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**INSTITUTIONALIZING
THE CSCE PROCESS**

**Considerations, Options
and Constraints**

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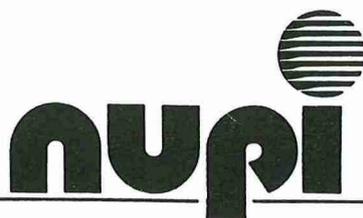
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Summary

The present paper addresses the issues involved in institutionalizing the CSCE. It warns against abstract modelling and favours incrementalism based on the special characteristics of the CSCE process. Institutions should be tailored to functional requirements. The author outlines eight overarching functions to be met by the political order in Europe. He proceeds to examine some of the current tensions in the CSCE system. Institutionalization will constitute an amalgamation of continuity and change. The author lists six characteristic traits of the CSCE continuity and posits a four point agenda for medium-term institution-building.

E: Defence policy
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INSTITUTIONALIZING THE CSCE PROCESS: CONSIDERATIONS, OPTIONS AND CONSTRAINTS

As we approach the question of how the CSCE could evolve we should avoid the pitfalls of abstract construction and modeling. There is a history of the CSCE which will influence habits and thinking about its evolution. Institutions develop in the context of historical continuities. Such continuities reflect habits and shape expectations, suggest a *modus operandi* to which governments and human actors have become accustomed. They will think about the development of given institutions from the perspective of such continuities, often with a view to preserving and protecting unique features. In institutions which are deemed to be successful there is a strong propensity in favour of incrementalism, for seeking change within the continuity of the institutional experience.

1. Continuity and Change

Discontinuous change is most likely to be chosen for institutions which have failed or by wide consensus ceased to be relevant to the circumstances at hand. Even under such conditions it is difficult to redirect and transform existing institutions are easier to establish new ones. Diplomatic institutions and to a considerable degree shaped by diplomats whose professional bias favours incremental and cautious change. They differ from academic theoreticians who frequently fail to understand the culture and endemic dynamics of functioning institutions and thus tend to opt for systemic change, for prescriptions based on tabula rasa rather than memory and habit. They also tend to prefer neat single solutions rather than complex hybrids. Diplomats thrive in the jungles of interlocking and overlapping institutional paths, scholars often seem to prefer Hegelian high-ways. Politicians generally tend to trust diplomats more than scholars and, even more important, they are more accessible for diplomats. The latter are much better positioned, furthermore, to shape the issues

and structure the agenda. The scholars may and should question the conventional wisdom, suggest long-term solutions, but operationlization usually is beyond their area of expertise.

The CSCE is considered a successful institution which has been a vehicle for peaceful and cumulative change during a prolonged period of transition from the post-World War II order to the post-Cold War order in Europe. Part of its success has been its ambiguity, its ability to mean all things to all governments. Interestingly enough it did not evolve or function according to expectation, in the East or in the West. Nevertheless, it became indispensable as a process, cumbersome, inchoate, flexible and innovative at the same time. Its strength derives from this very ambiguity, from its capacity to produce cumulative change, to alter the margins of international relations while expanding the scope of international relations, piercing and transforming the boundaries between internal and external affairs, projecting and expanding notions of community, remoulding relations between society and the state, opening the international areas to the former. The uniqueness of the CSCE process has been the molding of multiple functions, linking rather than separating the contents of its three baskets. It is not a single issue institution. It has been concerned with security and cooperation in Europe, with the interplay of those functions and with broad rather than narrow constructions. It made confidence building and human rights legitimate issues of diplomacy, of international relations and, most importantly, gave them operational substance, moved from rhetorical proclamation to political commitment. Architectural approaches to institutionalization may tend to separate rather than combine functions, favour specialization rather than comprehensive construction, simplicity rather than complexity.

The CSCE process encompassed and projected contradictions which may produce conflict and tensions in the future. The concept of the inviolability of borders constituted a de facto

recognition of the facts created by the Second World War. However, the very process of CSCE cooperation, particularly in relation to human rights, tended to circumvent and relativize the borders. Commitments to the principles of the right of people to self-determination and respect for the territorial integrity of states could result in problematic choices for the CSCE if constituent republics of the Soviet Union should seek independent participation in the CSCE in opposition to Moscow.

