

How  
the OSCE  
still  
operates  
between  
two  
extremes

Legitimacy of the role of the OSCE  
during the Kosovo crisis in the 1990's

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# PROLOGUE

The OSCE is a very interesting organisation. Its aim is to promote security and cooperation at the continent that has known so many wars. It was during the Cold War when the Russians realised that a dialogue was needed with the European countries, the non-allied states and the members of NATO. After some years of doubt and negotiation the Conference for Security and Cooperation in Europe, the forerunner of the OSCE, was a fact. It became a platform for conversation in which (at the present day) 56 states participate.

However, the security situation in the world, and in particular in Europe, has changed dramatically. The Cold War is over, the USSR does not exist anymore, most Central and Eastern European states are liberal democracies and a new threat has emerged in the shape of international terrorism. With these changes, the international field of organisations has changed as well. NATO is expanding eastward in Europe and the European Union is slowly but definitely building a stronger Common Foreign and Security Policy (CFSP), even with military capacities with the establishment of a rapid intervention force.

Personally, I find it very interesting to study how the OSCE copes with these huge changes in its environment. The relationships between the states at the time of establishment and at the present day are very different. Questions are asked whether it still has a reason for existence. But one should realise that the OSCE is an organisation with certain characteristics no other international organisation has. Especially its

comprehensiveness is a special treat. The organisation has a function from early warning to post-conflict rehabilitation, from diplomatic missions to field missions with training programmes for politicians and the police forces. No other regional organisation has so many members and has such an array of tasks. But if we look at a situation of direct threat to European security, like the Kosovo crisis in the late 1990's, the OSCE was not the only platform for mediation, (military) intervention and conflict resolution. NATO and the UN played an important role as well, but the international community as a whole was not able to prevent a crisis and a high number of casualties. Especially at such a time of crisis, questions are being asked about the legitimacy of an international organisation like the OSCE.

So far, I have explained why the OSCE is interesting to me, as an organisation. But there is more. First, I hope this research project will give some insights from the discipline of public administration in the role the OSCE plays in promoting security in Europe. I will elaborate on this in the next chapter. The different crises at the Balkans prove that Europe is still not able to prevent a terrible war, or a humanitarian crisis, at its continent. Friends of mine from this region have told me why they had to leave the country they love because they thought their life was in danger. The OSCE is an organisation that might contribute to an improvement of such a situation. And, perhaps more importantly, it might be able to prevent such a war from happening again.

Secondly, I experienced in Ukraine, in the summer of 2005, that the people there were happy with the revolution that had taken place. The OSCE played an important role in this process, since it monitored the elections critically and asked international attention for what went wrong and helped to prevent the revolution from getting out of hand. Thirdly, I visited the Dutch Permanent Representation in the OSCE and the OSCE headquarters during a study tour to Vienna in April 2005. I was impressed by what the different ambassadors told us (the Dutch ambassador, Mr. Everts and the Slovakian ambassador, Mr. P. Lizák). These factors drew my attention to the OSCE and raised some questions I wanted to find an answer for. What is the role of the OSCE in the international community nowadays? How does it act as a platform of negotiation and problem resolution in security issues? This research report focuses on the legitimacy question and tries to sketch a picture of the role the OSCE can play nowadays in a concrete crisis situation and amidst some other big international organisations that may have a stake as well.

Before turning to the content of this project I want to thank several people without whom this thesis would not have been possible. In the first place, I want to thank the staff of the Netherlands Delegation to the OSCE in Vienna, where I did an internship for a period of three months. Without their help and enthusiasm I would not have been able to find my way towards the information I needed. Specifically I want to thank Ambassador Daan Everts and Deputy Head of Mission Rob Bosch for granting me the opportunity to do an internship at their Mission. Without Mrs. Maaïke van Koldam I would not have been introduced so well and so accurately to the diplomatic circuits in Vienna and I want to thank her for her general support during the entire process of writing. During this process I have had several very interesting conversations with Mr. Robert in den Bosch and Mr. Frank van Beuningen of the Netherlands Ministry of Foreign Affairs, as well as with Professor Heinrich from the University of Vienna, and my thanks go to all of them for their time and for the valuable insights they granted me in the functioning of the OSCE. At the time of my quest for documentation, I had some great assistance of Mrs. Kathelijne Desmet, administrative assistant of the Netherlands Permanent Representation, and of Mrs. Alice Němcová, research coordinator of the OSCE Prague Office, and I want to thank them both very much. Regarding the technical part of the layout and the front page of this booklet I had some invaluable assistance of Floris Alberse, who is an absolute expert. My thanks go to both Prof. Dr. J. Colijn and Drs. J. Posseth for their support and advice. At the moment of the early ideas regarding possible subjects, as well as later in the process of writing the support of Professor Colijn was of great importance to me. Last but definitely not least I would like to thank my parents Hans and Marijke Alberse for their continuous confidence and support, not only during the writing process, but throughout my whole study period.

## SUMMARY

The OSCE was established as a conference at 1 August 1975 with the goal to reduce tensions and build confidence between the European states, the Russian Federation, the US and Canada, at a moment of the rising tensions of the Cold War. Nowadays, the organisation has 56 participating States and faces very different challenges than over 30 years ago. There is an increasing overlap of membership between the OSCE, NATO and the EU and according to the Russian Federation there is too much focus on human rights issues and it is not content with the fact that there are too many missions in the former USSR. The question the OSCE faces is thus a very fundamental one: what is the relevance of the organisation, what is still its legitimacy? This project focuses on one specific case and analysis the legitimacy of the role of the OSCE during the Kosovo crisis in the late 1990's. The analysis makes use of the theories on legitimacy by inter alia Scharpf, Weber and Beetham. Important factors regarding legitimacy are if the involvement of the OSCE was legitimate at all, if the OSCE was able to find a solution for the problem at hand, and if there was a consensus on the role of the OSCE, based on a belief that there was a legitimate base for this particular role in the formal Documents of the OSCE. Moreover, the role of power politics is included in the analysis, whereby it is questioned whether institutional arrangements could contain the use of power and whether the organisation could define its actions apart from direct national interests.

In order to find answers to those questions, some research has been conducted. Since the focus of this project lies at the internal process of decision making, the analysis draws for

its biggest part on internal sources, such as statements by participating States and interviews. The historic overview of the Kosovo crisis draws upon historic literature.

One of the criteria Scharpf mentions for legitimate action is that there is a sense of a common interest. This common interest is defined in the formal Documents of the OSCE. The Helsinki Final Act states that the security in Europe is indivisible and that the participating States have a common interest in cooperation; they have a common stake in the security of Europe and should therefore co-operate to prevent crisis from happening. In this sense, the OSCE defines the prevention of a crisis, like the one Kosovo as its common interest. Moreover, the Permanent Council confirmed this at 15 Oct. 1998, when it declared that the OSCE stood ready to embark upon stabilizing activities. But already in 1992, 1995 and 1997, the Council of Ministers of the OSCE made statements about the situation in Kosovo and defined it as a common interest to resolve it. They overruled the claim on sovereignty by the Serbian government, whose membership of the OSCE was suspended. A consensus had to be reached about how the concrete situation had to be interpreted in terms of the norms, principles and the connected instruments as laid down in the OSCE Documents.

An analysis of the crisis in Kosovo and the role of the OSCE makes clear that the OSCE played a substantial and legitimate role regarding its early warning function and its function in post-conflict rehabilitation. A lot of instruments as laid down in the OSCE Documents have been used and there was a clear consensus on this. One might even say that there was a small degree of an institutional drive when the OSCE Mission in Kosovo was set up after period of deadlock in the decision making.

Regarding the roles the OSCE saw for itself in the phases of conflict prevention and crisis management a far lower degree of legitimacy can be discerned. With regard to crisis management, the OSCE did play a role with its Verification Mission. This mission was established however with the help of some power politics from the US side. Moreover it never reached its full strength, which threatened its effectiveness. The OSCE did hardly play a role with regard to crisis management. A big disagreement between the RF and the USA brought the organisation in a deadlock and no consensus could be reached on what the OSCE should do. The US went 'forum shopping' and ended out in Brussels (NATO); the RF did the same and went to the UN in New York. We can see a deadlock between

consensus (with the consequence of inaction) and effectiveness (with a threat to legitimacy when power politics is exercised) here. It depends on one's point of view what is judged more legitimate. Overall, the OSCE was not very effective in resolving the crisis in Kosovo, which decreases the organisations' overall legitimacy. If one looks at the different roles the organisation played, different grey scales can be discerned. The organisations strongest points seem to lie at the early warning stage of a conflict and at the stage of post-conflict rehabilitation. It is relatively flexible and has the institutional structure that make it possible to take decision quickly.

# 1. INTRODUCTION

This research project focuses on the role of the OSCE during the Kosovo crisis during the late 1990's. The OSCE finds itself in a difficult period in which it tries to redefine its position in a changing world. The security threats are changing and the international community is changing. This research project analyzes a concrete crisis situation and the role the OSCE played therein. A description of what the OSCE really did to execute the tasks it set for itself in a concrete crisis situation, might deliver some insights in how the organisation works, where its strengths and its weaknesses are and finally, to what extend its role in Kosovo was legitimate. This chapter first provides some general information on the OSCE, then gives an analysis of the problems the OSCE has to cope with and then translate this into a problem definition for this research project. Finally, the structure of the analysis is presented, together with an overview of the rest of this paper.

## 1.1 General information on the OSCE

This paragraph presents some general information on the OSCE. Since chapter five presents the operational tasks and procedures of the OSCE relevant for the crisis situation in Kosovo, only the basic characteristics of the organisation, necessary for understanding the texts below, are presented here.

## **Goals**

As its name suggests, the OSCE aims to promote security and cooperation in Europe. In order to create a secure Europe, the OSCE set as its task: ‘the protection and promotion of human rights and fundamental freedoms, along with economic and environmental co-operation’, these issues are considered to be ‘just as important as the maintenance of peace and stability as politico-military issues’ (OSCE Handbook, 2002:1). The OSCE sees the maintenance of peace and stability as a common interest; it states that ‘insecurity in one state or region can affect the well being of all. The key is to work together, achieving security together, not against them’ (OSCE Handbook, 2002:2). A further elaboration on the principles of the OSCE is given in chapter five.

## **History**

At 3 July 1973, the Conference for Security and Cooperation (CSCE) formally opened. The initiative for this conference was taken by the USSR with the goal to confirm the existing borders and to lay down a framework for large scale East-West cooperation. NATO-members wanted to participate in this conference with the preconditions of, *inter alia*: full membership of the USA and Canada, a discussion on conventional disarmament in Europe and the inclusion of human rights issues on the agenda. The negotiations that started in 1973 led to the Helsinki Final Act, signed by 35 heads of State or Government. This Act is still forms the base of the principles of the OSCE, although later summits reinforced or changed some of these principles. Important Documents that followed are the Helsinki Document 1992, in which some important institutional arrangements were established, and the Budapest Document 1994, in which the name of the CSCE was changed into Organisation for Security and Cooperation in Europe (OSCE).

## **Status**

The OSCE has the word ‘organisation’ in its name. However, it has no legal basis and no status under international law. The basic commitments on which the organisation is based, were made at the highest political level, i.e. the Foreign Ministers, so their authority is strong, although only politically binding and the OSCE has little actual power except to act as a forum for multilateral discussions of security issues (Goldstein, 2004:394). The relation between the OSCE and the United Nations (UN) is formalised in the sense that the OSCE is recognized under chapter VIII of the United Nations Charter.



### **Political and administrative bodies**

Although the summit of the Heads of State or Government is the highest decision making body, most decisions are made by the Permanent Council (PC). The PC is responsible for the day-to-day business of the organisation and meets once a week in Vienna. All participating States have one representative in this Council. The Chairmanship of the OSCE rotates annually and is held by the Foreign Minister of one of the Participating states. This Chairman in Office (CiO) has a key political leadership function, guiding the OSCE bodies and chairing its political organs. The political bodies of the OSCE are supported by a Secretariat, consisting of some hundred staff members. This Secretariat is headed by the Secretary General. Two important institutions to be mentioned are the Office for Democratic Institutions and Human Rights (ODIHR) and the High Commissioner on National Minorities (HCNM).

### **1.2 Problem Analysis**

The 56 participating States see the OSCE as an instrument for conflict prevention, early warning, crisis management and post conflict rehabilitation (OSCE fact sheet). The OSCE has been established in order to provide a platform for dialogue to reduce tensions during the Cold War period. After the disappearance of the then present dividing lines, new threats for international security and stability have emerged, and the OSCE has tried to flexibly adjust to these changed circumstances. However, 'its relevance, effectiveness and strategic orientation have been questioned' (OSCE Panel of Eminent Persons, June 2005:5). The OSCE has established a Panel of Eminent Persons to give 'a new impetus to political dialogue and provide a strategic vision for the OSCE in the 21<sup>st</sup> century'.

### **Challenges and strengths**

The OSCE faces some serious challenges. First there is 'an increasing overlap in membership, mandates and capacities' between the EU, NATO and the OSCE (OSCE Panel of eminent persons, June 2005:10). Other problems are the Russian opinion that the OSCE focuses too much on humanitarian and human rights issues and that there are too many missions in the former USSR (Bakker, Internationale Spectator December 2002, p. 615). Moreover, 'major security issues are decided by the main powers of the Euro-Atlantic area or their coalitions, as well as by the more closely integrated organisations to

which most of these countries belong either as member or as partners. The OSCE thus continues to search for the niche it could fill in European security' (SIPRI 2004:54). The Dutch advisory council for international affairs (AIV, 2003:20) stated that the principles of 'comprehensive security' and 'cooperative security' are so broad that they hardly pose any constraints to the activities and tasks of the OSCE. According to the Dutch Advisory Council for International Affairs (AIV), the OSCE has the mandate and the expertise to tackle security problems in a wide framework. The flip side of the coin is that the OSCE has a broad array of tasks, which implies that it is not always clear where the focal point should be. As a consequence, the tasks the OSCE performs are not always very coherent and it is not always clear why the OSCE performs these tasks at all. The AIV (2003:14) questions whether the security political dimension of the OSCE is still relevant for the security issues the members of the OSCE have to cope with. The lack of a military capacity can also be seen as a weakness of the organisation. In case of an armed conflict in the OSCE area, the organisation is dependent on other international organisations like NATO or the UN or ad-hoc coalitions. The OSCE can not set up a peace keeping force and it has no capacity to protect its unarmed officials by force if necessary.

The OSCE sees its strengths in its comprehensiveness. It deals with issues from the stage of early warning until issues concerning post-conflict rehabilitation. The Panel of Eminent Persons (2005:9) states that the OSCE has to become more effective and that a sense of stronger common purpose is essential for this. In order to reach this, the organisation should focus on areas where it has comparative advantages and where it can add value. The following strengths were inter alia mentioned by the Panel of Eminent Persons:

- Election monitoring;
- Capacity building/field missions;
- Possibility of fast reaction with fact finding missions and interventions by the High Commissioner on National Minorities (HCNM).

### **Focus**

The Panel of Eminent Persons (2005:9) mentions some areas where the OSCE has a comparative advantage. First, the OSCE can take a leading role in areas such as the fight against trafficking in human beings, the promotion of the rule of law and police training. Secondly, the OSCE can play an intermediary role in mobilizing international resources and expertise possessed by other institutions. It should 'strengthen the link between

economic development, inter-state economic cooperation, good governance and democratisation' (OSCE Panel of Eminent Persons, June 2005:15). As stated above, there is an increasing overlap in membership, mandates and capacities between international organisations. Cooperation and coordination is essential and the Panel suggests that 'the relationship with the UN should be further developed' and that 'pragmatic and even handed cooperation should be enhanced between the OSCE and other regional and sub-regional organisations especially in relation to crisis management, setting and implementation of norms, and operational activities' (2005:10). Cooperation with other organisations is thus important, and the OSCE has to 'focus on what the OSCE does best and where its added values lies'. The Panel suggests that the OSCE's role and its comparative advantages should be systematically assessed. The question is now, what the legitimacy of the OSCE is, and if some of the strengths the Panel of eminent persons mentions, are really its strengths. This question can be answered in several ways. First, one can focus on the treaties and other formal documents of several international organisations and compare their focus, tasks, instruments and precipitated strengths. This comparison might give an answer on the (formal) position of the OSCE in the field of international organisations focussed on security. A second way is to look back and find out what these organisations really did in history. One can look at a situation of conflict and threats to security and evaluate what the role of the OSCE was and if the precipitated strengths did materialise in a concrete situation.

For this project, I chose for the latter approach. Personally, I find it more interesting to look at what really happened and what the role of the OSCE was in reality, than to look at the institutional setting that might stand far from reality. A research on the material position of the OSCE in a situation of conflict can give some insight in the functioning of the OSCE and it might contribute to the discussion on the future role and position of the OSCE in situations of conflict. Moreover, this study aims at providing some insights from a social sciences perspective, which means that judicial aspects are left outside this study.

### **1.3 Problem Definition**

The question of relevance of the organisation, is also a question of legitimacy, is the OSCE an organisation that can play a legitimate role in the field of tasks it set for itself?

Since this is a very general question, this project focuses on a specific crisis situation and tries to answer it in that specific context. A recent situation of conflict in which the OSCE played a role was the Kosovo crisis during the late 1990's. Since this was a conflict with a potential threat to security in Europe, the OSCE got involved, as well as some other big international organisations (Annex six captures the research question in a scheme). The following research question forms the focus of this project:

*How can the legitimacy of the role of the OSCE during the Kosovo crisis be defined in terms of output-legitimacy?*

The leading question of this research project focuses on the legitimacy of the OSCE during Kosovo crisis in the late 1990's. Political choices, like the choice by the OSCE to intervene in the Kosovo conflict: 'are legitimate if and because they effectively promote the common welfare of the constituency in question' and 'legitimacy is derived from its capacity to solve problems requiring collective solutions because they could not be solved through individual action, through market exchanges or through voluntary cooperation in civil society' (Scharpf, 1999:11). The requirement of an identifiable constituency is defined by Scharpf as 'the perception of a range of common interests that is sufficiently broad and stable to justify institutional arrangements for collective action'. Legitimacy can also be achieved in constituencies with a 'thin identity, lacking organismic overtones'.

### **Sub-questions**

In order to assess the legitimacy of the OSCE during the Kosovo crisis, several aspects have to be investigated. Scharpf mentions some criteria regarding legitimacy, some are focussed at the problem and some are related to the solution. These criteria together form the sub-questions for answering the main question:

*Features of the problem legitimizing action:*

1. Could the problem be solved through individual action?<sup>1</sup>
2. How did the concept of membership influence the legitimacy of the role of the OSCE?

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<sup>1</sup> In the context of the role of the OSCE and the Kosovo crisis, individual action will be interpreted as action by a single state actor. See for further conceptualisations paragraph 3.8.

3. Was there a high degree of interconnectedness and were a large number of individuals/actors involved?

*Features of the solution legitimizing action:*

4. Legitimacy is derived from the capacity to solve a problem, thus: was the OSCE able to solve the Kosovo crisis?
5. Was there a range of common interests?
  - a. Formal documents of the OSCE state what the role of the OSCE should be (i.e. the common interest; the prior reached consensus on shared norms), what should/could be this role in the situation of the Kosovo crisis?
  - b. What was the strategy pursued by the OSCE concerning its role in the conflict? (so what was the new consensus regarding the role of the OSCE in this particular case and was this strategy conform the formal principles of the OSCE?);
  - c. What role did the OSCE eventually play?
  - d. What are the discrepancies between this role, the strategy pursued by the OSCE and the official principles of the OSCE?
6. Was there a broad and stable consensus on this action and on the package of activities undertaken by the OSCE among the participating states and was this consent expressed?
  - a. Did the OSCE have some institutional autonomy; was there a drive into a certain direction from within the organisation?
7. Did the OSCE merely reflect the interests of the participating states (realism) or did it change the interests and preferences of states (idealism/institutionalism) during the Kosovo crisis?

Figure 1.1 (underneath) presents a model for the analysis that follows. By filling in the boxes, some sub-questions are answered, and for others some relevant information is provided. In order to analyse whether there was a range of common interests and a sufficiently broad and stable consensus on the role of the OSCE by its participants, the political process leading to the strategy of the OSCE has to be studied, this is arrow nr. 1. This arrow concerns the question whether the OSCE is an organisation with some institutional autonomy or that is purely steered by its participating states. But since the OSCE is not the only actor in its field of activity, its strategy may not be fully

implemented since other organisations play a role as well. This is especially relevant if we look at the (coordinating) task the OSCE has set for itself in the field of international organisations. It has to be remarked however, that the distinction between both arrows is not as clear as it seems; some states are member of several international organisations and try to influence the strategy of the OSCE in order to shape the distribution of tasks between international organisations in a way that is most favourable to them.

