Europe," a visionary (if a bit idealistic) document that sought to lay the groundwork for the transformation of Europe from a zone of potential conflict to one where former enemies could be welcomed into what one scholar has called the Western European 'zone of

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<sup>37</sup> Albania was deep in its isolationist period under Enver Hoxha, and chose to stay out of what it saw as the product of *both* 'Western imperialism' and Soviet social imperialism.' See Nolan (1995):2 and Zickel and Iwaskiw (1994). 'Quasi-institutional' refers to the fact that the CSCE had no headquarters and no formal institutional structures.

<sup>38</sup>Keohane (1984) formulated the original conception of what makes an international organization 'institutionalized.'

<sup>39</sup> See Dean (1999), Hurlburt (1995), Croft (2000).

peace.<sup>40</sup> That summer, however, NATO ministers meeting in New York had already decided that NATO, not the OSCE, should be the regional organization to respond to crises in Southeastern Europe.<sup>41</sup> As the unfolding crisis in what was still Yugoslavia was showing, military crises would not disappear merely because the Berlin Wall had fallen. Instead, quite the opposite was occurring, and NATO was perceived by many practitioners as the only international institution with the means (though its mandate would have to be modified rather substantially) to accomplish the task of stabilizing the Balkans. The window of opportunity for CSCE influence on the world stage closed rather abruptly.

By 1994, the CSCE had undergone a radical transformation, replacing the words “Conference on...” in its name with the words “Organization for” and greatly increasing its institutional presence.<sup>42</sup> The organization also began emphasizing its vision of ‘comprehensive security’ as distinct from other security models that had come before it.

But the optimism of the early 1990s faded quickly. In the immediate post-Cold War years, when NATO assumed the reins of the nascent ESA (and even more so during the Yugoslav conflicts of 1995 through 1999), the OSCE became increasingly marginalized in such ‘hard’ security tasks of peacekeeping and actual armed combat. The OSCE has faded into the background of the European security architecture. Whether this diminishment has been by design is a matter of some dispute, leading many observers both within and outside the organization to question its continued relevance.<sup>43</sup> The OSCE was faced with a difficult conundrum: was it a post-conflict, civil society-building organization, or was it a *pre-conflict*, border monitoring organization? Or was it both, with the human rights and economic security angle thrown in? Far from rhetorical or esoteric, these questions reflect in a nutshell not just the OSCE’s identity crisis but also the changing nature of the European security architecture itself.

In the 2000s, the OSCE regained some prominence as a “security monitoring” organization within the ESA. Before the situation in Ukraine devolved to something akin to a “frozen conflict” à la Nagorno-Karabakh, election monitoring among newly-consolidated democracies brought the OSCE the most attention.<sup>44</sup>

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<sup>40</sup> Anne-Marie Slaughter’s work on the relationship between international law and liberal democracies provides perspective on this issue. See especially Slaughter (1995), as well as Laurent (1987), Mattli and Slaughter (1995), Helfer and Slaughter (1997), Slaughter (1997), Slaughter, Tulumello, and Wood (1998).

<sup>41</sup> The UN was considered to be the first/best option for intervention in Southeastern Europe, but as the debacle in Srebrenica showed, its forces were hamstrung by political indecision and a muddled mandate.

<sup>42</sup> The new OSCE created a Secretariat in late 1990 at the Paris Summit Meeting (with a Secretary General added in 1992 at the Stockholm Summit). See Sapiro (1995). See also Lucas (1996)

<sup>43</sup> See Azintov (2012), Kropatcheva (2012), de Blichambaut (2012).

<sup>44</sup> One third of newspaper articles between 1995 and the present relate to OSCE election monitoring activities. A Lexis-Nexis search with the keyword “election monitor” and “OSCE”

Even now, with its missions of international monitors in places like Ukraine, Georgia and Armenia, the Office of Democratic Institutions and Human Rights (ODIHR) shines a spotlight on activities that would otherwise be ignored or downplayed (Williamson 2014). Located in Warsaw and charged with election observation, democratic development, the promotion of human rights, tolerance, non-discrimination and the rule of law, ODIHR is the most prominent voice among OSCE institutions at pushing participating states to call out their peers who are violating these norms.