The CSCE is predicated also on the principle of the equality of the participating states. However, in terms of confidence and security building measures as well as the emerging CFE (Conventional Forces in Europe) regime, the area of applicability is defined more narrowly to the territory between the Atlantic and the Urals (ATTU). North American territory as well as Soviet territory east of the Urals remain outside the arms control regime. In the longer term such singularity could present a problem and a brake on the further development of that regime, particularly since forces and depots beyond the Urals could develop into a reserve for military operations in Europe. Similarly the issue of regionalization constitutes a problem in CFE as the establishment of zones could weaken the coherence of the security order, weaken the drawing rights of the peripherally located states on the general equilibrium, involving dangers of isolation and local hegemonies, vulnerability and separation. The issues may be resolved by a system of concentric zones wherein all limitations and regulations are defined globally.

2. An Agenda for Political Reconstruction

The CFE process itself raises some complex problems in relation to the process of political construction in Europe. In its present configuration, as a bloc-to-bloc negotiation, it could tend to freeze waning structures and legitimate past hegemonies, as the Warsaw Pact dissolves and the states of

Eastern Europe strive to escape from Soviet tutelage and military preponderance. With respect to manpower such considerations point in the direction of national rather than collective ceilings. However, national ceilings could constrain future options for common European defence arrangements within the European Community or the West European Union.

The CSCE comprises the member states of the two alliances which confronted each other across the continent of Europe during the Cold War. However, as the Cold War recedes into history, and as security policies are predicated on notions of common security and, in future, incorporating some elements of collective security, neutrality and non-alignment based on autarchic and unilateral defence policies may belong to a waning era as well. The era is waning as the fear and threat of war recedes, the two alliances commit themselves to non-aggression and all of the CSCE states recommit themselves to the renunciation of the use of force. Hence, the three major groupings of the CSCE are likely to vanish. How that development would affect the process and its modus operandi is a question wrapped in uncertainty.

In approaching the issue of institutional growth we should first identify the overarching political functions which should be served by the institutional developments, rather than creating institutions in search of functions. Here we move very quickly onto the normative level of political undertaking, from the descriptive to the prescriptive realm of political analysis. The following outline of 8 overarching functions reflect my personal outlook and values.

Functions to be served by the CSCE in the Post-Cold War Era.

- * Provide a framework for preserving North-American engagement in the political order in Europe.

- * Provide a framework for including Russia in the political

order in Europe.

- * Provide a framework for German equal participation in the political order in Europe.
- * Provide a framework for protecting the independence of the States of Central and Eastern Europe.
- * Provide a framework for projection of the values common to the countries which share in the European civilization, i.e. the values of the open society.
- * Provide a framework for interlocking the patchwork of international institutions linking the states and societies in Europe and North America in common undertakings.
- * Provide a framework for the prevention, transformation, management and resolution of armed conflicts in Europe.

The CSCE and its evolution should be viewed then from the perspective of complementarity and subsidiarity rather than substitution in relation to existing institutions, as a mechanism for linkage rather than a replacement. Some of the existing institutions of the European political landscape are likely to disappear or atrophy as a consequence of processes of change. Others remain essential for the functioning of the new order. The European Community, NATO, the West European Union, the Council of Europe and, possibly, the Economic Commission for Europe belong to the latter category. The CSCE will evolve and adapt, change and grow through interaction and linkage with those institutions as well as with a flora of sub-regional institutions reflecting and projecting the diversity of the European reality.

The post-Cold War order in Europe will defy inclusion in established categories, subsumption under simple labels, and

constitute rather a hybrid or conglomerate of diverse and conflicting tendencies. There will be elements of a balance of power system since balance will remain a prerequisite for stability and equity, although the calculation of balance will be more complex than in the past. There will be elements of a European concert, although the harmony produced is unlikely to follow the classical tone system. There will be elements of Medieval Europe, although the sense of community and the functions of the latter will be different from the past. The political order in Europe will function sub specie of nuclear deterrence, although the emphasis will shift from compellence and warfighting to residual insurance, to existential deterrence. There will be elements of a collective security system, although for foreseeable future security will be provided principally by the collective defence arrangements of the Atlantic Alliance. For the same reason the CSCE is unlikely to play a significant role in promoting economic cooperation since effective economic cooperation will require supranational arrangements. Economic assistance to the Soviet Union and the countries of Eastern Europe is likely to be channelled primarily by the European Bank for Reconstruction and Development.

The hybrid order will reflect the demise of the territorial state under the combined impact of transnational forces and pressures for local autonomy, becoming emasculated as it were by a simultaneous onslaught of demands for supranationalism and devolution. However, the constitution of community will for quite some time fall short of majority decisions with respect to the use of force to enforce a collective will. Collective security will remain a distant goal, an aspiration and a dream for some, a fearsome threat to sovereignty for others, far from constituted reality for everybody.

3. Institution-Building

On the basis of such a perception of reality and trends insti-

tutionalization of the CSCE must be approached from the dual perspective of continuity and change, maintenance and innovation.