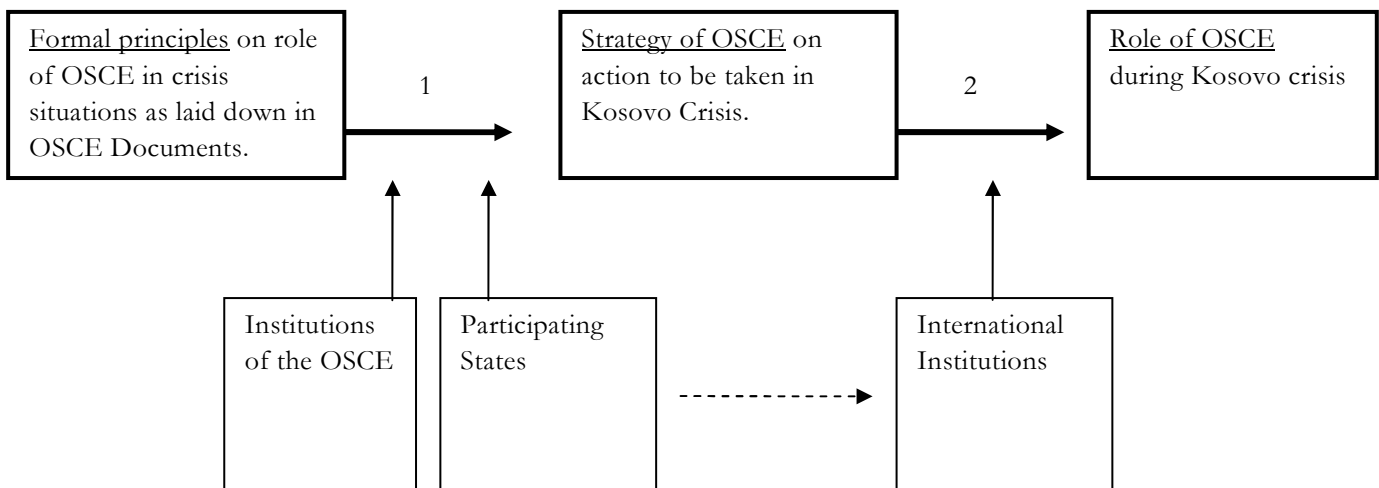


Figure 1.1: Scheme of analysis

## 1.4 Structure of the thesis

Chapter two describes the aim of this project. Chapter three describes the theoretical lens that will be used for the analysis. The fourth chapter describes the methods of enquiry and the design of this research project. After these four chapters describing the focus, the relevance, the procedures and the theory, it is time to look at the empirical data. In order to make a decent analysis of the problem described above, it is important to first present the information relevant to conduct such analysis. Chapters five and six are the descriptive chapters that give an overview of the structures and instruments of the OSCE and of what happened in Kosovo in the late 1990's. Chapter six provides some background information on the case study and chapter five fills the first box of the scheme above. Chapter seven describes the internal political proves of strategy determination, the role of different international organisations and the final role of the OSCE. This chapter thus fills the other

two boxes of the scheme and describes arrows one and two. After these descriptions, the analytical chapter eight follows, in which the research question and the sub-questions are answered. Chapter nine contains the conclusions of this study.

## 2. AIM

It has always been an interest to me to use insights from public administration (and political science) for the sake of improvement of ‘the situation in the world’. This can be at the micro level of the administration or policy in a small local community, but it can also be at a European or even at the global level. Security is essential for the well-being of people and is an issue that can be dealt with at all possible levels of public administration. Although it is tempting to think we have no security problems in Europe, the Balkan wars in the 1990’s prove that we are still not able to prevent a terrible war at the European continent. It is thus important to learn from the situation at the Balkans during the 1990’s and use these lessons in future situations of tension and looming conflict. In this chapter I will describe the relevance of this research at three different levels. First, a description is given of the relevance of this project in general terms, i.e. for society. Secondly, I will describe the relevance of this research project for the OSCE and for the Dutch Permanent Representation. And thirdly, I will describe the state of knowledge in this field of research and how this project fits in.

### **Security**

As stated in the introduction of this chapter, security is essential for the well being of people. Some areas in the world are not as stable as others; some areas suffer from insecurity at this moment whereas others are at the fringe of a conflict. There are several organisations in the world that try to contribute to stability and security, at an international level as well as at a more local level. In Europe, we have the European Union, the OSCE,



the UN, NATO, the Council of Europe and some others. These organisations have security at the European continent as a central focus, or as one of its tasks. Where security in Europe in the broadest sense is the primary focus of the OSCE, NATO is primarily a military organisation which aims to provide security to its members and started operations in situations of no direct military threat to its members only in 1994, in Bosnia. The UN is a very broad worldwide organisation with many sub-organisations and an even broader scope and much more operational capabilities than the OSCE. The EU has historically, primarily been focussed on its own member states, although it is developing a wider focus in its CFSP. Despite of this array of organisations the conflict at the Balkans could not be prevented. It is of great relevance to know how the OSCE reacted on a crisis situation. This could help to determine the role of the OSCE in future crisis situations; to recognize its strengths and weaknesses and thus to find a good mode of cooperation with other international organisations.

## **OSCE**

Since security is the primary focus of the OSCE, it can be a key player in preventing that a crisis like the one in Kosovo happens again. But in order to do this, we should learn from what happened at the Balkans in the 1990s. The OSCE has in theory the most comprehensive and elaborate array of tasks and mandates. But other organisations got involved as well and the question is what the role of the OSCE was. A reconstruction of the role of the OSCE in this period could contribute to a more effective approach when similar problems rise again. This could mean that the OSCE has to strengthen its position in a similar situation, but it could also mean that a more modest role is appropriate. This is also a question of legitimacy: several organisations played a role in resolving the conflict and what is the most appropriate role for the OSCE? What can be the most legitimate role for the OSCE? At this time of deliberation within the OSCE of its position it is important to know this. For the Dutch Permanent Representation it is important get insight in the legitimacy of the OSCE in order to determine its strategy in future. The Netherlands is member of all the international fora mentioned above. And a good insight of the functioning of the OSCE can be helpful in choosing the appropriate forum in a future situation of conflict. Moreover, not much research has yet been conducted on the internal decision making process of the OSCE. This project focuses on this internal decision making process in order to get an understanding of the how the process of deliberation and negotiation, and thus power relations, influences final outcomes.

### **Status of knowledge**

The goal of this research project is not to create new theories. The scope of the assignment is not broad enough for this, so the main focus is on the creation of more insights for practical use, as stated above. But literature does of course have its place. The concept of legitimacy is a leading principle and theories on legitimacy will be used. In this project principles from literature will be used, it is tested whether an organisation meets the criteria on legitimacy as set in literature. Moreover, the insights that emerge from this project will contribute to the knowledge on the functioning of the OSCE in the field of international organisations in a practical situation of crisis. A lot has already been written about the Kosovo crisis in 1998/1999, but some of those texts hardly refer to the role of the OSCE. There is a tendency to ignore the institutional aspects as it may be more interesting to look only at the level of high politics. It is very important though, to get an understanding of what happens within the big international institutions in order to fully understand what other powers are at work to determine the course of the international community in a situations of crisis. This project hopes to contribute to the understanding of the internal forces that are at work within the OSCE.

# 3. THEORETICAL FRAMEWORK

Legitimacy is the key theoretical concept of this research project. This chapter presents some of the leading theories on this concept and gives some starting points on which the analysis of the Kosovo crisis can be built. First, some general notions on legitimacy are presented. Afterwards, the main components of the concept are elaborated on, these are: membership, consensus, norms and power.

## 3.1 Introduction

After the Cold war, the interest in the concept of legitimacy has risen. The reasons behind this increased weight attached to the legitimacy of action in international society have been explained by two different schools: the school of consensual solidarism and the school of coercive solidarism. The school of consensual solidarism states that:

‘the artificial divisions that had bifurcated international society for the past several decades had now been removed, and there was the potential for international society to express a more cohesive vision of its purpose. (...) In the context of this newly discovered harmony of international values, talks of legitimacy began to carry a greater sense of conviction. In short, the flourishing of the legitimacy dialogue resulted from the greater normative universalism to which the end of the cold war had given rise.’ (Clark, 2005:156).

A contrary explanation is given by the school of coercive solidarism:

‘the degree of solidarism in its wake results primarily from the new distribution of power, not from a spontaneous consolidation of shared norms. The proponents of Western values have found themselves in the fortunate position of being able now to chivvy, without hindrance, the rest of the international society. This has been accomplished either through subtle processes of hegemonic power, or through instruments of overt military coercion, or some combination of both. In any case, we now talk the shared language of legitimacy, precisely because political power has enabled such a ‘hegemonic discourse’ to take place.’ (Clark, 2005:156).

It goes well beyond the scope of this project to elaborate further on the backgrounds of these schools and the validity of their theories. The reason why it is interesting to mention them here, lies in the fact that they touch on some essential issues that may play an important role in the current crisis in the OSCE. When the cold war ended, the direct reason behind the establishment of the CSCE fell away. The power relations changed and the ideological differences were not as sharp as they used to be. From that moment on, the CSCE tried to find a new position in the Euro-Atlantic power structures. This can be seen as a search for legitimacy of the organisation. As the two schools on solidarism show, this legitimacy can be regarded to be based on a shared normative framework, but also on power relations. The following paragraphs give a further specification of these, and other, key concepts within the theories on legitimacy.

### **3.2 Key concepts**

An influential theorist on legitimacy in the social sciences is Max Weber. He wrote that the authority of modern states is based upon ‘the belief held by their members, in a specific consecration: the “legitimacy” of that social action which is ordered and regulated by them’ (Weber 1968, vol. 2: 903-4). Weber (1968, vol. 1: 36-37) focuses his definition of legitimacy on *belief*. This belief may be based upon tradition, affectional faith, value-rational faith and believe in legality. He states that: ‘the most common form of legitimacy is the belief in legality, the compliance with enactments which are formally correct and which have been made in the accustomed manner’. Since ‘belief’ is a central concept in

the definition of legitimacy of Weber, Schabert (1986:102 in: Clark, 2005) states that ‘not the truth of the philosopher, but the belief of the people’ is the test for political legitimacy. Weber made a distinction between procedural and substantial legitimacy, Beetham and Lord (1998:3 in: Clark: 2005), further elaborated on this. Legitimacy is created by adherence to certain established rules. These rules are deemed appropriate either because they have been established by ‘a rightful source of authority’ or because they embody ‘proper ends and standards’. Legitimacy is thus derived from a belief by the members of a society that social action is directed, or legitimated, by them. This legitimation takes place when social action conforms the rules that have been established with the direct or indirect consent of the constituency. Those rules are on their turn legitimate when they are established by a rightful authority or when they conform widely accepted norms and standards. Beetham thus agrees with Weber that *belief* plays an important role in the conception of legitimacy. He states however, that an assessment of legitimacy is far more complex than a mere focus on belief. According to Beetham (1991:23), Weber’s theory ‘reduces legitimacy from a complex of factors which give people good reasons for compliance, to a single dimension: *their belief in legitimacy*’. Beetham mentions three factors that contribute to legitimacy; ‘the extent to which these they are realised in a given context will be a matter of degree. These criteria are: 1. conformity to rules; 2. the justifiability of rules; and 3. legitimation through expressed consent. When the rules are breached, when there is a discrepancy between rules and supporting beliefs or when consent is withdrawn, the legitimacy of a system or a certain action is threatened. Legitimacy is not an all or nothing affair’ (Beetham, 1991:20).

The dimensions mentioned by Beetham can thus work in two directions: ‘Each dimension provides moral grounds for compliance on the part of those subordinate to a given power relation. By the same token, power can be non-legitimate in very different ways’ (Beetham, 1991:20).

But before we turn to the more practical side of testing or measuring legitimacy, I want to elaborate a little more on the factors that divide the two schools mentioned in the first paragraph and which are the red line through the debate on legitimacy. These factors are rightful authority, or power relations (criterion 1 of Beetham), and shared moral values (criteria 2 and 3 of Beetham). They can be the binding factors in the creation of a consensus regarding the rightfulness of social action. When we talk about rightfulness, we talk about norms as legality, morality and constitutionality. Clark (2005:19-20) states in

this context: ‘Normatively, legitimacy can most helpfully be thought of as that political space marked out by the boundaries of legality, morality and constitutionality’. These boundaries have to be set by the actors in a society: a tolerable consensus has to be reached. When it comes to reaching this consensus, the concept of power has to be taken into account. Clark (2005:20) states: legitimacy cannot be divorced from power. Legitimacy constrains power, while also being an important element of it’. The following paragraphs elaborate on these themes.

### **3.3 The premise of consensus and its relation to power**

In the study of public administration, the definition of legitimacy is often used as stated by Partidge: ‘the “legitimacy” of an authority derives from the social consensus in which the rightful authority of the ruler is generally recognized’. This definition regards individual political systems or regimes. In most democratic states, governments can exercise their authority without extensive use of the (threat) of force, since there is a general consensus in society that the structure or the system functions in a way that is basically free and fair. In international society, this consensus, or agreement on norms and actions, is regarded to be a cornerstone of legitimacy. Clark (1991:20) defines consensus as the expression of consent. However, consensus is defined by the OSCE as the absence of an expressed objection by a participant to taking a decision (Bothe et al. 1997:7). The definition as used by the OSCE is a good starting point for analysis. The definition as used by Clark is more demanding however. Participating States may not be very content with a proposed decision but do not dare to break the consensus by objecting. If every state should explicitly express consent, a state which is not content with a proposal will be more likely not to express consent. Power plays an important role in this respect. Consensus has to be reached on membership, and on conduct to create a legitimate order. The problem with regard to those factors is that:

‘They encompass also the specific international norms – legality, morality and constitutionality – that supply most of the substantive content, and the actual language, of the process of legitimation. However, as we have seen, the practice of legitimacy does not correspond directly with any of these norms in particular: it is instead mediated through a

political process of contestation and consensus-building. This process, in turn, is filtered through prevailing distributions of power' (Clark, 2005:158).

A consensus has thus to be reached on the constellation between international norms of legality, morality and constitutionality. The OSCE defined these norms in the Charter of Paris (see paragraph 5.1). If this consensus is reached, one may speak of a legitimate order. The form of this consensus, can be shaped by the power relations between states and/or by an already existing set of shared norms and values. Clark has the opinion that this is not as clear cut as it may appear to be:

'Legitimacy, in its turn, is not reducible to any one institution, or norm, but depicts a highly volatile condition of political balance amongst the diverse elements that seek to capture it. The focus on legitimacy in international society thus enables us to understand its practice in a highly dynamic and political way. This draws on institutions and other norms, but goes beyond them. It introduces the additional factor of the search for consensus which is central to the enterprise as a whole' (Clark, 2005:159).

The question that comes forward here, is whether the mere fact of agreement is sufficient for legitimacy to be reached, or that the content of the underlying norm to which it gives expression is the basic premise. In this context, there are two streams according to Clark (2005:164).

In the first view, consensus and legitimacy are very closely connected, consensus is here a measure of social cohesion, it is seen as the expression of shared moral standards, and it produces legitimacy and puts a limit to the use of power. Clark (2005:164) states that, in this view, consensus has 'its own autonomous importance, especially within an international society possibly lacking in fundamentally shared values much beyond that point'. Legitimacy is derived here, from conformity with the consensus: 'what makes any position or action legitimate is its adherence to the consensual position' (Clark, 2005:165). It must be remarked though, that adherents to this position, state that consensus cannot be about procedural matters alone. Clark refers to Morgenthau (1973:219) who states that the balance of power (as from 1648 to 1772 and from 1815 to 1933 in Europe) could operate effectively only in conditions where a consensus already existed and was operating strong, as this has effect of 'strengthening the tendencies toward moderation and equilibrium'. According to Morgenthau, 'it is this consensus (...)

of common moral standards and a common civilization as well as of common interests that kept in check the limitless desire for power (Morgenthau, 1973:220). The existing consensus on moral standards thus leads to stability and keeps in check an (overly) exercise of power. This consensus is in this view thus very closely connected, almost intertwined with legitimacy.

The second view departs from the position that there has to have been a norm prior to the norm in operation, an indisputable source of legitimacy which is independent of any particular system of government (Mueller, 1973:132). Mueller refers to Arendt, Habermas and Schaar in his statement that 'legitimacy cannot viably be reduced to a product of the political system as a consensus can be' (Mueller, 1973:132). This suggests, according to Clark (2005:164), that legitimacy is embedded in fundamental principles, in a way that a social consensus is not. He states that in this view, 'consensus is the benchmark of legitimacy, in so far as it corresponds with these [most basic] values, but these have an objective existence, beyond the fact of consensus itself'. Moreover, 'legitimacy exists through the medium of valid normative principles, and social consensus is taken to represent a faltering movement toward their expression and realization'. From this point of view, it could be said that power relations (and thus coercion) might lead to a certain consensus which does not take into account some of the most basic principles in society. In such a case, a higher degree of legitimacy could be reached with a smaller consensus, which conforms these principles better. Power could thus play a diverting role for legitimacy, since it could divert the consensus from the basic values that have an objective existence. This is very different from the first position, which assumes that the use of power could be limited because there is a consensus on common standards.

It makes a big difference if one assesses the legitimacy of actions of global structures or international organisations with one stream or the other. The first takes consensus as the primary step towards legitimacy, the consensus is regarded to represent the highest point of shared values in an international society, consisting of states with different cultures, norms and values. Social action is only legitimate if a consensus exists on a set of shared values. The second stream goes further than that, and states that legitimacy is more than simply the highest possible number of supporters. There are some fundamental principles and basic values that have an objective existence; legitimacy is based upon these principles and consensus is a necessary means to give expression to them. In this view, social action can be taken effectively, only when there is a degree of consensus, however,



it may still be legitimate if this consensus does not exist or to a lesser degree. Both streams are united in the fact that they are faced with the problem that ‘What is to count as an acceptable representation of consensus is endlessly negotiable, and remains highly fluid’ (Clark, 2005:162). This is in line with Beethams statement that legitimacy is not an all or nothing affair but a matter of degree with changing levels of acceptance with norms, expression of consent and conformity to the rules. Even if we have found an acceptable representation of consensus at a certain point of time, we are confronted with a world in which the division of power is unequal and in which dominant forces try to force others to accept their norms and values as guiding standards for social action in international society. Clark (2005:163) states: ‘consensus is suffused with power relations, and it is hard to see where coercion stops and voluntarism starts in the production of itself. It is an easy step from this position to the view that legitimacy is simply what is in the interest of the dominant social forces’. In the analysis the different views on consensus will be analysed. The role of power regarding legitimacy is further elaborated on in a separate paragraph.

### **3.4 International norms**

As came forward in the previous paragraph, norms play an important role in the concept of legitimacy. But how do they exactly relate to this concept? Norms can be seen as the basic elements on which legitimacy is built, there are different opinions however, whether consensus is needed for social action to be legitimate. According to Clark (2005:166), norms like legality, morality and constitutionality are not co-equal to the concept of legitimacy. Legitimacy exists in a hierarchic relationship to these norms and it depends on the moment in time, whether legitimacy draws more strongly upon one norm or upon the other. Clark states here, that legitimacy cannot be opposed to any of these norms; it is the heading of a certain constellation or equilibrium between them. This equilibrium is reached on the basis of consensus, but Clark states that this is not just a game of numbers. Although ‘the larger the size of the coalition that subscribes to a new set of norms, principles and institutions, the greater the sense of legitimacy that is accorded to those norms’ (Hampson, 2002:177-8 in Clark: 2005), there is an element of normative appeal. With this statement, he stands on the middle ground, between the two positions on the role of consensus regarding these norms. He does not say that there are basic values with an

objective existence which form the basis of legitimacy, nor does he say that legitimacy is always reached if there is consensus, regardless the substance or constellation of the norms that has been agreed upon. Clark (2005:166) states that ‘the size of a coalition behind a new norm may well be a function of the intuitive appeal of that norm, and of a sense of its rightness: it may become widely endorsed exactly because it is thought to accord with legal practice, or with standards of justice, or with the constitutional demands of international society’. The formation around a new norm is ‘part of a deeper political process in which norms, consensus and power are all implicated in the outcome’ (Clark, 2005:167).