The norms underpinning election monitoring in the OSCE region are encapsulated in the 1990 Copenhagen Agreement. There, all OSCE participating states agreed to “emphasize fundamental principles that are central to a democratic tradition and can be summed up in seven key words: universal, equal, fair, secret, free, transparent, and accountable.”<sup>45</sup> As Kelly (2008, 225) points out, the increasing acceptance of the legitimacy of election monitoring in international relations owes much to “an evolving set of norms related to democracy, elections and human rights.” The internalization of these “enabling norms” of self-determination and freedom of expression and participatory rights, coupled with the post Cold-War willingness of the international community to at first posit, and then act on, limits to state sovereignty, has led the OSCE states to adopt a “taken for granted” attitude toward election monitoring (Kelley 2008, Santa-Cruz 2005). In the end, norms do more than give ODIHR the capacity and capability to undertake election monitoring and observer missions. They provide it with legitimacy and moral standing.

The OSCE High Commissioner on National Minorities relies even more heavily on a normative interpretation of security in Europe. Located in The Hague and established in 1992 to “identify and seek early resolution of ethnic tensions that might endanger peace, stability or friendly relations between OSCE participating States,” its mandate is to:

Provide “early warning” and, as appropriate, “early action” at the earliest possible stage “in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement (sic) of the High Commissioner, have the potential to develop into a conflict within the OSCE area (OSCE 2014).

The story of how the High Commissioner came about, best told by Kemp (2001) and Cronin (2002), exemplifies the embedded security process. The High Commissioner’s mandate was approved in 1992 mostly as a recognition of the need for the organization to “do something” about the crises that were erupting

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between 1995 and the present returns 334 results. A Lexis-Nexis search with only the keyword “OSCE” returns 994 articles.

<sup>45</sup> See the OSCE ODIHR website, <http://www.osce.org/odihr/elections/72781>.

throughout the OSCE region in the immediate aftermath of the Cold War. Its mandate was negotiated over a period of time that began in 1989 but achieved most of its success in the Helsinki Follow-on Meeting (Helsinki II) in 1992.

But even its limited mandate was not entirely uncontroversial. As Kemp (2001, 10) notes, the process of negotiating what would eventually become the post of the High Commissioner was a test of the consensus principle. States with open conflict within their borders did not want the High Commissioner's mandate to extend to these types of situations, fearing a slippery slope of consequences for sovereignty:

...A number of States had reservations about various aspects of the High Commissioner's mandate. But few questioned the need for the creation of an instrument for preventing inter-ethnic conflict.

The most strict limit on the use of the High Commissioner as a norm-pushing institution came where one would expect: "...in situations involving organized acts of terrorism."<sup>46</sup> These limitations, as Kemp points out, were institutionalized in the mandate itself, providing the organization with the institutional cover necessary to get the mandate agreed upon via consensus.

The limitations imposed on the mandate of the High Commissioner, especially in situations like that involving the Kurds in Turkey, have been interpreted by Kemp and others as necessary compromises in order to get the institution approved in the first place. This is not at odds with an embedded security explanation of the institution, but it does require a bit more explication.

The High Commissioner on National Minorities is a good example of an "imprecise and nonobligatory agreement accompanied by modest administrative delegation."<sup>47</sup> In effect, the High Commissioner on National Minorities occupies a middle ground between "hard" international law and international anarchy. Its only "power" is its ability to effect normative change. This power, however, should not be ignored. In his seminal treatment of the High Commissioner, Ratner (2000, 675-677) calls the High Commissioner a "normative intermediary," singularly well-placed to educate and influence consolidating democracies as they navigate the treacherous waters of minority rights and representation. He identifies five ways in which the High Commissioner attempts to promote international law:

- 1) translation of norms into concrete proposals (through the processes of explication and provision of recommendations), (2) elevation of norms into harder forms of law, (3) mobilization of support for outcomes consistent with international norms, (4) development

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<sup>46</sup> The entire mandate of the High Commissioner can be found in Section II, paragraph 5b of Helsinki-II. See the larger discussion of this and other limitations in Kemp (2001).