Institutional Continuity of the CSCE

- * Follow-up meetings encompassing all three baskets

- * Functionally specific conferences; CDE (Conference on Confidence- and Security - Building Measures and Disarmament in Europe) and CHD (Conference on the Human Dimension of the CSCE)
- * Ad hoc meetings (expert meetings, seminars, fora, etc.)

- * Reuniciation of the use of force and related norms

- * Decisions by consensus rather than majority vote

- * Political commitments rather than treaties

Institutional renovation could attempt to preserve the flexibility and comprehensiveness of the CSCE process while adding to the coherence and momentum of that process. In some areas (eg. disarmament agreements) legally binding commitments will be needed and in some cases (particularly in relation to minor matters) majority voting should be envisaged. Furthermore, it could attempt to facilitate interaction with other viable institutions, capitalize on complementarity. Till now the CSCE has constituted a rotating diplomatic conference. Further institutionalization will raise two basic issues: (1) Permanent siting versus continued rotation of CSCE institutions and (2) consolidation versus dispersal of CSCE bodies. The choices may not be as absolute as sometimes assumed. NATO and the EC provide examples of how permanent siting may be combined with periodic rotation of the meetings of a ministerial council. CSCE Follow-up Conferences could follow a similar pattern.

Competition could lead to dispersal of permanent institutions through diplomatic compromise. Such an outcome could prejudice the institutional growth of the CSCE and may be favoured by some states for that reason. The permanent seat of the CSCE ought to be located so as to reflect its emphasis on East-West reconstruction and be located therefore in the middle of Europe and east of Brussels. Berlin would seem to constitute suitable site, also in view of the importance of embedding Germany in European structures and commitments.

Institutionalization raises issues about bureaucratization. Some observers have expressed concerns about bureaucratic sprawl. The dangers are real and should certainly be kept in mind when considering specific decisions concerning institution-building. However, a certain bureaucratic machinery is necessary for a given institution to develop momentum, coherence and continuity. Furthermore, for the smaller states a certain institutional apparatus constitutes insurance against great power dominance, as a means to keep governments honest, an investment in international rather than national perspectives and propensities.

The short-term decisions concerning institutionalization are now fairly clear and will be promulgated at the CSCE Summit by the end of 1990. The short-term should be considered in the context of possible evolution in the longer term, particularly the medium term. The agenda for institution-building in the medium term should be designed with a view to consolidation to defining the scope for possible growth and for linkage with other complementary and overlapping institutions.

Short-term Agenda for Institutional Change in CSCE

- * Ministerial Council for Security and Cooperation in Europe

- * A permanent CSCE Secretariat
- * A CSCE Consultative Parliamentary body (possibly overlapping with the Parliamentary Assembly of the Council of Europe)
- * Specialized CSCE Agencies
 - Agency for the Prevention of Armed Conflicts
 - Agency for Arms Control Verification and Confidence and Security Building Measures
 - Agency for Peace-keeping
 - Agency for Environmental Protection (possibly overlapping with the ECE)
 - Agency for Economic Cooperation (overlapping and liaising with EC, ECE and OECD)
 - Agency for Cultural Cooperation (overlapping with European Cultural Foundation)
 - Agency for the protection of Human Rights, Minorities and Refugees (Possibly linked to the Court on Human Rights of the Council of Europe).

It is possible also that a mechanism should be found for coordinating policies on arms transfers.

The specialized agencies are likely to develop over time starting perhaps as ad-hoc committees or seminars. Some agencies may also spin off from parent agencies. In some instances basic issues of substance would have to be explored and considered from a political perspective of concerted or competing interests prior to the formation of institutional mechanisms. One such area is that of peacekeeping where basic issues

concerning standing or stand-by forces, forces for peacekeeping or enforcement, small-power forces or forces from all CSCE countries, etc. need consideration before designing the institutional mechanism. Consideration should be given also to the question of how the CSCE could be linked to a revitalized United Nations, involving, perhaps, folding the ECE into the CSCE.

The Paris Summit later this year will constitute a new beginning, launch the CSCE into adolescence, we need to develop a vision and programme for its growth into adulthood.

4. The Broader Framework

The common European house or home (the word for house and home is the same in Russian, dom) has been suggested as a model for the CSCE construction. The model may be too restrictive, even constraining. I would rather suggest a European village as a model wherein nations will choose and shape their own dwellings but where life in the village depends on bonds of interdependence uniting the inhabitants, on the norms of cohabitation, the transparency and openness of village life, and the sense of sharing a common destiny.

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