### **3.5 Power**

The formation of a certain constellation of norms and the creation of a consensus around this constellation is influenced heavily by power relations. Power is seen in this study as ‘the capacity to influence other people or events’ (Oxford Dictionary). This paragraph describes how power relates to, and influences, the creation of legitimacy. Clark (2005:167) states that legitimacy is deemed to be ‘a source of power, or a type of power multiplier, while it remains ultimately dependent upon the exercise of a material form of power – force – to sustain it’. There is thus a reciprocity in this relationship, in which power influences the exact constellation of norms on which a consensus is reached and this legitimizes (and channels) the further use of power. Cooper (2003:150) states that ‘power, order and peace grow out of legitimacy’ but that this ‘has all to be backed by force’. The question is now what the relationship between the balance of power and moral consensus is. According to Clark (2005:169), there are two opposing positions in this issue, represented by Morgenthau and Kissinger. Morgenthau has the opinion that a balance of power can only be operative if there is a moral consensus. He states: ‘Before the balance of power could impose its restraints upon the power aspirations of nations through mechanical interplay of opposing forces, the competing nations had first to restrain themselves by accepting the system of the balance of power as the common framework for their endeavours (Morgenthau, 1973:219). Kissinger, on the other hand, states that an imbalance of power can be exploited to manufacture a moral consensus around the preferred value system of the leading state. He said that, in the world of the 1990’s, we could hope for a system ‘in which a balance of power is reinforced by a shared

sense of value' (Kissinger, 1995:166, in Clark 2005). Did a certain balance of power thus result from a prior reached consensus on a moral framework, or is it the existing balance of power that makes it possible for one actor to create – or enforce – a consensus around its preferred moral framework? In this last sense, 'disequilibrium gets in the way of attainment of any moral consensus, as the hegemon may too easily be seduced by the attractions of imposition instead' (Clark, 2005:170). If we translate this question to the situation of the OSCE, it touches exactly upon one of the fundamental problems of the recent years. The participating states reached an agreement on some fundamental norms and values, laid down in political agreements, the so-called OSCE Documents, or the *acquis*. The question is whether these norms were shared by all states and if this consensus laid the groundwork for the power balance to exercise constraints on all participants on behalf of the OSCE, or if the power (im)balance is reflected in the norms that have been laid down and is further exploited by the exercise of constraints on participating states, now on behalf of all, through the OSCE. This is an interesting question regarding the contemporary crisis in the OSCE and reflected in the Russian accusation that the OSCE is too much focussed on countries 'east of Vienna' and that it has become a tool of the USA. This issue comes also forward in the Kosovo crisis, and will be elaborated on in the analytical chapters.

### **3.6 Membership**

So far, I have discussed issues like consensus and power relations, but who are the parties that have to reach a consensus, who exercises power upon whom? This is a question about membership, a question about who is to be seen as relevant to the analysis of the consensus and the exercise of power. Within a state, these members can be the citizens and/or civil society. In international society the members are states. According to Clark (2005:159) the moral underpinning of this concept of membership is changing:

'While in the formal diplomatic sense no change has been made in the conditions for international recognition, informally there now operates a set of principles that justify a more restrictive concept of international society. Otherwise expressed, within the still universal ideal of international society, there has increasingly been articulated the doctrinal rationale for an 'inner' grouping entitled to the fullest enjoyment of the rights of

membership, and also to be the interpreters of and executors of the wishes of international society as a whole. By its nature, this is the most contentious aspect of contemporary international legitimacy, and there is a profound political struggle to secure acceptance for any such concept’.

Clark thus states that within international society there exists a group of states that play a leading role, based on shared moral standards. He goes further by stating that: ‘Since the end of the cold war, rightful membership has been expressed, not simply about states, but about a certain type of state. Accompanying this, there has also been a re-emergence of doctrines positing a hierarchical form of international society, rather than one based on universality and equality.’ Clark (2005:174). He thus states that the norms on membership of international society are not established in an equal discussion between members but that ‘the leading, and more successful, states set an example that may then be purposefully emulated by others’. Dunne (2001:89 in Clark: 2005) wrote in this context: ‘who gets to count as a member’ is international society’s veiled sanction of the potential consequences to ‘follow from acts of deviancy’. By these norms for membership or ‘domestic legitimacy tests’ (Clark 2005:174), the international society sets standards for domestic governance. Only those countries that meet the moral standards of the inner grouping concerning their governance at home, may join the group of leading states. If a state does not meet these standards, it is excluded from membership of the international society or stands on the fringe of the group and could do not more than follow the elite. Clark (2005:174) states that this can go even further when international society interferes directly in domestic arrangements. This interference in domestic affairs is what happened at the Balkans in the 1990’s. Concerns regarding a degree of accountability and a minimum of adherence to human rights drove the international community’s policies on protection of the rights of religious and ethnic minorities (Preece 1998:11, 137 in: Clark, 2005:174). ‘[These] democratic ideals now lie deeply embedded in contemporary international policies on economic development, on post conflict reconstruction and nation building, and also explicitly in those actual admissions that have taken place, to such mini international societies as NATO and the European Union’ (Clark, 2005:175). One might speak of a core of like minded states sharing some key democratic and market values who try to socialize states that do not (yet) share (all) their values. In such a situation the core ‘defines the standards of acceptable behaviour, and international peace building agencies serving as “transmission belts” that convey these standards to the periphery’ (Paris, 2002:653-654).

The Federal Republic of Yugoslavia (FRY) can be seen as a state lying at the periphery of the OSCE area. Its membership was suspended in 1992 because it did not share the norms and values of the OSCE. The interference of international society or international organisations is also steered by this core according to Paris (2002:638): ‘Without exception, peace-building missions in the post-Cold War period have attempted to *transplant* the values and institutions of the liberal democratic core into the domestic affairs of peripheral host states’. This statement by Paris is supported by a statement of the French Foreign Minister Védrine in The International Herald Tribune of 20 April 1999 (cited by Clark, 2005:178): ‘We have to pursue our goals one at a time. Our goal, shared by all Western nations, including the Russians, I believe, is to see ex-Yugoslavia come into line with European norms and become democratic. That means a change of regime in Serbia. But the long term objective is different from the air strikes’ purpose, which is to break the military strength that the regime is using for repression’. In the chapters six, seven and eight, this issue will be further elaborated on.

### **3.7 Realism vs. Institutionalism**

In the light of the previous paragraph, it is time now to make the connection between the rather abstract concept of international society, to the concrete sub-society of the OSCE. This organisation can be seen as an international institution with operational goals and objectives and with certain rules and procedures regarding membership. It is interesting now, to see how the institutional arrangements of the organisation influence the construction of a consensus around a set of norms and the exercise of power. Moreover, the degree of institutional autonomy of the OSCE can play a role in this sense, since a certain amount of discretionary space affects the influence of the participating states on the functioning of the organisation. For a proper analysis on these questions, the theories of realism and of institutionalism will be described here. Both theories present a different explanation on the position of international institutions regarding their member states.

#### **Realism**

Realism is a school of thought in international relations that takes *power* as a central determining factor. Morgenthau (1973:5) states that ‘The main signpost that helps political realism to find its way through the landscape of international politics is the

concept of interests defined in terms of power'. Realists assume that 'international relations can be best explained by the choices of states operating as autonomous actors rationally pursuing their own interests in a system of sovereign states' (Goldstein, 2004:72). This theory is thus state-centric and takes the unitary rational actor as the central tenet. Moreover, realists assume that states act in a context of an international system lacking a central government, the international system is thus regarded to be an anarchy (Goldstein, 2004:73). From this point of view, states participate in international organisations as the OSCE because they think it is in their interests. International organisations can thus be a forum for negotiations and eventually power politics. Möttölä (1997:9-10) states in this context that:

'according to realists, cooperation is constrained and inhibited by the role of power structure which motivates security policies, the logic of security competition among states, their effort to maximize their relative power positions and their concern about security and survival caused by the uncertain intentions and offensive capabilities of others. Under such conditions, institutions merely mirror the distribution of power in the system, and common rules agreed by the states reflect self-interest based primarily on the international distribution of power.'

If we translate the realist theory to the situation in the OSCE, one could assume that the institutional arrangements of the organisation and the decisions taken regarding specific situations are reflections of the distribution of power, or of power politics.

### **Idealism/Institutionalism**

From an idealist point of view, there are many more factors than power alone that influence international relations. Idealism emphasizes that: 'international law, morality and international organization, rather than power alone' are key influential factors on international events (Goldstein, 2004:71). In idealist theories, morality takes an important place. Human nature is thought to be basically good, and 'with good education, and appropriate international structures, human nature can become the basis of peaceful and cooperative international relationships' (Goldstein, 2004:71). According to Morgenthau (1973:3) this school assumes that there is a rational and moral political order, derived from universally valid abstract principles, which can be achieved here and now. Idealism sees international organisations as the basis of such international relationships in which

mutual problems can be solved following a shared feeling of common responsibility for security and stability. Institutionalism is the theory that assumes that the relations between states can be shaped by international institutions. 'Institutionalism contains a promise of change in international relations and rejects the immutability stressed by realism. As a political programme, institutionalism promises to make international relations less conflictive or less war prone by institution-building and cooperation in security affairs.' (Möttölä, 1997:9-10). From the realist/institutionalist point of view, an organisation as the OSCE reflects some common, universally valid and abstract principles. Actions of states are not (just) based on power relations but on a belief in a shared responsibility for, in this case, security and stability in Europe. Actions of the OSCE are not reflections of the balance of power and of the will of some powerful states, but also of an more or less autonomous institutional will. In chapter seven, an analysis is made to what extend elements of realist and idealist theories can be found in the functioning of the OSCE regarding the Kosovo crisis.

### **3.8 Operationalisation and analytical framework**

The goal of this project is to find out what the legitimacy of the role of the OSCE was during the Kosovo crisis in the late 1990's. This paragraph operationalizes the broad theoretical perspectives of the previous paragraphs to make the connection between theory and practise. Scharpf (1999:6) discerns two different kinds of legitimacy: input legitimacy and output legitimacy. He describes the difference between them as follows:

'Input oriented democratic thought emphasizes *government by the people*. Political choices are legitimate if and because they reflect the will of the people – that is, they can be derived from the authentic preferences of the members of a community. By contrast, the output perspective emphasizes *government for the people*. Here, political choices are legitimate if and because they effectively promote the common welfare of the constituency in question'.

This definition by Scharpf makes the distinction clear and it shows that for an organisation like the OSCE the concept of input legitimacy is not relevant. The governance by the OSCE is not directly legitimated by a constituency, the legitimacy is indirect. The authentic preferences of the members of the community can not be taken into

account because there are no direct elections or referenda. For this reason, the concept of output legitimacy will be used. One can see legitimacy then, as the promotion of the common welfare of the constituency in question. This makes it possible to look back, after a policy has been executed, and judge whether this policy was legitimate. In order to be able to make such a judgement on the (output) legitimacy, it is important to define some of the terms in this definition. What is *the common welfare*? Which constituency is at stake?

Scharpf has an answer to these questions. He explains that output legitimacy is derived 'from its capacity to solve problems requiring collective solutions because they could not be solved through individual action, through market exchanges, or through voluntary cooperation in civil society' (Scharpf, 1999:11). This is a very broad definition of a common welfare, and Scharpf explains that such problems usually arise when there is a high degree of interconnectedness or when a large number of individuals is involved and a long term and multi purpose government structures are required. The requirement of an identifiable constituency is defined by Scharpf (1999:11) as: 'the perception of a range of common interests that is sufficiently broad and stable to justify institutional arrangements for collective action'. This comes close to the criterion of Beetham that there should be (a degree of) expressed consent. That this definition is very well applicable to an organisation as the OSCE becomes clear when Scharpf (1999:11) states that legitimacy can also be achieved in constituencies with a 'thin identity, lacking organismic overtones'; that such constituencies 'need not claim the exclusive, or even primary loyalty of their members' and that output oriented legitimacy has no difficulty in allowing for 'the coexistence of multiple, nested or overlapping, collective identities'. The OSCE is an organisation that functions as a platform for deliberation, negotiation and collective action for its participating states, the citizens of these states will probably not identify themselves as living in the OSCE area and they will not be primarily loyal to the organisation. Moreover, there are more organisations in the policy field of the OSCE and many states are member of several of these organisations.

The elements as laid down in this theoretical chapter come forward more concretely in the research question and its sub-questions. Webers statement that there should be a belief within the constituency that the decisions taken, stem from a legitimate order. This can be translated to the case of the OSCE by the three criteria from Beetham. There should be a belief among the constituency, or in this case, the participating states, that action by the



OSCE conform the rules and agreement as laid down in the formal documents of the OSCE.

<b>Criteria of Legitimacy</b>	<b>Form of Non-legitimate Power</b>
1. Conformity to Rules (legal validity)	Illegitimacy (breach of rules)
2. Justifiability of rules in terms of shared beliefs	Legitimacy deficit (discrepancy between rules and supporting beliefs, absence of shared beliefs)
3. Legitimation through expressed consent	Delegitimation (withdrawal of consent)

*Figure 3.1 Criteria for legitimacy by Beetham (1991:20)*

Moreover, there should be a belief that certain instruments or sanctions are justified and the consent about this should be expressed. Beethams criterion of expressed consent connects well to Clarks' focus on consensus. Consensus is an important factor in the creation of legitimacy. The shared moral values as laid down in the official OSCE documents had to be translated to the specific situation of the Kosovo crisis and consensus had to be reached about the consequences for the position of the OSCE and possible concrete actions that had to be taken. The analysis will pay attention to the creation of this consensus. Was a consensus reached? How did this consensus materialise? An interesting underlying question is how this consensus was realized; whether this was the result of a pre-existing moral consensus, or of the exploitation of an imbalance of power. Was a consensus based upon an already existing shared set of moral values or was it forged by power politics? The discussion between realism and idealism/institutionalism comes forward here as well: were the actions of the OSCE the result of power politics, or was there some kind of institutional will at stake as well? The question of membership will have to come forward very clearly. In the specific case of this project, the membership of the Federal Republic of Yugoslavia, and the suspension thereof, plays an important role. Furthermore, it will be interesting to analyse whether a 'core' and a 'periphery' as described by Paris could be discerned in the case of the Kosovo crisis. In the research question and the sub-questions, these notions are coupled with the concrete factors as mentioned by Scharpf. His approach is a little different from the theorists mentioned in the rest of this chapter in the sense that he focuses on the legitimacy of social/international action in a *specific* case whereas the other speak in more general terms. This makes it

interesting to use his insights complementary to the more general theories. Instead of consensus or expressed consent Scharpf speaks about *the common welfare*. Although this term might seem rather abstract as well, he works it out in several criteria:

- The problem can not be solved through individual action;
- The problem can not be solved through market exchanges;
- The problem can not be solved through voluntary cooperation in civil society;
- There is a high degree of interconnectedness;
- A large number of individuals is involved.

The concept of membership is closely connected to Scharpf's concept of a constituency. He states that a constituency is bound together by:

- a range of range of common interests;
- sufficiently broad and stable interests.

The constituency is thus not as clearly defined as a constituency within a nation state. According to Scharpf (1999:12) this leads to the stipulation that output oriented legitimacy is interest based rather than identity based. Scharpf states that international action can be legitimate when a problem can not be solved by individual action. Scharpf states that since such problems tend to arise either from factors that affect a large number of individuals in a similar fashion (...) their solution typically requires longer term and multi-purpose solutions (Scharpf, 1999:11). In this project this will be understood as individual action by a single state actor. Civil society as in Scharpf's third criterion of common welfare will be understood as 'a framework outside the formal structures of government in which people interact and associate with each other' (Mc. Cormick, 2002:132). Scharpf's factors of a high degree of interconnectedness and a large number of individuals are also factors that make clear that a problem needs to meet a certain level of complexity for international action to be legitimate. Scharpf does not mention a specific scale to determine what can be seen as a high degree, or a large number, this has to be seen on a case by case basis. In this project, the focus regarding these criteria will lie at the perception of the participating states; on their judgement of the situation. Eventually, this brings us back to the premise of consensus. The ticks on the checklist of Scharpf regarding market exchanges and voluntary cooperation in civil society are not represented in the sub-questions of this research. The reason for this is that the nature of the conflict

made it impossible that market exchanges or voluntary cooperation in civil society would bring a solution. Chapter six gives a historical overview of the crisis and from this chapter it may be clear that since a major state actor, i.e. the FRY government was involved and that economic factors did not lie on the base of the problem.

### **Other concepts**

Two other important concepts of the central research question have to be conceptualised. First, it is important to outline what is meant with 'Kosovo crisis' in this project. The case on which this project is based is the Kosovo crisis in the late 1990's. Because it is arbitrary what is understood with the word 'conflict' it is difficult to define a clear-cut period. What can be said about this crisis is that it had reached its top between the autumn of 1998 when violence between the Serbs and the Kosovo Albanians grew and June 1999, when the air raids by NATO were over and an agreement was signed in Kumanovo. The crisis will be further described in chapter six.

Second the 'role' of the OSCE has to be conceptualised. The concept of 'role' as in 'role of the OSCE during the Kosovo crisis' will be used as is stated in the Oxford dictionary: 'a person's or thing's function in a particular situation'. This thus refers to what the actions of the OSCE were in practice concerning the case at hand.

Concluding, the OSCE is an organisation without some of the characteristics one would expect of an organisation, e.g. a legal status. This is the reason why we don't speak of Member States, but of Participating States. The Participating States of the OSCE are the 56 states situated in the area from Vancouver to Vladivostok.

## 4. METHODOLOGY

In order to answer the questions stated in the problem analysis, some research has to be conducted. This chapter elaborates on the different methods that will be used to effectively obtain the necessary information. The research question *‘what was the role of the OSCE during the conflict at the Balkans and how can the legitimacy of the OSCE during this conflict be defined in terms of output-legitimacy?’* already gives some direction to the methodology. This project concerns what happened in specific case, it is thus a ‘case study’, which falls within the category of a flexible research design. Apart from that, it is basically a theory focussed research design. With the focus of a theory on output legitimacy, the role of the OSCE in a specific case is being described, explained and evaluated.

### 4.1 Design

Robson (2002:547) describes a flexible research design as: ‘a research strategy where the research design develops (emerges, unfolds) during the process of data collection and analysis. It almost always involves the collection of qualitative data, but can also involve quantitative data’. This research has the aim to get insight in the role the OSCE has played during the crisis in Kosovo. A description of the situation has to be given, which involves qualitative information. This involves a factual description of what happened and quantitative data are not relevant. Robson (2002:2002:178) describes a case study as: ‘a

strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real life context using multiple sources of evidence'. This is exactly the strategy suitable for answering the central research question and the sub-questions. An empirical investigation has to be performed in order to describe the role of the OSCE within the context of a particular crisis situation in order to describe its legitimacy. Several methods have been used to give this description. Van Thiel<sup>2</sup> mentions three methods: participating observation, content analysis and interviews. A participating observation was not possible since the object of study, the Kosovo crisis, has taken place in history. In order to describe the role of the OSCE in this period a content analysis has been performed. Contents of documents of the OSCE concerning decision making have been analysed, the policy documents that were the result of that decision making, but also the contents of research on the Kosovo crisis and the role of different international organisations therein. Interviews with people involved in the decision making and execution on the actions of the OSCE concerning the Balkan war have given some extra insights in what happened and in possible deviations from the official documents.

## 4.2 Analysis

A content analysis is a method in which documents are used to get more insight in a certain phenomenon. Robson (2002:350) quotes a definition of Krippendorff: 'content analysis is a research method for making replicable definition and valid inferences from data to their context'. Robson argues that the strength of this definition lies in its connection between content and context. The contextual analysis deals with the aim of the document, but also with the institutional, societal and cultural aspects. Reliability and validity play an important role in content analysis. One must keep in mind that documents have not been written for the purpose of the investigator and that it has a certain goal. The analysis can be broken up into two different stages. The first stage is a stage of defining the situation. This stage is aimed at giving a good historical overview of what happened during the crisis. A picture has to be made of the crisis, the actors involved and the roles the different actors, and in particular the OSCE, played. The first part is concerned with a more or less objective overview which will probably not be very controversial.

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<sup>2</sup> Lecture by dr. S. van Thiel, October 2004

Historical reports and evaluations, internal as well as from outside the organisation can be used for this purpose. These documents are inter alia: records of decisions made by the various OSCE institutions, year reports and historical analyses. The second part is aimed at identifying the indicators of legitimacy, as stated in the chapter on theory, in the real world situation. This part is more sensitive, since it has to deal with opinions and judgements of the situation. There are different opinions within the organisation on what the role of the OSCE should have been. The position of the OSCE as it finally materialised was the result of internal bargaining and perhaps controversy. Assessments on the indicators are subjective, and documents analysing the situation before and after decision making have probably had the goal to steer decision making in a certain way, or were a political compromise. This makes the analysis more difficult; on the other hand, the major points of controversy will probably point towards questions of the legitimate position of the OSCE. Several sorts of internal document have been analysed: discussion papers, official statements, statements of the Chairman in Office, exchanges of letters, accounts of meetings. Besides, external research documents have given some additional insights. The primary focus lies thus on internal proceedings and documents.