<sup>47</sup> See Abbott et al. (2000, 407)

of norms, and (5) dissemination of norms to relevant elites.

The High Commissioner, having little “power” to force states into action, thus relies on what might be called “shaping” to influence those states into something approaching compliance with international norms. In many ways, it is a prime example of embedded security. Norms—in this case protection of minorities with little to no ability to protect themselves—are embedded within institutions—the High Commissioner—so that these norms can be routinized and operationalized instead of remaining convenient talking points. Over time, these routinized norms can be legitimated via international legal processes, at which point they do indeed acquire power.

As this section has shown, the OSCE, via the two norm-driven institutions embedded within it, occupies a very different niche in the ESA than the EU (especially in the latter’s guise as an emerging security actor). Nonetheless, the two organizations are accomplishing similar task through different means, which provides a useful example of institutional isomorphism. Though somewhat of an artificial comparison, in the sense that these institutions are charged with very different security functions within comprehensive security organizations, this analysis should be of use to those who seek evidence of overlap, rather than rivalry.

## The future of the ESA: Practical Institutional Implications for a Postmodern Security Environment

In the fast-changing security environment that has emerged since 2011 with the Arab Spring and 2013 with Russian intervention in Ukraine, the future of the ESA is very much in flux. The future shape of the ESA has, it seems, at least three options, each of which deserves a paper of its own but which will be briefly described here.

The first possibility for the direction of the ESA is what might be called the ‘retrograde’ option, characterized by competition among security institutions. In this option, redundancies and inefficiencies undercut capacity for action, leading to the danger of another Balkan crisis, this time in Ukraine.

The second option is what we might label the ‘status quo’ option, characterized by an uneasy collaboration among security institutions. There is some limited evidence of conscious, negotiated streamlining among security institutions, but their overlapping competencies hinder their effectiveness. The danger of this option is the classic one of security institutions worldwide: the damning critique of ‘all talk, no action.’

The third and most positive option is what I call the ‘progressive’ route, characterized by true collaboration and burden sharing. An example of this in European security institutions might be deepened EU/NATO cooperation where

the ‘Berlin plus’ arrangements are strengthened. In this scenario, the EU embraces its security functions, building capacity among its Member States via enabling the rapid reaction forces already in place, the OSCE becomes a formal, legal entity with true *legal* (as opposed to merely *political*) competence, and NATO re-organizes to serve as a true collective defense organization with a limited out-of-area role. This option is by far the most optimistic of the three. Here, European security serves as model for global security. The EU, via the CFSP, is responsible for articulating and operationalizing the overall European security strategy. NATO is responsible for first-line defense, and the OSCE is responsible for civil-society capacity building, monitoring, and norm promotion.

The situation in Ukraine notwithstanding, European security is changing, morphing from a Cold War focus on modernist rules and traditionalist interpretations of threat to a more amorphous *mélange* of postmodern norms and reconceptualizations of sovereignty. As this article has argued, the OSCE is part of this change, and may even be responsible for helping shift European security toward postmodern, “societal” notions.<sup>48</sup>

The European security architecture is itself undergoing a re-evaluation (Hopmann 2003). In the immediate post-Cold War years, when NATO assumed the reins of European security (and even more so during the Yugoslav conflicts of 1995 through 1999), the OSCE became increasingly marginalized in such ‘hard’ security tasks of peacekeeping and actual armed combat.<sup>49</sup> Moreover, NATO has grown both in size and scope far beyond its founders’ original intentions to itself blur the lines between modern and postmodern security.<sup>50</sup> Finally, beginning with the Maastricht Treaty in 1992 and continuing through the Lisbon Treaty in 2007—the EU, through its Common Foreign and Security Policy, has begun to undertake many of the same functions on which the OSCE had the monopoly for years.<sup>51</sup>

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<sup>48</sup> See Pourchot (2011).

<sup>49</sup> See Aybet (2000).

<sup>50</sup> See Lesser et al. (2000).

<sup>51</sup> See Bicchi and Martin (2006).

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