### **4.3 Interviews**

Besides the analysis of documents, some interviews have been conducted. This has two reasons: first, it may generate some extra information on issues that was not available in documents. Secondly, interviews can be used to test the information generated from the document analysis. Especially at the stage of analysis and mirroring the theoretical concepts with the empirical situation, interviews will be helpful. Document analysis generated sufficient information to give an historical overview. But in order to judge whether the various criteria on legitimacy were met, the personal opinions of people involved in the process of decision making gave a clearer picture, since different judgements can be made on the gravity of the situation. During the second phase of the document analysis, it was possible to identify the actors that can be interviewed. These were policy experts from the permanent representation and the Ministry of Foreign Affairs and external experts, who were able to give important information. Since individual assessments of the situation have to be generated, fully structured interviews are not possible. It is important to give people room to speak out. This is a situation in

which Robson (2004:271) deems a qualitative research interview suitable. The semi-structured interview is here the most appropriate form, because questions can be asked concerning the indicators on legitimacy, some structure can thus be given, but there is space for respondents to give their own interpretation and give unexpected answers.

#### **4.4 Threats to validity and reliability**

Some threats to validity and reliability can be mentioned. In document analysis, the reliability of the information that comes forth from the documents has to be judged. As stated above, documents may have been written for a certain purpose and may pay too much attention to certain aspects of the problem. 'Neutral' sources of information, like other investigations about the Kosovo crisis, might make it possible to make a balanced analysis. A possible threat to the reliability of the information is that this research has been conducted from the Dutch permanent representation. This may influence the assessment of the situation since a lot of information will be provided from here which may cause the bias that the Dutch point of view will get too much attention. A continuous awareness of this situation has given some defence against this threat.

Concerning the internal validity is it important to keep in mind that a certain amount of subjectivity is always present in documents and that documents have not been written for the purpose of this research project. Moreover, sources of the information provided in this project, i.e. written documents as well as the names of respondents, could not always be mentioned for the sake of confidentiality, especially in chapter seven. The verifiability of information, and thus the reliability are threatened because of this. There was however no other option but not writing about this subject. Since the situation in Kosovo is still sensitive, a high degree of confidentiality had to be maintained. Moreover, confidentiality of documents made it impossible to use some information, despite the fact this regards just a very small quantity, it is a threat to the accuracy of the image of the situation as provided in this study. Concerning the external validity should be said that the conclusions from this project are hard to generalise. The legitimacy of the OSCE has been measured at one certain moment in time concerning one specific situation of crisis. At another moment in time, circumstances concerning the crisis situation may be different, the constellation of actors involved will be different and the internal organisation of the OSCE may be different. The institutions of the organisations are still the same though.

The Kosovo case shows how the OSCE *can* function as an institution and it could be very relevant to know in a future situation of crisis what could happen and how this could be set in action again or how it can be avoided.



## **5. CENTRAL FEATURES OF THE OSCE IN CONFLICT RESOLUTION**

In order to make an analysis of the role of the OSCE during the Kosovo crisis, it is important to have a frame of reference. The 'should play role' can be such a frame. This is the role the organisation plays in an ideal situation, the role it envisages for itself, this is the first box in the scheme of chapter one. Of course there are different opinions on the role of the OSCE at the moment a conflict arises. But agreements have been reached in the past on what the OSCE is and what role it should play in the world. These agreements were made without the knowledge of what would happen in the future and they are thus not (yet) filled with political ideas of a present situation of crisis. Since the Kosovo crisis is the focal point of this study, the following chapter describes the objectives, possible actions and institutions formulated in formal documents, concerning crisis situations with the characteristics of the Kosovo crisis. This means that not all procedures and mechanisms are elaborated on, since some are too distant from possible use during the Kosovo crisis. A footnote has to be made that the membership of Yugoslavia was suspended in 1992. The president of Serbia and Montenegro signed the key Documents at the Ministerial Council in November 2000 in order to obtain full membership for his country. The first paragraph describes the general principles, goals and objectives of the OSCE. The second paragraph focuses on the operational aspects of these principles. The third paragraph gives an overview of how the bodies, procedures and instruments of the OSCE contribute to this role.

## 5.1 General goals and objectives

As stated in chapter one, the basic principles of the OSCE have been laid down in the Helsinki Final Act. These principles are: sovereign equality, refraining from the threat of the use of force, inviolability of frontiers, territorial integrity, peaceful settlement of conflicts, non-intervention in internal affairs, respect for human rights and fundamental freedoms, equal rights and self-determination of peoples, cooperation among participating States (for a list of participating States please see Annex 2) and the fulfilment in good faith of obligations under international law. In the preamble of the Helsinki Final Act, the indivisibility of security in Europe and the common interest in cooperation as well as the close link between peace and security is laid down. After the fall of communism in Europe, the heads of State or Government of the C/OSCE participating States met in Paris from 19 until 21 November 1990 in Paris, where they laid down the shared norms and values of the C/OSCE in the Charter of Paris for a new Europe. The participating States agreed that they would ‘undertake to build, consolidate and strengthen democracy as the only system of government of our nations.’ Human rights and fundamental freedoms were described as inalienable and they should be guaranteed by law. The rule of law is seen as essential to guarantee for freedom of expression, tolerance of all groups of society, and equality of opportunity for each person. Moreover, fundamental rights and freedoms, together with economic liberty, social justice and environmental responsibility have been laid down in the Charter of Paris. It was stated that ‘Our States will co-operate and support each other with the aim of making democratic gains irreversible’. Regarding the relations between their States, the Heads of State or Government renewed in the 1990 Charter of Paris their ‘pledge to refrain from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the principles or purposes of those documents.’

### **A comprehensive approach**

The ambition of the OSCE concerning security is clear, the OSCE website ([www.osce.org](http://www.osce.org)) states: ‘The OSCE works to prevent conflicts from arising and to facilitate lasting comprehensive political settlements for existing conflicts’. The special position of the OSCE in the field of international organisations active in Europe is that ‘the OSCE is the only security institution or organisation in Europe that is considered a regional arrangement in the sense of Chapter VIII of the United Nations Charter, and is

therefore the primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its region' (OSCE Handbook 2002). The Lisbon Document (OSCE, 1996) officially states: 'The OSCE plays a central role in achieving our goal of a common security space'. The OSCE Handbook (2002) explains the comprehensive view of security the OSCE uses to perform this central role: 'The protection and promotion of human rights and fundamental freedoms, along with economic and environmental co-operation, are considered to be just as important for the maintenance of peace and stability as politico-military issues, and as such are an integral component of OSCE activities'. According to the OSCE Handbook (2002), the organisation takes the premise that security is indivisible and that 'the participating states have a common stake in the security of Europe and should therefore co-operate to prevent crises from happening and/or to reduce risk of already existing crises getting worse.' Especially this last sentence is very interesting. It states that basically any conflict in Europe should be prevented or should be prevented from getting worse, since 'insecurity in one region can affect the well-being of all'. This does not necessarily enshrine the scope of action of the OSCE to its member states. Moreover, the OSCE is the primary instrument if such a crisis occurs. Former Chairman in Office Knut Vollebæk (2000) clarified this position during a conference at a university in Bangkok: 'Given the success of the UN-OSCE partnership, there is general agreement among the member States today that the OSCE should be the organisation of first resort as regards conflict prevention and crisis management in the OSCE area. This is reflected in the so-called "OSCE first" principle.' It must be remarked though, that the OSCE is an organisation that is based on common values of the participating states and its actions are based on convincing others to change their policies when they do not conform these common values or principles. The OSCE has no judicial powers.

## **5.2 Operational aspects**

At the Helsinki Summit in 1992, the CSCE declared itself to be a regional arrangement under Chapter VIII under the UN Charter. In the Helsinki Document of 1992, the Heads of State or Government created 'a comprehensive programme of co-ordinated action which will provide additional tools for the CSCE to address tensions before violence erupts and to manage crises which may regrettably develop' (CSCE, Helsinki Document

1992. For a chronological list of OSCE Documents please see page 81) on top of the existing instruments of the OSCE. Later, the Budapest, Lisbon and Istanbul Documents reinforced the tasks and procedures stated in the Helsinki Document somewhat.

### **Early Warning and Political Management of Crisis**

In order to have early warning, the Helsinki Document (CSCE, 1992. Chapter III, par. 3 – par. 9) states several possible courses of action in case of a rising conflict. Although most of the bodies and organs mentioned in the Helsinki text have been changed in Budapest, the functions are still roughly the same. During the Budapest Council (OSCE, Budapest Document, 1994, Chapter I Par. 17 & 18), the CSO was replaced by the Senior Council (SC), which from then on had to meet at least twice a year in Prague. The Permanent Committee was replaced by the Permanent Council (PC), which from then on could be used for emergency purposes as well. At the present day, the PC has taken over all tasks from the SC and proposals have been made to abolish the Senior Council. The Helsinki Summit established the Forum for Security and Cooperation (FSC). The Permanent Council has a primary responsibility in regarding early warning and crisis management. The attention of the PC could be drawn to a conflict through the Chairman in Office (CiO), by: any state directly involved in the dispute, any 11 states not directly involved in the dispute, the High Commissioner on National Minorities (HCNM), the Conflict Prevention Centre or by the use of the human dimension mechanism or the Valetta principles (see next paragraph). When a crisis has emerged, the PC can take action. It could promote steps by the state(s) concerned that will not aggravate the situation and it could recommend procedures and mechanisms to peacefully settle the dispute. Moreover, it may seek independent counsel and the PC will have the responsibility on behalf of the Council of Ministers for managing the crisis. In order to take this responsibility, it may set up a framework for negotiated settlement, dispatch a rapporteur or fact finding mission, or initiate or promote the exercise of good offices, mediation or conciliation. The PC may delegate tasks to the CiO, the Troika, an ad hoc steering group or the CPC. The HCNM has been established as an instrument of conflict prevention at the earliest possible stage. The HCNM can report to the PC through the CiO or he addresses the PC directly. In the Istanbul Document, some other tools and mechanisms have been created, e.g. the Rapid Experts Assistance and Co-operation Team (REACT), but since these have been developed in 1999, when the conflict in Kosovo was already well under way, they will not be elaborated on.

## **Peacekeeping**

The Helsinki Document (1992, Chapter III par. 17 – par. 23) states that peacekeeping is an important operational element complementary to CSCE's political conflict prevention and crisis management. Peacekeeping activities may be undertaken in situations of conflict within or among CSCE participating states, supporting ongoing political efforts to resolve the conflict. Peacekeeping operations may be small or large in scale and may include civilian, as well as military personnel. Peacekeeping activities can be focussed on: supervision and maintenance of a cease-fire, the withdrawal of troops, the supervision of a cease-fire, the maintenance of law and order or to provide humanitarian or medical aid. CSCE peacekeeping will take place within the framework of Chapter VIII of the UN and conform the Purposes and Principles of the UN Charter. CSCE peacekeeping activities will not entail enforcement action and needs the consent of the parties directly concerned. The Stockholm International Peace Research Institute (SIPRI, 1994:48) stated already in its 1994 Yearbook something about this instrument which is still true: 'Although the CSCE has promised itself a peacekeeping role in future conflicts, it also established a policy so hedged with qualifications and conditions as to make such a role unlikely to eventuate in the near future. Moreover, the CSCE would have to rely on the North Atlantic Treaty Organization (NATO) or the Western European Union (WEU) since it has no military force of its own.'

### **5.3 Bodies, Procedures and Instruments**

The different Documents produced at ministerial summits, lay down the framework of possible actions open to the OSCE in case of a (potential) conflict. For reasons of clarity, this paragraph further describes the different bodies, procedures and instruments of the OSCE and the role they can play in a situation of conflict. First, there are the primary diplomatic efforts that can be undertaken by the political organs of the OSCE, these are not specifically created for conflict and crisis management, but since this is a primary task of the OSCE as a whole, they can play an important role. Secondly, the formal OSCE Documents lay down some mechanisms that can be set in action in a potential conflict situation. Thirdly, there are the tools the political/diplomatic organs can use to identify potential conflicts, reduce tensions and to manage a crisis.

### **OSCE Bodies that play a role in conflict prevention**

The first category of actions open to the OSCE to prevent a conflict or manage a crisis is through diplomatic efforts. The OSCE acts as a primary location for dialogue, and dialogue is in itself a goal, on the assumption that if parties keep talking, they are assumed to be less likely to start fighting (Cohen, 1999:16). The Senior Council, the Permanent Council and the Chairman in Office are the principle bodies in this context. For an organisational chart of the OSCE, please see Annex 3.

#### *Senior Council*

The Senior Council has the task to ‘discuss and set forth policy and broad budgetary guidelines’ (Budapest Document, Chapter I, par. 17). In practice the SC discusses broad policy issues which may have a great impact on the day-to-day work of the other OSCE bodies, in particular the PC. However, the emphasis on the operational conflict prevention work has shifted towards the PC (Bloed, 1997:38). Proposals have been made to abolish the Senior Council, such proposals have however not yet been adopted.

#### *Permanent Council*

Regarding conflict prevention, the Permanent Council may be considered as ‘the king spider in the OSCE’s web’ (Bloed, 1997:35). The PC meets weekly and discusses all relevant developments in the OSCE area. Each participating state can put an issue on the agenda it deems relevant. This makes it possible to bring a possible conflict situation at an early stage under the attention of the attention of all 55 states. When there is sufficient common sense of urgency for the OSCE to take action, the OSCE toolbox can be opened and concrete action can be taken. The PC can make political statements, ad-hoc (fact finding or rapporteur) missions or missions of long duration can be set up, as well as steering groups, peace processes can be initiated and peace keeping operations can be set up. The PC has no power to impose sanctions, however.

#### *Chairman in Office*

Bloed (1997:35) regards the initiating and coordinating role of the Chairman in Office to be crucial. In crisis situations, the CiO can dispatch a special representative for specific tasks. ‘Very often the Personal Representatives have been appointed in order to give concrete advice to the CiO and the PC, sometimes in the early phases of a conflict’

(Bloed, 1997:47). Under the CiO, the Secretary General (SG) performs a certain task as well. Even as the Forum for Security and Cooperation, the HCNM and ODIHR. The CiO is often supported by the other Troika members, i.e. the former and the next CiO.

### **OSCE Mechanisms for conflict prevention and crisis management**

The OSCE has several Mechanisms and Instruments to prevent conflicts from happening and to manage a conflict. In the first place, there are the mechanisms that have been established during the transitional phase from CSCE to OSCE; these are the Berlin Mechanism, the Vienna Mechanism, the Moscow Mechanism and the Valletta Mechanism. The remark has to be made that these mechanisms have been primarily designed for the possibility of dispute prevention or settlement between participating states. Since Kosovo was (and is still) not a sovereign state accepted by the international community at the time of the crisis, the applicability of these mechanisms can be disputed.

#### *Berlin Mechanism*

The Berlin Mechanism provides the possibility of consultation and cooperation ‘concerning a serious emergency situation which may arise from a violation of one of the Principles of the Final Act or as the result of major disruptions endangering peace, security or stability’ (Document on the meeting of the Council of Ministers in 1991). The principles of the Helsinki Final Act (including non-intervention in internal affairs) and of the Charter of Paris will apply on the use of this mechanism. A participating state may request clarification of another state when it concludes that an emergency situation is developing. The requested state has to deliver clarification within 48 hours and submit this to all participating states. If the situation remains unresolved, the state that requested clarification may ask the CiO to organize an emergency meeting of the CSO.

#### *Vienna Mechanism*

This mechanism was established in 1990 and can be used to alert the participating states in case of a specific emergency situation. The Vienna Mechanism gives participating states the right to information at short notice and consultation if requested in case of unusual military activities. An emergency meeting can be requested in the framework of the Forum for Security and Cooperation. The focus of this mechanism is to detect military activities of member states which deviates from agreed customary military behaviour (Cohen, 1999:39-40).

Regarding the Human Dimension, there is another Vienna Mechanism that was adopted in 1989 and it provides for the exchange of information on questions relating to the Human Dimension of the C/OSCE. The participating states are obliged to respond to requests for information and bring cases to the attention of other participating states. Moreover, bilateral meetings can be held (CSCE, Concluding Document of the Vienna follow-up meeting, pp. 35).

#### *Moscow Mechanism*

The Moscow Mechanism is yet another procedure in the realm of the human dimension; it has been established in 1991 and aims to strengthen the Vienna Mechanism. The essence of the mechanism is that 'a mission of experts to address a particular, clearly defined question on its territory relating to the human dimension of the CSCE (Document of the Moscow meeting of the Conference on the Human Dimension of the OSCE, Chapter 1 par. 8). This expert group can be invited and selected from a list of experts by a participating State or by a group of six states. The expert group can gather information and promote dialogue and cooperation among interested parties.

#### *Valletta Mechanism*

The Valletta Mechanism is designed for settlement of disputes. One or more persons can be selected to seek contact with the parties to the dispute separately, or together. They may give specific comments or advice, but this is not binding on the parties. However, Lohman (1997:345) states that 'it can be characterized as a form of binding conciliation even though of a very soft nature'. The members of the mechanism are selected on a 'common agreement of the parties to a dispute from a register of qualified candidates maintained by the nominating institution' (Report of the CSCE Meeting of Experts on Peaceful Settlement of Disputes, Valletta 1991, Annex I, section V). At the Stockholm Summit, the possibility for a Conciliation Commission has been established. This commission will hear disputes, brought forward by two OSCE participating States, if they agree to do so. The Commission will seek to clarify the points in dispute between the parties and endeavour to bring about a resolution of the dispute on mutually agreeable terms (OSCE Handbook, 2002:90).



*The Court of Conciliation and Arbitration*

The Court of Conciliation and Arbitration has been established by the Convention of Conciliation and Arbitration in 1994. It is not an institution of the OSCE, in the sense that it can only be binding to states that have legally accepted to become parties. Moreover, the Court is based on a legally binding statute and it is not a permanent body, but a roster of conciliators and arbitrators. Cases are heard only if the two or more disputing states do consent (OSCE Handbook, 2002:35).

*Consensus minus one rule*

At the Prague ministerial Council meeting in January 1992, the consensus rule was modified. In cases of 'clear, gross and uncorrected violation' of the CSCE commitments, appropriate action could be taken without the consent of the state concerned.

**Instruments**

The OSCE has several instruments that can be used in the case of (a potential) conflict. These instruments are controlled by the political organs, i.e. notably the Permanent Council, the chairman of the PC or the Chairman in Office. These instruments can be set in action by the PC, but some of them have a certain amount of autonomy and have the capability, and sometimes the duty, to identify possible crisis situations and try reducing tensions or drawing the attention of the PC to them.

*Secretary General*

The Secretary General can play an important role as a conflict prevention instrument since he advises the CiO, coordinates functions between the different OSCE bodies, visits the various OSCE regions and he may raise any issue of relevance to the OSCE (Bloed, 1997:49).

*Office for Democratic Institutions and Human Rights*

The role of the Office for Democratic Institutions and Human Rights (ODIHR) in relation to conflict prevention lies in the OSCE principle of comprehensive security. ODIHR plays a role in the field of the human dimension. ODIHR can assist states in developing sophisticated legal infrastructures reasoning from the proposition that without a proper legal and administrative infrastructure, developments in a country can lead to instability (Bloed, 1997:50). The role of ODIHR thus focuses on conflict prevention by building

stable structures after it has been recognized that there is a potential for conflict in a certain country or region. The Office can only do its work after it has been invited by the host country.

#### *High Commissioner on National Minorities*

The Helsinki Document states that ‘the HCNM will provide early warning, and if possible early action in case of tensions regarding national minorities with the potential to develop into a conflict within the OSCE area.’ The HCNM works at his own initiative and performs preventive diplomacy. ‘He aims to identify – and promote the early resolution of – ethnic tensions that might endanger peace, stability or relations between OSCE participating States’ (OSCE Handbook). In this capacity, the HCNM can identify conflicts at an early stage and seek for a diplomatic solution. If he deems necessary, he can report to through the CiO to the Permanent Council and recommend certain actions to be taken.

#### *Forum for Security and Cooperation*

The Forum for Security and Cooperation, which meets weekly in Vienna, can be used as a body for political consultation with an emphasis on military aspects. The FSC can also be used as a forum in the context of confidence and security building measures in the case of unusual military activity or in the case of hazardous incidents of a military nature (Bloed, 1997:44).

#### *Conflict Prevention Centre*

The Conflict Prevention Centre (CPC) supports the CiO among others by maintaining an Operations Centre to identify potential crisis situation. Moreover, it plans future missions and operations; it keeps and updates a survey of all OSCE missions; it provides support for the implementation of Confidence and Security Building Measures (CSBM’s) and it keeps all documentation on the exchange of military information etc. (OSCE Handbook, 2002:33).

#### *Field Missions*

Field Missions or field activities are important tools for the OSCE in terms of conflict prevention, crisis management, conflict resolution and post-conflict rehabilitation. The OSCE Handbook (2002:45) states that the Missions are aimed at facilitating ‘the political processes that are intended to prevent or settle conflicts, and to ensure that the OSCE

community is kept informed of developments in the countries where missions are present'. Missions are established by the Permanent Council with the consent of the host country.

#### *Steering groups*

In the Helsinki Document (Chapter I par. 16 – par. 21), the possibility to establish ad-hoc steering groups has been created. Such steering can 'further assist the Chairman-in-Office, in particular in the field of conflict prevention, crisis management and dispute resolution'. The Helsinki Document states that such steering groups can be established by the Council/CSO on the advice of the Chairman in Office. In case of an urgent matter, the CiO may propose the creation of an ad-hoc steering group under a silent procedure.

## **5.4 Conclusion**

The objectives of the OSCE mentioned in the first part of this chapter make it clear that the OSCE sees itself as an important actor, if not the most important one, to prevent conflicts from happening at the European continent. The institutions, mechanisms and instruments to reach these objectives are rather broad and numerous. Of course, it is the question whether these instruments are effective and efficient in reaching these objectives. Moreover, it is questionable if they are used to the full extent. It is interesting to assess what can possibly be the ideal approach or at least the full use of the possibilities the OSCE has available to prevent a conflict, like the one in Kosovo and at a later stage to solve this. Since there may be overlap between different tools and mechanisms and opinions may differ on what is the most effective approach, this paragraph will give an overview of the actions that are open to the OSCE in a situation like the Kosovo conflict.

#### **Early warning**

In order to prevent a conflict from escalating, the potential for conflict in a certain region must be recognized. This signalling function towards the SC or PC can be performed by the country directly involved, but also by the HCNM, the FSC, the CPC or eleven states not directly involved in the conflict. After this has happened, the SC or the PC can take appropriate action. An individual state that is not directly involved in the conflict, but that is worried by developments in a certain area can draw the attention of the state involved or at a later stage the SC or PC by using one of the Mechanisms, depending on whether

the potential conflict is of a humanitarian or military nature. Moreover, any issue can be placed on the agenda of the PC by any participating State.

### **Conflict prevention**

When it is recognized that there is a potential for conflict in a certain region, there are several ways for preventing it from escalating. The HCNM, which has a capacity in early warning, can immediately try to prevent the potential conflict situation from escalating with diplomatic means. After being warned, the SC or PC has several possibilities. First, it can try to solve the problem with diplomatic means internally. In this process, the CiO plays an important role. He can appoint a representative that reports to him and the PC, the CiO coordinates further action if diplomacy in the SC or PC alone is not enough. Through the Moscow Mechanism, an expert committee can be established to gather information and recommend possible solutions and through the Valletta Mechanism an attempt for reconciliation between contesting parties can be made. When it is deemed necessary to take further steps, a steering group or field mission can be set up. This can be done by the PC, coordinated by the CiO. The CiO can be supported by the SG and the CPC. When a field mission has to be set up, ODIHR plays an important advisory role on the structure and the tasks of the mission. Moreover, it can assist countries in developing stable legislative and administrative structures.

### **Crisis Management**

In a case when, despite of the efforts of the OSCE, a conflict has escalated, all institutions and instruments mentioned above can be used. One extra possibility the OSCE has, is to intervene physically in the conflict and to establish a peace keeping force. This possibility has however never been materialised and according to SIPRI it is not likely to happen. But the OSCE has many different options to manage the conflict with diplomatic means and with the use of special representatives and field missions.

Since the OSCE is an organisation based on political commitments, despite these efforts that *can* be undertaken, 'it depends on the motivations and interests, as well the contributions, of the participating states and their common organisations in developing the institutional and functional aspects of the OSCE and to use its services' (Möttölä, 1997:4).

## 6. OVERVIEW OF KOSOVO CRISIS

This chapter forms the explanatory part of this research project. In order to make a decent analysis, a good understanding of the situation is necessary. A general overview of the most important historical events regarding the Kosovo crisis in the period 1989 until the present day is presented here.

### 6.1 Overview of historical events

In order to obtain a good understanding of the situation in Kosovo during the late 1990's, a short overview of the most important events is presented in this paragraph.

#### **Removal of autonomy Kosovo and a declaration of independence**

Since 1974 Kosovo was one of the eight constituent units of the Yugoslav federation but formally a province within the Republic of Serbia<sup>3</sup> (Van Tongeren, Van de Veen en Verhoeven (2002:289). In 1989, this autonomous status within the federation was retracted. The discontent with the growing Serbian influence in the province led to the Declaration of independence by Kosovo-Albanian politicians in 1991. Serbia perceived this as separatism and insisted on respect for the territorial integrity of the newly formed Federal Republic of Yugoslavia (FRY). An increase of human rights abuse and discriminatory government policy designed to put Serbs in most key positions in the

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<sup>3</sup> For a map of Kosovo, please see Annex 4.

province was initiated. Albanese citizens were discriminated in areas as schooling, employment etc. (Tongerren et al. 2002:189). In 1992, the Kosovo-Albanian leader Ibrahim Rugova is elected as 'President of the Republic of Kosovo'. He decided to create own 'shadow institutions' (taxation, education, healthcare etc.) and to try to internationalise the problem. Rugova created sympathy within the international community for his non-violent approach and his shadow-institutions (Tongerren et al. 2002:190).

### **Start of a spiral of violence**

In December 1995, the Dayton Agreement was signed, and the Federal Republic of Yugoslavia was diplomatically recognized in 1996, but no progress was made on the Kosovo question. A growing number of Kosovos concluded that violence was the only way to attract international attention (Tongerren et al. 2002:190). A positive development seemed to be the agreement between Belgrade and Priština<sup>4</sup> to reopen all schools and universities for Albanian students at 1 September 1996. The implementation of this agreement failed however. The non-violent student protests that followed were violently suppressed by Serbian police forces (Tongerren et al. 2002:190).

After a period of small unanimous actions the Kosovo Liberation Army (KLA, or UCK in Albanian: Ushtria Climtare e Kosoves) 'the collapse of the Albanian state in March 1997 gave the KLA access to thousands of weapons looted from the Albanian military arsenals, permitting the KLA to intensify their assaults on Serb security forces in Kosovo. Belgrade began to target known KLA activists and sympathisers. In early March 1998 Serb military police raided the village of Donji Prekaz in the KLA heartland of central Kosovo, home to KLA strongman Adem Jashari. They killed the entire family of Jashari and one of his two brothers—58 people in all, including women and children. Suddenly the KLA had martyrs, and hundreds of young men came to Drenica to join the KLA' (UK Parliament website). This was a turning point for public opinion in Kosovo. KLA declared 'liberated territories' within Kosovo, and KLA actions were increasingly judged as legitimate by the Kosovo Albanian citizens.

### **International mediation and involvement of the OSCE**

A KLA leader acknowledged some attacks were aimed at provoking a Serbian response and endangering local population in order to attract international attention. 'While the

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<sup>4</sup> Priština is the Serbian name for the city, Prishtina is the Albanian form. In the rest of the text, the Serbian form will be used. This choice is however arbitrary and does not indicate any form of partiality of the author.

international community paid little attention to the Kosovo conflict during its earlier phase, the media coverage of civilian casualties and internally displaced persons (230,000 people<sup>5</sup>) initiated intensive international mediation, the so-called coercive diplomacy, or diplomacy with the threat of force. After increasing pressure, U.S. diplomat Richard Holbrooke and Slobodan Milošević reached an agreement that included the deployment of the OSCE Kosovo Verification Mission. It helped to ease the tensions [...] and facilitated the survival of the local population throughout the winter' (Tongerren et al. 2002:191).

The killing of 45 Albanians in Račak at 15 January 1999 functioned as a galvanizing moment to unite European and US allies behind a last effort to find a diplomatic solution: the Rambouillet negotiations. During these negotiations the deployment in Kosovo of an international military implementation force – with NATO at its core – remained unacceptable for Belgrade, the Albanian delegation unilaterally signed the agreement to put pressure on Belgrade (Tongerren et al. 2002:292).

### **Military intervention**

At 24 March 1999, NATO started conducting air raids against strategic aims in the whole of the FRY, including Kosovo. During these air raids, the Yugoslav Army and Serbian troops used violence against Albanian citizens in Kosovo. Serbian, Yugoslav and paramilitary groups organized a campaign of ethnic cleansing. Two confrontations took place at the same time: a continued armed conflict between Yugoslav Army, Serbian troops and paramilitary forces on the one hand, and the Kosovo Liberation Army on the other simultaneous with a war between NATO and Yugoslav/Serbian forces (Tongerren et al. 2002:292).

### **End of the (open) conflict and establishment of an international presence**

At 10 June 1999, the war between the Yugoslav/Serbian troops and NATO ended with the Kumanovo agreement in which was laid down that FRY forces and authorities would withdraw and KFOR (Kosovo Force) and UNMIK (United Nations Interim Administration Mission in Kosovo – UNMIK) would take over the rule in Kosovo (Tongerren et al. 2002:292). This date also marked the end of Kosovo crisis with the adoption of UN security council resolution nr. 1244. This resolution gave the UN the mandate to temporarily govern Kosovo. The resolution by the UN Security Council also gave NATO

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<sup>5</sup> 'Before the war 230,000 had become refugees, and at the end of it 1.8 million were displaced' (Rezun, 2001:71)

the mandate to coordinate the presence of international troops in Kosovo KFOR. UNMIK imposed some standard to the Kosovo interim administration that had to be met before talks on the future status could start. The structure was established along four pillars: humanitarian affairs (UNHCR), civil administration (UNMIK), democratisation and institution building (OSCE) and economic development (EU) (Tongerren et al. 2002:292). At 21 June 1999, NATO and the KLA signed an agreement on demilitarisation of the KLA, it is believed however, that a big share of KLA's weaponry had not been handed over (Tongerren et al. 2002:293). At 1 July 1999, the OSCE Mission in Kosovo (OMiK) was established with Decision 305 of the OSCE Permanent Council (Everts, 2001).

### **A new regime in the FRY**

In October 2000, an uprising started in Serbia after manipulations of the presidential elections by Milošević. On 7 October, opposition candidate Vojislav Kostunica was installed as the new president of the FRY (CIA Worldfactbook). 'The defeat of Milošević has had a major impact on developments in Kosovo [...] the international community has become engaged in active partnership with the new Belgrade, discussing all issues, including Kosovo' (Tongerren et al. 2002:295). The developments in October led to the first democratic elections for local leadership at 28 October 2000 (Everts, 2001). With the assistance of the OMiK, members of all Kosovo's communities voted at 17 November 2001 for a new Kosovo assembly, bringing to an end the ten year old separated, parallel political systems Albanians and Serbs were entrenched in. The OSCE mission in Kosovo had delivered upon its commitment to provide safe and convenient access to the electoral process to all voters and communities (Tongerren et al. 2002:297). On the initiative of the UN, talks started on the future status of Kosovo in October 2005. At the present day, these negotiations are going on under the lead of the special envoy of the UN Secretary General, Martti Ahtisaari. Søren Jessen-Petersen, Secretary-General Kofi Annan's Special Representative for Kosovo, expressed the hope that province's status would be determined by the end of 2006 during his briefing to the Security Council, at 20 June 2006 (UN 2006).



# 7. INVOLVEMENT OF THE INTERNATIONAL COMMUNITY

After the analysis of the *should-play role* of the OSCE and the presentation of historical events in the previous chapters, it is time to look at the political processes that took place within the OSCE and between the OSCE and other international organisations. These processes resulted in the role the OSCE eventually played during the Kosovo crisis. The role the OSCE played during the Kosovo crisis unfolded gradually. A very interesting process of task distribution and political struggles has taken place in Vienna. In order to get a good impression this process, this chapter gives a chronological overview of the relevant statements and decisions made by the OSCE, the United Nations, the Contact Group, the Council of Europe, the G8 and individual countries regarding the Kosovo crisis in the period 1995-2001.<sup>6</sup> In this chapter, the strategy, as well as the eventual, or the *real*, role of the OSCE comes forward. Many participating States of the OSCE are also member of other international organisations. These states influenced the decision making process within the OSCE (the second box in the scheme of analysis, figure 1.1), but some also influenced the process of division of roles between international organisations and thus on the eventual, or *real*, role of the OSCE (the third box in the scheme of analysis, figure 1.1) because of their different loyalties. Because these processes are closely connected, a chronological and comprehensive approach makes it possible to recognise patters of

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<sup>6</sup> For a chart of the membership of states of the different European institutions, please see Annex 2.

influence and the possible causalities. The structure of the chapter makes it possible to distinguish the internal process of strategy determination within the OSCE, the eventual role of the organisation and the influence of other international organisations thereon.

*OSCE suspends membership of the FRY*

At the 1992 Stockholm Ministerial Summit, the C/OSCE Foreign Ministers declared that they were collectively and individually determined to pursue all efforts to restore peace in the former Yugoslavia. This suggests that they were ready to use all mechanisms and instruments the C/OSCE had available. They took this decision on ‘the basis of their special moral and political authority represented by the principles and commitments of the CSCE’ (CSCE, 1992:5). A radical change in the policy of Serbia and Montenegro towards their own people and their neighbours would lead to gradual readmittance of Serbia to the international community.

*OSCE urges return Missions of Long Duration*

In December 1995, the OSCE ministers stated that ‘the OSCE continued its focus on Kosovo, Sandžak and Vojvodina. The human rights abuses there, especially in Kosovo, underline the urgent need for the return of the long-duration missions’ (OSCE, 1995).

*Contact Group expresses deep concern*

At 27 September 1997 the Contact Group<sup>7</sup> met for the first time in New York. Deep concern was voiced with the developments in Kosovo, and the authorities in Belgrade, as well as the leadership in the Kosovo Albanian communities were called upon to engage in a peaceful dialogue (Contact Group 1997).

*OSCE expresses profound concern*

At the December 1997 Ministerial Council in Copenhagen, ‘Profound concern’ was expressed over the rising tensions in Kosovo (OSCE, 1997). The parties were urged to engage in a constructive dialogue in order to find political solutions. Ministers called on the Government of the Federal Republic of Yugoslavia to co-operate with the Personal Representative of the Chairman-in-Office for Kosovo, Mr. Max van der Stoel. It was

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<sup>7</sup> Originally, the Contact Group was established as the Contact Group for Bosnia and Herzegovina and consisted of France, Germany, the Russian Federation, the United Kingdom, the USA, represented by their Foreign Ministers. In May 1996 it was enlarged with Italy.

deplored that the Government of the Federal Republic of Yugoslavia had not yet granted entry to the Personal Representative.

*Contact Group exercises pressure on Milošević and creates link with OSCE and UN*

The Contact Group met for the second time at 9 March 1998 in London to discuss the deteriorating situation in Kosovo. This meeting was attended by representatives of the European Union and the Office of the High Representative. The Foreign Ministers of the Contact Group stated that: 'The Balkans region has seen too much bloodshed in recent years for the international community to stand aside' (Contact Group 1998a). Dismay was expressed with the repressive measures the authorities in Belgrade applied in Kosovo and the excessive use of force against civilians and peaceful demonstrators at 2 March in Priština. The terrorist activities by the KLA were condemned as well. In order to 'demonstrate to the authorities in Belgrade that they cannot defy international standards without facing severe consequences' the Contact Group took the following steps:

- Request to the UN High Commissioner on Human Rights to start a mission in Kosovo;
- Support of the proposal for a new mission by the Special Representative of the OSCE CiO, Mr. Felipe González;
- Support for the return of the OSCE long-term missions in Kosovo, Vojvodina and Sandžak;
- Recommendation to the PC of the OSCE to arrange embassies of participating states in Belgrade to intensify their visits to Kosovo;
- Proposal for the establishment of an international consortium to promote the building of a civil society in Kosovo;
- Arrangement of an urgent meeting of the Contact Group with neighbouring countries to the FRY to discuss possible spill-over effects of the inter-ethnic conflict. Proposals were made to start an OSCE monitoring group at the Kosovo-Albanian border, the strengthening of the OSCE mission in Skopje;
- Demand for consideration by the Security Council of a comprehensive arms embargo to the FRY (including Kosovo);
- Refusal to the FRY of equipment that might be used for internal repression;

- Denial of visa's to senior officials of the FRY and Serbian officials responsible for repressive action in Kosovo;<sup>8</sup>
- A moratorium on government financed export credit support for trade and investment.<sup>9</sup>

In the statement of 9 March (Contact Group 1998*a*), the Contact Group demanded president Milošević to withdraw special police units and to cease actions by security forces, allow access to Kosovo by the international Red Cross, commit himself publicly to a dialogue with the leadership of the Kosovo Albanian community and cooperate in a constructive way with the Contact Group. All these steps had to be taken within ten days, if this would materialize, the Contact Groups would reconsider all the above measures.

*OSCE strategy: CiO presents Action plan Kosovo*

At 10 March 1998, CiO Bronisław Geremek made a statement in which he condemned the use of force in Kosovo. He expressed support with the efforts of the Contact Group. Moreover, he unveiled an action plan in which he aimed 'to prevent the deterioration of the situation in Kosovo and to initiate a genuine process that will lead to a just solution, respecting the territorial integrity of the Federal Republic of Yugoslavia and the Kosovo Albanians aspirations for autonomy in this province' (OSCE, 1998*a*). The Action Plan consisted of inter alia:

- The immediate decrease of the FRY police presence in Kosovo;
- Mediation by the CiO;
- The dispatch of Special Representative Felipe González and the use of the potential of HCNM Van der Stoel;
- An OSCE presence in Belgrade and Priština to monitor and assist dialogue;
- Return of the Long Term Missions (LTM's) in Kosovo, Sandžak and Vojvodina.

The CiO would stay in constant touch with the Contact Group and will encourage OSCE cooperation with the UN, the EU and CoE in order to bring about a solution to the conflict.

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8 At the moment of the statement, the Russian Federation could not support these measures.

9 At the moment of the statement, the Russian Federation could not support these measures.

*OSCE urges a cease-fire and takes measures to prevent further escalation*

At 11 March 1998, the Permanent Council made a decision in which the violence in FRY was condemned, as well as the excessive and indiscriminate use of force by the Serb police (OSCE 1998b). The PC urged for a cease-fire and deemed terrorist activities unacceptable. Since the security in the region was endangered, the violence was regarded to be not just an internal affair (see paragraph 5.1 on the Charter of Paris). The OSCE principles were violated and efforts had to be made by the international community to prevent further escalation. Authorities in Belgrade and Kosovo Albanians were called to enter in a meaningful dialogue. The PC encouraged the CiO to take further efforts, supported a new mission by the Special Representative of the CiO Gonzales, expressed gratitude to Van der Stoel, authorized measures to prevent spill-over effects by observation of the borders by presence in Albania and spill-over in Skopje. Moreover, the PC asked the Troika members to coordinate the (diplomatic) monitoring of the situation in Kosovo by OSCE participating States. The FRY authorities were called to halt the excessive use of force, to cooperate fully with the CiO, to initiate a meaningful dialogue with Kosovo Albanian representatives, to allow access to Kosovo for humanitarian organisations and to accept without preconditions an immediate return of the OSCE Missions of long duration in Kosovo, Sandžak and Vojvodina (OSCE, 1998b).

*Contact Group: more pressure on Belgrade and sets direction for possible solution*

At the 25 March, the Contact Group met again, this time in Bonn. This meeting was meant to review the developments after the meeting in London and was attended by the deputy CiO of the OSCE, the Personal Representative of the CiO to the FRY, the EU Special Representative, the High Representative and the representative of the European Commission. The Contact Group stated that some progress was made by Belgrade, but that further progress was necessary, it agreed 'to maintain and implement the measures announced on 9 March' (Contact Group 1998b). Authoritative delegations from both sides were again demanded to convene rapidly in order to design a framework for a substantive negotiation process. The Contact Group offered to facilitate the talks. The report on compliance, issued by the Troika of the OSCE, would be taken into account in the assessment of the situation that would take place in the next meeting of the Contact Group. The full cooperation of President Milošević with the mission of Mr. Felipe González was demanded. Moreover, Dr. Rugova's clear commitment to non-violence was welcomed, and others were urged to make their opposition to violence and terrorism both

clear and public. It was stated that 'Belgrade authorities cannot, however, justify their repression and violence in Kosovo in the name of anti-terrorist activities. We repeat that the way to combat terrorism is for Belgrade to offer the Kosovo Albanian community a genuine political process' (Contact Group 1998*b*). Concluding, the Foreign Ministers of the Contact Group stated that the principles for a solution to the Kosovo problem had to be based on 'the territorial integrity of the Federal Republic of Yugoslavia and on OSCE standards, the Helsinki principles, and the Charter of the United Nations. Such a solution must also take into account the rights of the Kosovo Albanians and all those who live in Kosovo. We support a substantially greater degree of autonomy for Kosovo which must include meaningful self-administration' (Contact Group 1998*b*).

#### *UN Security Council Resolution 1160*

At 31 March 1998, the decision by the PC of the OSCE of 11 March was welcomed by the UN Security Council, the SC also agreed with the Contact Group statements of 9 and 25 March, i.e. with territorial integrity of the FRY and compliance with OSCE standards (UN 1998*a*). Support was expressed to the efforts of the OSCE to the peaceful resolution of the conflict, including through the Personal Representative of the CiO and the return of the long term mission. The SC decided that all States should prevent the sale or supply of arms and related matériel of all types to the FRY, including Kosovo. Moreover, the SC decided that a SC Committee had to be established which had to seek information from all States, regarding the implementation of prohibitions stated in this resolution, it had to recommend appropriate measures in case of violation, make periodic reports on this and promulgate guidelines to facilitate implementation of the necessary measures. The OSCE was requested to keep the Secretary-General informed on the situation and the measures taken by the OSCE regarding Kosovo. The SC decided to review the situation, taking into account assessments of inter alia the Contact Group, the EU and the OSCE. Prohibitions would be reconsidered when the FRY would cooperate in a constructive manner with the Contact Group and thus start a substantive dialogue, withdraw special police units and stop actions by security forces against civilians, allow access of humanitarian organisations to Kosovo, accept a mission by the Special Representative of the CiO of the OSCE and the return of the OSCE long term mission and facilitate a mission by the UNHCHR. Concluding, the prosecutor of the ICTY was asked to start an investigation of violations that may fall in its jurisdiction.

*Further demands and sanctions by the Contact Group*

Rome was the scene of the meeting of the Contact Group at 29 April 1998. The members of the Contact Group delivered a statement in which the situation in Kosovo was regarded to be untenable; the risk of an escalating conflict was regarded to require immediate action (Contact Group 1998c). This assessment was based on a report of the OSCE Troika. The increase of violence and the proliferation of arms during the days before the meeting were condemned, in particular the excessive use of force by the Yugoslav army. Countries in the region were called upon to respect the territorial integrity and inviolability of international recognized borders. The solution to the conflict had to be found by the parties themselves and the Contact Group noted in this context that ‘representatives of Belgrade and Priština have recently stated their general willingness to open an unconditional dialogue. But the two sides have yet to agree with full authority on modalities for talks, particularly on the issue of international participation’ (Contact Group 1998c). In Rome, the Contact Group recommended the adoption of a framework for dialogue and a stabilization package. The stabilization package had to contain at a minimum:

- Immediate cessation of repression by authorities in Belgrade, as specified in UN SC resolution 1160 and a strong condemnation of terrorism by the Kosovo Albanian leadership;
- Reopening of the OSCE missions in the FRY, including Kosovo;
- Concrete inter-communal confidence-building measures, including implementation of the education agreement according to the agreed timetable.

The mission of OSCE Special Representative González was regarded to be very important because this mission could make negotiations between the international community and Belgrade possible, so the authorities in Belgrade were pressed to immediately invite his mission. The Contact Group promised to make efforts towards Belgrade’s full integration into the international community, including participation in the OSCE if Belgrade would invite González, as well as adopt the framework for dialogue and adopt a stabilization package. Since some crucial demands, made at 9 March and 25 March were not yet met, funds of the FRY and Serbian governments were frozen.<sup>10</sup>

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<sup>10</sup> The Russian Federation did not associate itself with this measure.

*Restatement of demands and implementation of sanctions by the Contact Group*

At 12 June 1998 the Foreign Ministers of the Contact Group, together with the Foreign Ministers of Japan and Canada, delivered a statement in which is stated that the Contact Group had taken note of the intervention of FRY security forces which caused many civilian casualties and displacements of large numbers of people (Contact Group 1998*d*).

The Contact Group demanded Belgrade (partly for the third time) to:

- Cease all action by the security forces and order the withdrawal of security units used for civilian repression;
- Enable an effective and continuous international observer group in Kosovo;
- Facilitate, in agreement with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross, the full return to their homes of refugees and displaced persons;
- Allow free and unimpeded access for humanitarian organisations and supplies to Kosovo;
- Make rapid progress in the dialogue with the Kosovo Albanian leadership.

If these steps would not be taken by Milošević, further measures would be taken, including those that require authorization of a Security Council resolution. Violence by Kosovo Albanian groups was condemned and financial and material support to these groups would be denied. Support was given to those in the Kosovo Albanian leadership who were committed to a peaceful dialogue. The invitation by the RF president Yeltsin to president Milošević for a meeting was welcomed. In the meantime, the Foreign Ministers urged the International Criminal Tribunal for the Former Yugoslavia (ICTY)<sup>11</sup> to undertake rapid and thorough investigation of possible violations of international humanitarian law in Kosovo, agreed to give active support to the UNHCR and decided to accelerate efforts to assist neighbouring countries to improve their security and to cope with the humanitarian burden imposed to them. Furthermore, the importance of launching the Special Representative of the CiO of the OSCE as well as the returns of the long term OSCE missions is underlined again.

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<sup>11</sup> The International Criminal Tribunal for the former Yugoslavia (ICTY) was established by Security Council resolution 827. This resolution was passed on 25 May 1993 in the face of the serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991, and as a response to the threat to international peace and security posed by those serious violations (source: <http://www.un.org/icty/glance-e/index.htm>, 13-09-2006).



*Parliamentary Assembly of CoE: Milošević responsible for escalation*

The Parliamentary Assembly of the Council of Europe (CoE) stated at 24 June in Recommendation 1376, that it holds president Milošević personally responsible for the recent escalation of violence as the evidence from the ground suggests that the use of violence was often indiscriminate and excessive (Council of Europe 1998a). The Assembly referred to the OSCE stating that ‘follow-up should be given to the recommendations made by OSCE special envoy Mr. Gonzalez in December 1996’ in order to make the necessary democratic changes.

*OSCE strategy: Troika offers conflict management capabilities*

At 25 June 1998, the OSCE Troika made a statement in which it declared that the OSCE stood ready to offer its conflict management capacities and that it expected a constructive and cooperative reply from Belgrade (OSCE 1998c). Acceptance of an OSCE Mission to the FRY was assumed to be in the interest of the FRY and the OSCE because OSCE involvement was supposed to improve the stability and security in Kosovo and the OSCE could prove its operational capacities.

*Contact Group demands Security Council resolution and international mediation*

The meeting of the Contact Group in Bonn, at 8 July 1998, had the same tone as the earlier meetings. The situation in Kosovo was tense, the efforts by members of the Contact Group did not sort any result and the situation in Kosovo had further deteriorated. Security forces had not yet been withdrawn and rapid progress in the dialogue with the Kosovo Albanian leadership had not been achieved. It was noted in the statement that Milošević had made some progress, but that he needed to undertake further efforts to give international observers and humanitarian organisations unrestricted access to Kosovo in order to facilitate the return of refugees. The EU and other competent organs were encouraged to ‘continue to pursue the commitment of resources in order to create the conditions for an early return of refugees throughout the region’ (Contact Group 1998e). The hostilities were to be ended immediately, to pave the way for continuous talks; it was stated that ‘Contact Group members will pursue this goal through immediate talks with both Belgrade and the Kosovo Albanians’ (Contact Group 1998e). The Contact Group asked the UN Security Council (SC) to adopt a resolution in which Belgrade would be required to fully implement both its commitments made in Moscow at 16 June and the

requirements of the Contact Group. The resolution had to press all parties to refrain from violence and bind organisations and countries not involved in the conflict to refrain from support to terrorist activities and activities that contravene SC resolution 1160. If these criteria would not be met, further actions would be considered. Furthermore, earlier made statements were reiterated; inter alia the statement of the necessity for international involvement in the dialogue between Belgrade and the Kosovo Albanian leadership.

*Statement by the President of the UN Security Council*

At 24 August 1998, the President of the UN Security Council stated that the SC was gravely concerned about the recent intensive fighting in Kosovo and about the observation that escalation of the conflict had dangerous implications for the stability in the region (UN 1998b). The increasing number of displaced people, in combination with the approaching winter caused the situation to have a potential for becoming an even greater humanitarian disaster. The SC called for an immediate cease fire. The authorities of the FRY and the Kosovo Albanian leadership were urged to enter immediately in a meaningful dialogue leading to the end of violence and a political solution. The announcement of Dr. Rugova of the formation of a negotiating team was welcomed.

*Council of Europe supports monitoring activities*

The Deputy Ministers of the Council of Europe met at 7-9 September in Strasbourg. The Committee of Ministers declared its support for ongoing monitoring of democracy and human rights in the FRY by the CoE, in close cooperation with other international organisations active in the field, focussing on areas where the CoE could make a specific, additional contribution (Council of Europe 1998b).

*Security Council Resolution 1199*

The latest statement of the Contact group meeting of 12 June, as well as the joint statement of the Presidents of the RF and the FRY on 16 June<sup>12</sup> was appreciated by the UN Security Council during the meeting at 23 September 1998 (UN 1998c). The communication between the Prosecutor of the ICTY and the Contact Group, stating that

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<sup>12</sup> In a joint declaration with his Russian counterpart Boris Yeltsin, Milosevic stated that Serbian "security forces would cut back their presence in accordance with the cessation of terrorist activities." He also pledged to allow the return of refugees and freedom of movement for diplomats and humanitarian organizations. Milosevic further added that he is willing to negotiate with Kosovo leaders. Yeltsin stated that "we do not forget that we are Slavic states and friends." Source: press statement published at <http://www.hri.org>.

the conflict in Kosovo could be regarded as an armed conflict and thus fell within the jurisdiction of the Tribunal was taken publicly note of. The Security Council was gravely concerned with the recent fighting in Kosovo, the use of force by the Serbian security forces and the Yugoslav army and the displacement of 230,000 people. All acts of violence were condemned and the FRY was called upon to guarantee the return of refugees, in cooperation with the International Red Cross and the UNHCR. The Security Council demanded an immediate cease-fire, an improvement of the humanitarian situation by the FRY government and the Kosovo Albanians and both parties were called upon to engage in a meaningful dialogue (UN 1998c). The Security Council demanded further that the FRY would cease all actions by security forces against civilians, enable continuous and effective international monitoring by the European Community Monitoring Mission and to make rapid progress towards a clear timetable on dialogue with the Kosovo Albanian community. The full commitment of the president of the FRY was demanded concerning the agreement with the president of the Russian Federation. All member states were requested to monitor the situation in Kosovo and to provide resources for humanitarian assistance.

*Letter of CiO to the UN Secretary General*

In a letter to SG Kofi Annan, CiO Bronisław Geremek gave an update on the situation in Kosovo at 23 September 1998 (OSCE, 1998d). Moreover, he stated that US ambassador to Skopje and Peace Envoy to the region Hill had addressed the OSCE Permanent Council and elaborated on the possibilities for a possible settlement of the conflict. Mr. Geremek wrote that Hill stressed the crucial importance of the international presence in Kosovo and the important role the OSCE had to play in the area.

*Council of Europe calls for end of hostilities and high degree of autonomy Kosovo*

At 24 September 1998, the Parliamentary Assembly of the Council of Europe condemned the escalation of violence in Kosovo, in its Recommendation 1384 (Council of Europe 1998c). The Assembly called for the withdrawal of Serbian Forces, the disarmament of ethnic Albanian armed groups and the deployment of an international peace force. It was stated that the high form of autonomy within the FRY was a necessary step toward stability in the region. Moreover, it supported the UN Security Council Resolution 1199. In Recommendation 1384, the Assembly expressed particular concern with the high

amount of refugees in the region and especially the precarious situation of some of them. No reference was made to the role of the OSCE.

*OSCE strategy: towards the Kosovo Verification Mission*

From October 1998, the international community got thus more and more involved with the developments in Kosovo. The violence by, and against the Kosovo Liberation Army and the Yugoslav army and Serbian troops made clear that a serious conflict was rising. The OSCE had to determine what its role had to be and how the principles and instruments of the organisation had to be applied to this particular situation. At 6 October 1998, the Minister of Foreign Affairs of the Federal Republic of Yugoslavia, Mr Jovanović, sent a letter to the OSCE in which it invited a mission of the OSCE to ‘witness first hand the positive evolution of the most crucial processes in Kosovo and Metohija’ (OSCE 1998e). The political pressure exercised on the FRY by the OSCE, the Contact Group and the US finally seemed to sort effect. The goal of the OSCE was to make the FRY comply with inter alia Security Council resolutions 1160 and 1199. Mr. Holbrooke, US Ambassador in Macedonia, negotiated on behalf of the USA and reached an agreement with President Milošević. They agreed to station 2000 unarmed monitors in Kosovo under the flag of the OSCE Kosovo Verification Mission (KVM). Loquai (2000:55) sees this as a major breakthrough since ‘Das Kosovo Problem war nun ganz offensichtlich internationalisiert. Die BRJ hatte eine Position aufgegeben, die sie über Jahre hinweg konsequent verteidigt hatte’. The task of the KVM would be to verify the execution of UN SC resolution 1199, to be present at many locations in Kosovo, to function as liaison with the FRY authorities and to supervise the elections.

*NATO exercises military pressure*

At 13 October 1998 the North Atlantic Council of NATO issued the Operation Determined Force's activation order (ACTORD). A day later, due to persisting tension in Kosovo, NATO's Standing Naval Force Mediterranean (STANAVFORMED) was temporarily detached to the Adriatic (NATO, 1998a).

*OSCE decides to embark upon verification activities*

At 15 October 1998, the OSCE PC took Decision No. 259 in which OSCE's preparedness was stated to embark upon verification activities related to compliance of all parties in Kosovo. Readiness was expressed to consider in an urgent manner any steps necessary to

meet the requirements for efficient verification in Kosovo (OSCE 1998f:118). Five days later, the Permanent Council decided upon the release of ATS 30 million<sup>13</sup> from the Contingency Fund in order to finance the initial phase of the start-up activities (OSCE 1998g:119).

*OSCE strategy: formalisation of KVM*

Three phases were scheduled: bringing in military expertise, education of Albanian Kosovo police officers and implementation of civil aspects like the organisation of elections. During the 15 October PC meeting, US Special Envoy Ambassador Hill briefed the PC on the negotiations and on the Contact Group Meeting of that morning in Paris on how to implement the agreement. He stated that the agreement placed an enormous burden on the OSCE but that in his view the OSCE was fully capable of taking this burden (OSCE, 1998h). This is thus a clear instance in which the Contact Group, i.e. a group of states that act together to influence international developments regarding Kosovo, influenced the internal process within the OSCE directly. As appeared later, the demands of the Contact Group were fulfilled within a few days. The Contact Group called for inter alia, a Security Council resolution in which all verification activities would be dealt with, a second decision by the PC as soon as possible in which the KVM would be established and an agreement between the Polish CiO Geremek and FRY President Milošević on KVM preferably at 16 October. CiO Geremek and FRY Foreign Minister Jovanović signed an agreement at 16 October.

*UN Security Council Resolution 1203*

At 24 October 1998, the agreement between the FRY and the OSCE (at 16 Oct.) to establish the KVM and the compliance of Belgrade with UN SC Res. 1160 and 1199 was welcomed in UN Security Council Resolution 1203 (UN 1998d), as well as the agreement between NATO and the FRY for the establishment of the Air Verification Mission, complementing the KVM. The full implementation of these agreements was demanded. A full implementation of the commitments of the FRY with US special envoy and the public commitment to complete negotiations for a political settlement by 2 November was called for. The Security Council (UN 1998d) demanded a full and swift compliance of the Kosovo Albanian leadership with SC Resolutions 1160 and 1199. The FRY and the

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<sup>13</sup> This is approximately 2.18 million Euros.

Kosovo Albanian leadership were demanded to respect the freedom of movement of the KVM and other international personnel. States and international organisations were asked to make available personnel to the KVM. The commitment of the FRY is regarded to be a guarantee for the safety and the security of the verificateurs. The SC affirmed that, in the event of an emergency, action could be needed to ensure their safety and freedom of movement. Furthermore, the Security Council insisted that the Kosovo Albanian leadership condemned all terrorist activities.

*OSCE strategy: cooperation with NATO*

During the start-up of the mission, concern raised on the security of KVM personnel by several countries. A NATO Extraction Force, consisting of 1700 personnel from several NATO countries, was established in Kumanovo, Macedonia. The extraction force could assist an evacuation of individual or all members of the OSCE KVM or other designated persons from Kosovo in an emergency if necessary (NATO, 1998b and SIPRI 1998:60). At 22 October, Head of Mission (HoM) of KVM, Walker stated in the Permanent Council that the agreement with Milošević, together with the ‘shadow of NATO’ would be sufficient to guarantee the security of the mission. The NATO presence in Priština was not a part of the agreement on the KVM.

*OSCE establishes Kosovo Verification Mission*

At 25 October 1998, the Kosovo Verification Mission was officially established and immediate deployment of this mission was authorized with PC Decision No. 263. The term of the Mission was set at one year, and could be extended by the CiO or the FRY government. OSCE Participating States were asked to contribute money and personnel (OSCE 1998i:122). At 5 November 1998, the PC took Decision No. 265 in which the Secretary General was allowed to make expenditure related to the Kosovo Verification Mission (KVM) of up to 100 million ATS (OSCE 1998j:125). At 17 Dec. 1998 this amount was augmented with 300 million ATS. Six days later, the budget for the KVM of ATS 756,530,264<sup>14</sup> was approved. States were called upon to make voluntary contributions, which they made (OSCE 1998k).

*OSCE strategy: a concrete operational role in European security*

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<sup>14</sup> This is approximately 55 million Euros.

There seemed to exist consensus on the importance of the Verification Mission and the Russian Federation (RF) wanted to participate, which was a positive sign since they historically have good ties with Serbia and were usually one of the most critical states regarding sanctions against Serbia. One state called it a new step of the development of the OSCE into an organization with a very concrete operational role in the European security architecture. Certain issues displeased some states however. Among these issues were the still standing NATO Activation Order, the fact that the FRY was not a member of the OSCE and the possible undermining of the legitimacy of the UN by self appointed contact groups. At 6 November, the Polish chairmanship reported that staff from the five Contact Group members and the Norwegian general Nygaard had been appointed as deputy Head of Mission. At 11 November, the PC decided to approve the budget for KVM<sup>15</sup> (OSCE, 1998l).

*OSCE strategy: negotiations towards a permanent solution*

At 19 November Ambassador Hill stated at an OSCE briefing that he was moderately positive on the possibility for an agreement on a political interim government in Kosovo by Christmas. This agreement could be implemented with support of the KVM. The text under negotiation now, consisted of proposals for a parliament, a government and a judiciary for Kosovo. Further reaching options were not considered. At 23 November, HoM Walker stated at a meeting of the Kosovo Watch Group that participating States who were not member of the Contact Group would get a good share of the management positions in the regional centres in Kosovo since discontent was noticed about the distribution of deputy HoM positions. The process of decision making within the OSCE was surprisingly fast in October and November, compared to other international organisations. The Contact Group prepared many decisions since the smaller number of members and the inclusions of the big powerful countries made it possible to discuss matters more efficiently. This meant however, that a lot participating States were not directly involved in the decision making process and simply had to accept the agreement reached by the biggest and most influential participating States. Although EU Member States are individually participant in the OSCE, they try to coordinate their opinions and speak with one voice in the OSCE. But apparently, the European Union was unable to

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<sup>15</sup> PC decision No. 266 in which the budget for the KVM of ATS 756,530,264 (approx. 55 million Euros) was approved. States were called upon to make voluntary contributions.

form a block and function as a partner of the US and the RF. Some EU Member States participated in the Contact Group on their own behalf, and there was apparently not enough feedback with other Member States according to some. The US was able to fly in experts and strengthen its mission in order to have maximal influence in the OSCE decision making. The US tried to create more support by convening an informal dinner with HoM Walker, the OSCE Troika and Canada, Switzerland and the Netherlands.

*UN Security Council Resolution 1207*

The continuous failure of the FRY to cooperate with the ICTY was deplored at 17 November 1998 in SC resolution 1207 (UN 1998e). The failure of the FRY to execute the arrest warrants issued by the Tribunal was condemned and the SC demanded immediate and unconditional execution of these warrants.

*OSCE strategy: Ministerial Council sees Kosovo Mission as new challenge*

At 3 December 1998, a Ministerial Council statement was made in which concern was expressed with the violence in Kosovo. The authorities of the FRY, Serbia and the Kosovo Albanians were urged to find a political settlement (OSCE 1998m:127). Thanks to the international commitment with the situation in Kosovo, inter alia of the OSCE, a cease-fire was reached. Involvement in Kosovo would represent a challenge and an opportunity for the OSCE. UN SC resolutions 1160 and 1199 set out what would be required of parties to bring the confrontation to an end. The OSCE would verify compliance; help to implement the political settlement to be reached by parties by supervising elections and providing in building up democratic institutions and assist with police force development through the Kosovo Verification Mission. A substantive broad and meaningful self administration was needed according to the ministers (OSCE 1998m). Implementation and compliance with the agreement between CiO Geremek and FRY Foreign Minister Jovanović would be essential and participation of the FRY in the OSCE would be dependent on this. The OSCE verifiers would not be a fighting force and needed to be protected (OSCE 1998n).

*OSCE Strategy: cracks in consensus and action of the CiO*

After some good news on the deployment of the KVM and the successful mediation of the mission to release 8 FRY soldiers who were taken hostage by the KLA, some problems started to rise in January 1999. At 8 December, Special Representative of the CiO



González had been relieved from his duties since his relationship with Milošević had deteriorated. At 15 January 1999 the Norwegian CiO Vollebaek delivered a speech to the PC in which he stated that he expected more cooperation of the FRY authorities. He said that the negotiating efforts of Ambassadors Hill (US) and Petritsch (EU) had to be strengthened. A few days later, hopes for a quick resolution of the problem in Kosovo were crushed when hostilities in Račak<sup>16</sup> caused the death of 45 Kosovo Albanians. At a special meeting of the PC, the hostilities were condemned in a chairman's statement (US State Department, 1999)<sup>17</sup> no consensus could be reached on a PC statement since the RF and Belarus wanted a milder text than other participating States. After critical statements of HoM Walker about actions of the FRY authorities, the FRY declared him persona non grata. The success of the OSCE was very much dependent on a political agreement that had to be reached by Ambassador Hill (who did not work for the OSCE). At the PC of 21 January 1999, the CiO stated that he would have a meeting with the SG of NATO and then he would go to Belgrade to seek a solution. All participating states declared a persona non grata declaration of Walker unacceptable. The RF stated that the use of violence would not be a solution and that deputy Foreign Minister Mr. A.A. Avdeev was immediately sent to Yugoslavia.(OSCE, 1999a).

#### *OSCE Chairmanship condemns atrocities in Kosovo*

At 18 January 1999 the OSCE issued a Chairman's statement in which atrocities committed by FRY military and police against unarmed civilians is condemned. The FRY was demanded to put an immediate end to its use of force in Kosovo. The OSCE Mission would fulfil its role in promoting stability and dialogue, with the full support of the PC. The Geremek/Jovanović agreement was to be fully implemented by the FRY. Efforts by representatives of the international community, in line with UN Security Council resolutions, had full support of the OSCE (OSCE 1998o).

#### *Statement by the President of the UN Security Council*

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<sup>16</sup> Račak is the Serbian name for the city, Reçak is the Albanian form. In the rest of the text, the Serbian form will be used. This choice is however arbitrary and does not indicate any form of partiality of the author.

<sup>17</sup> Chairman's statement in which atrocities committed by FRY military and police against unarmed civilians was condemned. The FRY was demanded to put an immediate end to its use of force in Kosovo. The statement reiterated the full support of the PC for KVM and expressed the confidence that it would fulfil its role in promoting stability and dialogue. The Geremek/Jovanovic agreement was to be fully implemented by the FRY. Efforts by representatives of the international community, in line with UN SC resolutions, have full support of the OSCE.

The Presidency of the UN Security Council condemned at 19 January 1999 the massacre of Kosovo Albanians in the village of Račak, which took place at 15 January 1999 (UN 1999a). As reported by the OSCE KVM, the victims were civilians and the Security Council took note of the statement of the Head of the Kosovo Verification Mission that the responsibility lay with the FRY government. A full investigation by the ICTY was emphasized. The decision by the FRY government to declare KVM HoM Walker *persona non grata* was deplored and Belgrade was called upon to fully cooperate with Mr. Walker and the KVM. Full cooperation with the Prosecutor of the ICTY was demanded as well. The Presidency stated that the Security Council took note of the return of Serb forces to Račak against advice of the KVM. The shooting on KVM personnel at 15 January 1999 was condemned.

*OSCE strategy: enforce compliance of FRY, but how?*

At the meeting of the Kosovo Watch Group of 22 January, chairman Eide concluded that the chosen strategy put more pressure on Milošević but that the very far reaching ultimatum proposals made by the US in NATO context did not create many connections for actions by the OSCE. Mr. Eide had reached an agreement with Milošević and expulsion of Walker was ‘frozen’. The US was rather bitter in its statement and said that far reaching steps needed to be taken by the FRY. At the briefing of 25 January, HoM Walker stated that the confidence of the people in Kosovo was growing and he stressed the close cooperation with NATO. For the first time in history, representatives of NATO were officially present at an OSCE meeting. At the PC of 28 January, the RF stated that KVM played an important stabilizing role and contributed to a situation which could lead to a political arrangement. There were different opinions on the resolution of the conflict. According to some, a solution could not be reached through the use of violence. Others, like US Ambassador Johnson (US Mission to the OSCE 1999a) pointed at the importance of building up a lot of pressure on the FRY. Reference was made to the Secretary General of the UN, who had drawn the same conclusion in his speech at the North Atlantic Council the same morning:

‘The bloody wars of the last decade have left us with no illusions with the difficulty of halting internal conflicts – by reason or by force – particularly against the wishes of the government of a sovereign state. But nor have they left us with any illusions about the

need to use force, when all other means have failed. We may be reaching that limit, once again in the former Yugoslavia' (NATO, 1999a).<sup>18</sup>

According to the states that adhered to a similar position, there would not be much chance for progress without the threat to use violence, probably because only 'soft' diplomatic efforts had not brought much progress in the previous months.

#### *NATO gives final warning*

At 31 January, NATO gave the final warning that stated that NATO would take 'whatever measures necessary' to prevent a human catastrophe and force the implementation of demands done by the international community (NATO 1999b).

#### *Contact Group summons parties to Rambouillet*

At 29 January 1999 the members of the Contact Group met in London. It was the first time that the situation in Kosovo was assessed to be a potential human catastrophe. The massacre in Račak was condemned. The fact that not enough progress towards political settlement had been made and that time was of the essence in a solution, the Contact Group wanted to take its responsibility (Contact Group 1999a). The Contact Group stated that proposals had been drafted by negotiators in which a substantial amount of autonomy for Kosovo was laid down and that there was a limited number of points that needed final negotiations. To this end, representatives from FRY and Serbian Governments and representatives of the Kosovo Albanians were summoned to Rambouillet by 6 February, under the co-chairmanship of the French and British Foreign Ministers Hubert Védrine and Robin Cook, to begin negotiations with the direct involvement of the Contact Group. The work of the OSCE Verification Mission to reduce tensions and create conditions for political dialogue was praised. The following demands to the FRY were made:

- A stop of all offensive actions/repression in Kosovo;
- Full compliance with the agreements with the OSCE and NATO;
- The promotion of the safe return of all those who have been forced to flee their homes;
- Full cooperation with the OSCE Kosovo verification mission;
- Full cooperation with the International Tribunal for the Former Yugoslavia;

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<sup>18</sup> Statement of UN Secretary General Kofi Annan at NATO North Atlantic Council at 28 January 1999.

- The conduct of a full investigation of Račak with participation of the International Tribunal for the Former Yugoslavia. In this context the suspension of police officers and army personnel operating in Račak at the time of the massacre.

A settlement of the conflict within 21 days was demanded.

*Reactions of UN to Contact Group initiative*

The Chairman of the UN Security Council stated at 29 January 1999 that the decision of the Contact Group, which was aimed at reaching a political settlement between the parties and the establishment of a framework and timetable for that purpose was welcomed (UN 1999b). The SC reiterated its full support for the efforts of the Contact Group and the OSCE KVM to reduce tensions in Kosovo and facilitate a political settlement based on substantial autonomy and equality for all citizens and ethnic communities in Kosovo, and the recognition of the legitimate rights of the Kosovo Albanians and other communities in Kosovo. The Chairman stated that the SC would follow the negotiations closely and would welcome members of the Contact Group to keep it informed about the progress reached therein.

*OSCE strategy: no (lead) role regarding peace negotiations*

At 1 February, the PC declared unanimously that it supported the efforts by the Contact Group to forge a political settlement (OSCE 1999b:104). The OSCE was determined to continue and to strengthen its work in Kosovo in order to facilitate a political settlement. A full implementation of the Geremek/Jovanović agreement was demanded, as well as full implementation of the relevant UN SC resolutions. The OSCE would be directly engaged in the effort to agree on a political settlement and it stood ready to facilitate the implementation of a political settlement, to supervise free and fair elections, to help develop democratic institutions and processes and to help protect respect of human rights. The OSCE would be involved in the Rambouillet peace process through presence of the CiO. At 4 February, a briefing of the Kosovo Watch Group by the UNHCR took place. Mr. Morris stated that there were 375,000 refugees in the region by that moment. He appreciated the good cooperation with the OSCE mission. At 8 February, no direct talks between the parties had taken place yet at Rambouillet. The negotiations took place under the co-chairmanship of respectively the British and French Foreign Ministers Cook and Védérine, the negotiators were Ambassadors Hill (US), Petritsch (EU) and Majorski (RF). In the corridors of the Hofburg, some non-Contact Group members indicated that they had

had not enough time to weigh the implications of a possible Rambouillet agreement and were unable to make a statement at the PC the next day. From this, it is clear that there was a difference in information supply to the different participating States. Some states had more time to prepare statements and decisions than others, which brought the first in an advantageous position.

*OSCE strategy: anticipation on outcomes Rambouillet*

At 17 February the Norwegian Ambassador Eide presented an elaborate view on the restructuring of the OSCE mission at the meeting of the Kosovo Watch Group. According to Eide, an integrated approach with five sets of tasks had to be created, such a system had proved to be effective in other missions. The OSCE was supposed to get full responsibility for the civil tasks of the mission. The US (US Mission to the OSCE 1999b) and the RF agreed with this approach. France added that the EU had to get a substantial task as well. Several EU Member States seemed to be in favour of a European Head of Mission. At 4 March, EU Special Representative Petritch briefed the PC on progress in Rambouillet. At the PC of 18 March great concern was expressed with the lack of progress at Rambouillet and with the build up of Serbian troops. However, the signature of the Kosovo Albanians was appreciated. The position of the US at that moment was made clear by US Department of State spokesman Foley during a press briefing in Washington (US Department of State, 1999). He stated that the US want standing ready to implement withdrawal of personnel from Belgrade and Kosovo. Unless Milošević would quickly reverse his position, NATO would be the decision maker in the next instance. The RF stated again that use of violence would be counterproductive. A day later, the CiO declared during a press conference that he had decided to evacuate the KVM at 20 March since he could no longer take responsibility for the security of the KVM (OSCE, 1999c). At 23 March, the NATO gave the order to start air strikes; operation Allied Force had started (NATO 1999). This action was defended during the PC of 25 March by the US as being the only option left. The RF was deeply indignant about the air raids which it assessed to be nothing less than open aggression. The RF wanted the OSCE to make the utmost efforts to proceed with the negotiations process. Assessments of the number of refugees went up to 700,000 by the next day (Washington Post, 1999). The position of HoM Walker deteriorated since a circulaire reporting on the last activities of KVM was passed in which a picture is presented of Mr. Walker and Mr. Drewienkiewics with the text: 'and now it's up to you Wes!' Walker was accused from several sides of having a

lack of tact and of taking a too clear partial position. At the special meeting of the PC at 6 April, it is decided that KVM members would be sent to Albania to assist the country in relieving the refugee crisis (see paragraph 6.1).

*OSCE strategy: internal focus and conflict in OSCE*

At 16 April Special Representative of the CiO, general Jean reported to a joint meeting of PC and FSC that FRY had announced not to comply with article IV (regarding arms constraints) of the Dayton Agreement. Although the US did not accept this, the RF stated that Dayton was not an autonomous agreement and that the NATO bombings caused special circumstances. Belarus asked the western Contact Group countries questions on the implementation of the Vienna Document. At 21 April, the RF asked under the Berlin Mechanism for clarification on the ‘extreme emergency situation’ that has arisen as a consequence of NATO actions. The Russian Foreign Minister Ivanov met with the US Deputy Secretary of State Talbot in Moscow at 27 March. Ivanov stated: ‘Our opinion (is) that all sides should refrain from any action which would further complicate the situation and further complicate the work that we are trying to carry out together’ (CNN 1999). The US expressed that it saw this as a sad day for the OSCE. While the RF took distance from the OSCE, US president Clinton and Foreign Minister Albright stated that the OSCE was their ‘institution of choice for defending democracy in Europe’. The RF stated during the talks on the security charter for the 21<sup>st</sup> century that it opposed the use of violence and that ‘the participating States shall be accountable to their citizens for the respect of OSCE principles and norms’.

*G8 statement gives direction for conflict resolutions*

At 6 May 1999, the Foreign Ministers of the G8 adopted some general principles for the resolution of the conflict (G8 1999a). These principles included:

- An end to violence and repression in Kosovo;
- Withdrawal of military, police and paramilitary forces in Kosovo;
- Deployment of an international civil and security presence endorsed by the UN;
- Establishment of an interim administration to be decided by the UN SC;
- Safe return of all refugees to Kosovo;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo;

- A comprehensive approach to stabilization and economic development of the crisis region.

The G8 Foreign Ministers instructed their political directors to prepare elements for a UN SC resolution and to draw up a roadmap towards a political solution for the Kosovo crisis.

#### *UN Security Council Resolution 1239*

The United Nations Security Council expressed at 14 May 1999 its grave concern with the humanitarian catastrophe in and around Kosovo and with the enormous influx of Kosovo refugees into neighbouring countries (UN 1999c). The importance of effective coordination of humanitarian relief undertaken by States, the HCNM and international organisations was stressed. The SC took with interest note of the intention of the Secretary General to send a humanitarian needs assessment mission to Kosovo and other parts of the FRY. Member States, UNHCR and other international organisations were commended for the urgent relief assistance they provided and they were called upon to contribute resources to extend humanitarian assistance. The FRY was called upon to give access to Kosovo and to other parts of the FRY to UN and other humanitarian personnel. Concluding, it was reemphasized that the humanitarian situation would continue to deteriorate in the absence of a political solution to the crisis, consistent with the principles adopted by the Foreign Ministers of the G8 on 6 May 1999, and urged all concerned to work towards this aim. The Security Council decided to remain actively seized in the matter.

#### *OSCE strategy: strong and independent role*

At 17 May, representative of UN SG Carlos Bildt visited Vienna since the UN wanted to speed up the preparations for post-conflict rehabilitation. There was no clarity yet on the distribution of tasks and the role the OSCE would get. In the meantime, the Norwegian chairmanship continued with the planning of possible OSCE tasks. In the corridors of the Hofburg several people stated that they regarded KVM to have failed according to an anonymous respondent. Crucial information was gathered by a small amount of reliable States and was kept close to the HoM; the policy departments of the mission had no access to this information. Moreover, uneasiness was noticed among the non-military personnel with the military dominated leadership and partiality towards Albanians and NATO was signalled. In the week of 3 May, Deputy Secretary General of the UN for peace operations, Ambassador Miyet visited Vienna for consultations (UN 1999d). It was

clear that the civilian branch of the mission in Kosovo would be steered from New York. However, Miyet appeared to be impressed by the preparatory work done by the CiO. The big influence of the US in the OSCE apparently made the RF and some EU countries want more involvement of other international organisations (BBC Online 1999). The RF had a strong ally in the UN SC (China) which it had not in the OSCE. The EU put itself forward as a partner in the process of post-conflict rehabilitation. Representatives of EU Member States thought that after the EU Treaty of Amsterdam, the EU was destined to take over a big part of the tasks of the UN. At the PC of 3 June, it became clear that the KVM would be closed soon and that it would be replaced by a Transitional Group. A week later at the PC, general doubt was expressed on the role of the OSCE in the process of civil implementation (US Mission to the OSCE 1999c). The RF was reluctant, but expressed appreciation for the work done by the CiO and wanted that the qualified people present at the Balkans to be used. The Secretary General of the UN seemed to want an exclusive role of the UN since the OSCE and the EU were hardly mentioned in a draft SC resolution (New York Times 1999). However, it seemed that all OSCE participating states wanted a (strong) role of the OSCE. Halfway June, the mood in New York had shifted apparently and the OSCE would probably get its own mission with tasks regarding: democratisation and institution building, human rights and police training. This might have had to do with the G8 (G8 1999b), which had issued a proposal in which was stated that the UN should lead the civilian efforts in Kosovo and that there should be a steering board of the EU, UN, OSCE, G8 and Organisation of Islamic Countries (OIC). At 1 July, the PC made the decision that the OSCE Mission in Kosovo would be established with Ambassador Daan Everts as HoM and with tasks in: police training, judiciary reform, democracy building, election organisation and human rights monitoring (OSCE 1999d). The OSCE mission would be a separate component within the framework of the United Nations Mission in Kosovo. At 8 July, the UN seemed to come back at its earlier agreements and Ambassador Eide feared extreme guardianism of the UN which would affect the effectiveness of the OSCE enormously. An anonymous source stated that the CiO asked for insight in the agreement between the UN and the EU. At 14 July, a final agreement was made, in which the tasks of the OSCE were extended in the field of media regulation and the support of independent media. The OSCE would have the exclusive responsibility for its own organisation.



*OSCE ends KVM and starts preparations for new tasks*

At 8 June 1999 the PC of the OSCE took the decision in which was determined that the Kosovo Verification Mission would cease to exist from 9 June 1999 and that from that date a transitional OSCE Task Force for Kosovo would be established (OSCE 1999e:118). The tasks of the Task Force would be the preparation for deployment of OSCE assets, the assistance in the planning and preparation of new tasks the OSCE may take on as part of a new international presence in Kosovo, the facilitation of a future OSCE mission in Kosovo, to cooperate with the UN and other international organisations and to continue assessing the human rights situation.

*Kumanovo Agreement*

At 9 June 1999, the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia reached a technical military agreement (NATO 1999c). In this agreement was laid down that FRY forces would refrain from any hostilities or encouragement thereof. Moreover, the phased withdrawal of FRY troops was arranged under this agreement.

*UN Security Council Resolution 1244: the step towards stability*

At 10 June 1999, the UN Security Council stated that it was determined to resolve the grave humanitarian situation in Kosovo and to provide for the safe and free return of all refugees and displaced persons to their homes (UN 1999e). The Security Council stated that the situation in the region continued to constitute a threat to international peace and security. Furthermore, it demanded in particular that the FRY would put an immediate and verifiable end to violence and repression in Kosovo and begin and complete, phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo would be synchronized. The Secretary General was requested to appoint a Special Representative to control the implementation of the international civil presence and to instruct this person to coordinate closely with the international security presence to ensure that both presences would operate towards the same goals and in a mutually supportive manner. The Security Council furthermore decided that the international security presence had the responsibility to inter alia:

- Deter renewed hostilities, maintain and enforce a cease-fire and ensure withdrawal of FRY military, police and paramilitary forces;

- Demilitarize the KLA;
- Establish a secure environment in which refugees and displaced persons could return home in safety;
- Ensure public safety and order until the international civil presence could take responsibility for this task;

The Secretary General was authorized to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo could enjoy substantial autonomy within the FRY, and which will provide transitional administration, while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo. The main responsibility of this international civil presence would include:

- Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of the Rambouillet accords;
- Performing basic civilian administrative functions where and as long as required;
- Organising and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;
- Transferring, as these institutions were established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace building activities;
- Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords;
- In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;
- Supporting the reconstruction of key infrastructure and other economic reconstruction;
- Supporting, in coordination with international humanitarian organisations, humanitarian and disaster relief aid;
- Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;

- Protecting and promoting human rights;
- Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.

The Security Council (UN 1999*d*) welcomed the work being done by the EU and other international organisations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation. In Annex two of the resolution it was stated that agreement should be reached on the deployment of an international security and civil presence, under the auspices of the UN, (under Chapter VII of the UN Charter). The international security presence should function under unified command and consist of substantial NATO participation.

#### *OSCE takes responsibility*

At 1 July 1999 the PC of the OSCE took a decision in which was determined that the transitional OSCE Task Force for Kosovo would cease to exist and that the OSCE Mission in Kosovo (OMiK) would be established in its place (OSCE 1999*f*:123/4). OMiK would constitute a distinct component of UNMIK. The OSCE would take the lead role in matters relating to institution- and democracy-building and human rights. It would cooperate closely with other relevant organisations. On the following areas would be concentrated: human resources capacity building, democratisation and governance, organisation and supervision of elections, monitoring, protection and promotion of human rights and tasks requested by the SG UN.

#### *OSCE assesses role of OMiK*

At 19 November 1999, during the OSCE Istanbul Summit, a declaration was made in which was stated that OMiK formed an essential part of the broader UN mission<sup>19</sup> (OSCE 1999*g*). The OSCE mission counted 1,400 staff members and played a vital role in the process of rebuilding a multi-ethnic society in Kosovo. The OSCE played a leading role in the promotion and was supposed to protect human rights, and establishing respect for the

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<sup>19</sup> under UN Security Council resolution 1244

rule of law. The OSCE had a key role to play to contribute to the success of the Stability Pact for South-Eastern Europe, established at the Cologne ministerial conference at 10 June 1999.

*Approval of OMiK budget and election organisation tasks*

At 15 December 1999 the OSCE Permanent Council adopted the budget for the Mission in Kosovo for the year 2000 which amounted: 88,273,200 Euros<sup>20</sup> (OSCE 1999h:165). Another decision made at 15 December 1999 was the tasking of OMiK with the organisation and supervision of elections in Kosovo (OSCE 1999i:182).

*A legal framework for autonomous self-government*

At 16 March 2001, the President of the UN SC stated that the Security Council welcomed the establishment of a working group, under the authority of the Special Representative of the Secretary-General, aimed at developing a legal framework for provisional institutions for democratic and autonomous self-government in Kosovo (UN 1999e). The cease-fire of 12 March 2001 was welcomed and compliance was urged. The SC welcomed the decision taken by NATO to authorize the commander of KFOR to allow the controlled return of forces of the FRY to the Ground Safety Zone as defined in the military-technical agreement signed in Kumanovo at 9 June 1999.

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<sup>20</sup> after ODIHR and Secretariat augmentations

## 8. ANALYSIS

Was the OSCE the key actor regarding the Kosovo crisis, or did it merely fill in blank spots left over by others? This chapter presents an analysis of the facts presented in the previous chapters. It may be clear now, that the OSCE initially had quite a strong role regarding the Kosovo crisis. Gradually this role became smaller and smaller until the organisation succeeded to cooperate with the UN and establish OMiK under the umbrella of the UN mission in Kosovo. The different aspects of the legitimacy of the role of the OSCE in the Kosovo crisis will be analysed, following the different sub-questions as presented in the first chapter. The first part of the analysis focuses on the legitimacy of involvement of the OSCE in Kosovo, mirroring theoretical concepts with the real world situation. The second paragraph analyses to what extent the OSCE brought a solution to the Kosovo crisis. Thirdly, the discrepancy between the 'should play' role of the OSCE (as presented in chapter five) and the empirical role of the OSCE is described, followed by an analysis of the reasons behind this discrepancy and the consequences thereof for the legitimacy; this paragraph analyzes the process of political decision making, and thus describes the 'throughput legitimacy'. The institutional features of the OSCE are of great importance in this context, since these features can provide (additional) legitimation but they can also pose a danger to a legitimate role of the OSCE. The last paragraph presents an analysis of some factors that can influence the legitimacy of the role of the OSCE although they are not mentioned explicitly in official statements on the role of the OSCE. These features can both provide some extra legitimation or pose a threat to the legitimacy.

## 8.1 Legitimacy of involvement of OSCE

Before analysing the role the OSCE played regarding the Kosovo crisis, it is important to answer the question whether the OSCE should have been involved at all. Political choices, like the choice of the OSCE to intervene in the Kosovo conflict: 'are legitimate if and because they effectively promote the common welfare of the constituency in question' and 'legitimacy is derived from its capacity to solve problems requiring collective solutions because they could not be solved through individual action, through market exchanges or through voluntary cooperation in civil society' (Scharpf, 1999:11). The question is thus if the problem in Kosovo could be solved by The Federal Republic of Yugoslavia itself. The OSCE made an assessment of the situation and decided in October 1998 to start the Kosovo Verification Mission. This mission was established in a country that was not a participant in the OSCE anymore. We touch upon the question of rightful membership, a central element in the theories on legitimacy. This paragraph answers the first three sub-questions as presented in paragraph 1.3.

### **Internal matter or matter of international interest**

Whether the crisis in Kosovo was an internal matter of the FRY or not connects to sub-question number one: could the problem be solved through individual action? If the answer to this question is positive, there would be no place for involvement of the OSCE. It is interesting to take note of the statement in the SIPRI Yearbook 2000 (SIPRI 2000:201) that apart from the Nagorno Karabach conflict, all the conflicts the OSCE has dealt with are essentially of a domestic character. Even so, none of the states concerned, including Belarus, Croatia, Georgia, Macedonia, Moldova and Ukraine, has questioned the role of the OSCE in seeking peaceful solutions. Moreover, OSCE Foreign Ministers clearly stated in the Kosovo case that they had 'a special moral and political authority' regarding the developments in the FRY. The Ministers made clear that a change in policy would be conditional for readmittance to the international community and that the Kosovo conflict was not an internal matter anymore. The authorities in Belgrade did not agree with this point of view though, and they rejected proposals of the OSCE for mediation in the conflict. The FRY authorities denied the return of the missions, they also denied access to the FRY by Mr. Felipe Gonzáles, Special Representative of the CiO. The argument of the FRY was that it would not cooperate with the OSCE, if the FRY would

not be granted membership of the international community. Slobodan Milošević, president of the FRY, explained this position in a letter to the CiO at 7 May 1998:

‘In accordance with such principles and consistent position, we are open to cooperation with all countries, as well as participation in international organisations and institutions, on the basis of equality, respect for sovereignty and non-interference in internal affairs of others. The FR of Yugoslavia has long since sought to normalize its full-fledged status in the OSCE, which implies the restoration of its right to participate in all its organs and bodies. (...) The essence of this issue is the mandate itself of the representative of the CiO. Our position is, as you are aware, that no foreign envoy can be accepted in dealing with our internal affairs.’

The FRY authorities wanted to talk with Gonzáles, only when his mandate would be to talk about the relation between the FRY and the OSCE. It is thus clear that the FRY authorities did not accept the involvement of the OSCE in its ‘internal affairs’, especially since the FRY was not allowed full membership of the OSCE. It was only after continuing efforts of the international community during several years that the FRY agreed to allow the OSCE to verify compliance of the conflicting parties with the relevant UN security council resolutions. This agreement was reached at 20 October 1998 and granted the OSCE the broadest base for of legitimacy: the United Nations set the norms that had to be implemented and there was consensus on the role the OSCE would play regarding the verification of the implementation of these norms. The involvement of the UN made that the norms to be implemented were set by the broadest possible international forum and thus provided, on a global scale, the highest degree of legitimacy. Concluding, the opinion was broadly shared in the OSCE and the rest of the international community that the conflict was not just an internal matter anymore and that OSCE involvement was legitimate.

### **Suspension of ‘membership’ Yugoslavia**

This sub-paragraph concerns sub-question 2: How did the concept of membership influence the legitimacy of the role of the OSCE? The concept of membership is focussed in this case at the membership of the FRY of the OSCE. At 8 July 1992, Yugoslavia’s membership in the OSCE was suspended. This suspension means that the participating state was not welcome in the organisation anymore, until it would conform again with the

standards laid down in the OSCE Documents. The decision on suspension of the membership of Yugoslavia was a special case in the OSCE history because it was the first time a decision was taken without the consent of one of the participating States, under the so-called consensus-minus-one rule, which had just been established by the Ministerial Council in January 1992 in Prague. The Helsinki Monitor stated in this context: ‘That suspension was the result of the atrocities committed in the war against Bosnia-Herzegovina and was the only example of a ‘sanction’ by the OSCE in its history: it was the only case in which the OSCE has taken a decision against the will of one of its participants on the basis of the so-called consensus-minus-one rule’ (Bloed 200:80). This is a clear case in which the international community (in this situation embodied by the OSCE) explicitly stated that a state could not be a member of the community as long as it violated the OSCE principles ‘clearly and grossly’. The OSCE norms regarding democracy and human rights are recognised by all participating states since this is a precondition for membership. The suspension of the FRY’s membership conforms exactly with Dunne’s statement that international society can sanction States by denying their membership as a consequence of their deviancy of the norms set by the international community.<sup>21</sup> The Document of the 1992 Stockholm Ministerial Summit (CSCE 1992:5) states that the Foreign Ministers:

‘Expressed their collective and individual determination to pursue all efforts to restore peace in the former Yugoslavia. They did so, on the basis of the special moral and political authority represented by the principles and commitments of the CSCE. They presented the leaders of Serbia and Montenegro with a clear choice. If there is a radical change of their policy towards their neighbours and their own people and genuine cooperation in the peace process, Serbia will be gradually readmitted to the international community (...)’.

The FRY did not meet the standards set by the organisation anymore and was thus excluded from active membership. The OSCE interfered indirectly in the domestic affairs of the FRY by stating that it could only be admitted in the international community if it would meet the commitments established by the organisation. The flipside of this coin could be that the OSCE lost leverage regarding the deviating state, i.e. the suspended state did not accept the authority of the organisation anymore. This dilemma was brought up by the Finnish ambassador Klaus Törnudd during a conference in Zürich (1998):

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<sup>21</sup> Please see paragraph 3.6, pp. 17



‘It is another matter whether it was "useful" to suspend Yugoslavia in 1992. That decision was followed by retaliation from the Yugoslav government, which demanded the withdrawal of the CSCE missions then working on Yugoslav territory. The question of reintroducing the missions has been brought up again in the contacts of the Chairman-in-Office with Yugoslavia over the Kosovo crisis in May/June 1998.’

If one thus looks at the principles of the OSCE, i.e. the values regarding democracy, human rights and security of the people, and at the consensus reached by the ministers, one might conclude that the suspension of membership of the FRY was perfectly legitimate. However, the suspension of membership of the FRY might have been a constraint to the effectiveness of the OSCE’s policies regarding the situation in Kosovo. If one judges legitimacy also on the effectiveness of the actions of the international community, in this case the OSCE, the suspension of membership of the FRY constrained the legitimacy of the role of the OSCE.

### **Interconnectedness**

The third sub-question is: was there a high degree of interconnectedness and were a large number of individuals/actors involved? In the definition of Scharpf interconnectedness is one of the factors that could legitimize international action. The OSCE translated this interconnectedness into the principle of collective and cooperative security. The OSCE Handbook (2000:2) states that the participating States ‘have a common stake in the security of Europe and should therefore cooperate to prevent crisis from happening and/or to reduce the risk of already existing crisis getting worse. The underlying assumption is that co-operation can bring benefit to all participating States, while insecurity in one state or region can affect the well-being of all.’ The assumption is thus that a conflict in one region can affect others and the resolution of such a conflict is thus the responsibility to all. This was made clear at 11 March 1998, when the Permanent Council (OSCE 1998r) recognized that ‘the crisis in Kosovo is not solely an internal affair of the FRY because of violations of OSCE principles and commitments on human rights and because it has a significant impact on the security of a region (...)’. The recent history in the Balkan region might have strengthened the idea that conflicts can easily spill over and that the conflict should be solved before this happens. This can be seen as interconnectedness, since the stability in Macedonia is, for instance, connected with the stability in Kosovo.

The evidence for this was given in March and April 1999 when over 300,000 people left their homes and many fled over the borders to Albania and Macedonia. These countries had difficulty with hosting the refugees because of a lack of financial and material resources. Moreover, ethnic tensions have not completely disappeared in these countries and it was unpredictable what the impact of the developments in Kosovo would be. Concluding we might say that there was a high degree of interconnectedness. The Permanent Council made an assessment the risk of spill-over to the rest of the region and that the problem was not standing apart but connected to developments elsewhere. There will be no doubt that a large number of people/actors was involved in the crisis. Probably the whole population of Kosovo was affected by the crisis, hundreds of thousands of people left their homes, the surrounding countries were involved because they were confronted with a big influx of refugees, different (para)military groups were involved as well as humanitarian organisations and many others.

## **8.2 Did the OSCE bring a solution?**

After having discusses the features of the problem and their effect on the legitimacy of the involvement of the OSCE it is time to look at the features of the solution and their effect on legitimacy. Sub-question four is very direct in this regard and raises the issue of effectiveness: Legitimacy is derived from the capacity to solve a problem, thus: was the OSCE able to solve the Kosovo crisis? The answer to this question can be very short and blunt: the OSCE was unable to solve the crisis. Despite efforts of the OSCE, the armed conflict between Serbian police- and paramilitary forces, FRY troops on the one hand and the KLA on the other hand could not be stopped by the OSCE. Despite efforts of the OSCE to find a diplomatic solution, NATO decided intervene with military means. All the violence taken together resulted in a situation in which hundreds of thousands of people fled their homes. When efforts were undertaken to solve the crisis at Rambouillet the OSCE was hardly involved. Some factors have however contributed to the solution of the conflict. Especially the role of the OSCE in post conflict rehabilitation is quite strong. The situation in Kosovo after the intervention by NATO demanded a powerful process of rehabilitation to prevent the conflict from starting again. The quick presence of the OSCE in Kosovo and the assumed expertise of the organisation will have had a stabilising effect. Moreover, other efforts by the OSCE, like KVM and the involvement of the different

Special Representatives of the CiO, the diplomatic efforts of the CiO and the statements of the PC can not easily be disqualified as unsuccessful. These efforts definitely reached some sometimes very tangible results, but they brought no solution to the crisis. There are however more factors that can provide the role of the OSCE with legitimacy. The role the OSCE played and the legitimacy this role generated is analysed in the following paragraphs. The overall effectiveness of the OSCE regarding the Kosovo crisis was not very big, this had to do with several factors which are explained in this chapter. Especially the trade-off between effectiveness and consensus as described in 8.4 is very interesting and important in this regard.

### **8.3 Discrepancy between the ‘Should Play’ and ‘Did Play’ role**

After the description of the should-play role in chapter five, the strategy and the actual role of the OSCE in chapter seven, it is now time to look at the discrepancies between those roles, this regards sub-question number five: was there a range of common interests? It is important to look at these discrepancies because those form the gap between the prior reached consensus on norms and actions that can follow from these norms on the one hand, and the real situation on the other hand. When the discrepancy is small, we can say that there was a range of common interests because a new consensus was reached and this role was conform the prior defined common interest. A big discrepancy, on the other hand, means that the role of the OSCE was far from the prior defined common interest. Unless there is a new, broad consensus which creates a great problem solving capacity, this discrepancy may be a threat to the legitimacy of the role of the OSCE.

As was quoted earlier, the special position the OSCE in the field of international organisations active in Europe implies that ‘the OSCE is the only security institution or organisation in Europe that is considered a regional arrangement in the sense of Chapter VIII of the United Nations Charter, and is therefore the primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its region’ (OSCE Handbook 2002). The previous chapter made clear that the OSCE played a role during the Kosovo crisis, but that this role was perhaps not as *primary* as was meant when this position was formulated. This paragraph explains these differences. The differences are important because it is also a matter of consensus. As we have seen in the

theoretical part of this thesis, consensus is an important part in the analysis of legitimacy. The ‘should play role’ is the role as described in formal documents on which a consensus was reached earlier. When this role did not (fully) materialise, a previous reached consensus has to be replaced by a new consensus, but one which is conform the rules and agreements that have been reached earlier. The role of the OSCE was in reality perhaps not as central as mentioned in the Lisbon Document<sup>22</sup> (OSCE, 1992). The following subparagraphs answer sub-question five and its sub-questions:

- a. Formal documents of the OSCE state what the role of the OSCE should be (i.e. the common interest; the prior reached consensus on shared norms), what should/could be this role in the situation of the Kosovo crisis?
- c. What role did the OSCE eventually play?
- d. What are the discrepancies between this role, the strategy pursued by the OSCE and the official principles of the OSCE?

Sub-question 5b is not included in this paragraph. The strategy of the OSCE is closely connected with the new consensus and the character thereof, as in sub-question 6. Therefore those questions are dealt with together in paragraph 8.3.

### **Early Warning**

The ‘should play role’ of the OSCE regarding early warning, question 5a consists of several aspects. As stated in chapter five, the signalling function towards the SC or PC can be performed by the country directly involved, but also by the HCNM, the FSC, the CPC or eleven states not directly involved in the conflict. An individual state that is not directly involved in the conflict, but that is worried by developments in a certain area can draw the attention of the state involved or at a later stage the SC or PC by using one of the Mechanisms, depending on whether the potential conflict is of a humanitarian or military nature. Moreover, any issue can be placed on the agenda of the PC by any participating State.

The eventual role (question 5c) unfolded rather early. The attention of the OSCE was drawn to Kosovo at an early stage. In 1992, the OSCE had a Long Term Mission in Kosovo (LTM), which was withdrawn a year later when its term was not prolonged by the FRY authorities. In 1995, the Ministerial Council expressed that it would continue its

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<sup>22</sup> See paragraph 5.1

focus on Kosovo and in December 1997 the OSCE Ministers expressed profound concern with developments in Kosovo and demanded access to Kosovo for the newly appointed SR of the CiO to Kosovo, Mr. Van der Stoel. Van der Stoel warned the Permanent Council of an impending disaster, if immediate international action was not taken to mediate between an increasingly radicalized leadership of the Kosovo Albanians and an increasingly truculent regime in Belgrade.

Although not all tools or mechanisms for early warning have been used (like the HCNM), and there was thus a discrepancy in the sense of question 5d, it could be stated that the OSCE was fully aware of the tensions in Kosovo that could lead to a conflict. The early warning function was thus more or less performed in a way as described in the OSCE Documents. It could be said that this role was conform the rules and that it was justified to play this role, since it conformed the norms that were officially laid down. Concluding, the early warning function had has materialised generally according to the principles of the OSCE from which can be concluded that there was a range of common interests in this regard.

### **Conflict Prevention**

After early warning, the question is what the OSCE did to prevent the conflict from escalating and whether there was a range of common interests regarding this role. The role the OSCE should/could play was consists of various actions. The HCNM, which has a capacity in early warning, can immediately try to prevent the potential conflict situation from escalating with diplomatic means. The CiO can appoint a representative that reports to him and the PC, and he can coordinate further action, diplomacy in the SC or PC was in this case not possible because the membership of the FRY was suspended. When it is deemed necessary to take further steps, a steering group or field mission can be set up. This can be done by the PC, coordinated by the CiO and advised by ODIHR. The CiO can be supported by the SG and the CPC. ODIHR can assist countries in developing stable legislative and administrative structures.

Before looking at the actions that were undertaken after the early warning, it is interesting to look at what the HCNM stated in 1993 (Van der Stoel 1993): 'If I would have to issue an early warning notice, it means that I would not have been able to fulfil the most essential of my tasks which is to prevent the matter from getting out of hand.'

So what was the role the OSCE played in reality regarding conflict prevention? Mr. Max van der Stoel was appointed as Personal Representative of the CiO after an early warning had been issued by the Head of Mission in Skopje. He performed his tasks in Kosovo thus as Special Representative and not as HCNM. Before his appointment, he was not involved in the Kosovo crisis in his capacity of HCNM. According to De Vrieze (2000:12) this had to do with the fact that the Kosovo Albanians preferred an American Envoy. During the fifth session of the OSCE Parliamentary Assembly, Van der Stoel (1996) stated that 'the OSCE's destiny is conflict prevention, in the broadest sense of the expression'. According to the Helsinki Document (1992:16) 'The CSO (after the Budapest Senior Council 1994) will promote steps by the State or States concerned to avoid any action which could aggravate the situation and, if appropriate, recommend other procedures and mechanisms to resolve the dispute peacefully.' After the Budapest Declaration, the PC took over most of the tasks of the Senior Council and could thus at least initiate the steps mentioned. 'It may, *inter alia*, decide to set up a framework for a negotiated settlement, or to dispatch a rapporteur or fact-finding mission. The CSO may also initiate or promote the exercise of good offices, mediation or conciliation.' In this context, Professor Ghebali (1998) stated during the third International Security Forum in November 1998 that preventive diplomacy suffers from three general weaknesses:

'First, preventive diplomacy is a low profile activity. Being plainly allergic to publicity, preventive diplomacy requires full confidentiality at all stages of the process. Its successful outcome must to a large extent remain discrete. As a consequence, it is more often assessed against the background of failure than success.

Second, the main problem with preventive diplomacy is not related to a lack of timely information (early warning) or sophisticated settlement formulas, but rather to the current unwillingness of the direct parties to a potential conflict to accept a third party preventive intervention. In addition, the involvement of sub-State actors in most post-Cold War conflicts constitutes an aggravating factor.

Last, third party States are generally less than enthusiastic to invest in prevention in the absence of significant national interests. The LTMs to which the OSCE has specifically attributed a preventive diplomacy mandate are operating in places where the United States wishes to avoid a conflict detrimental to NATO's political cohesion (Macedonia) or to indulge Russia on the slippery slope of open intervention (Baltic States, Ukraine). In sum, preventive diplomacy provides no panacea and its natural limits are those of any cooperative security endeavour.'

Regarding the first point of Ghebali, the question must be asked what efforts were undertaken by the OSCE in the sense of preventive diplomacy. The HCNM did not play (a substantial) role during the early days of the crisis. Although according to some, the findings of Special Representative González put enormous pressure on the Serbian authorities, it may be clear that the OSCE did not take action to mediate in the conflict at an early stage. Eventually it was the US diplomat and architect of the Dayton agreement Holbrooke, who negotiated a cease fire and the establishment of the KVM. The reason behind this initial lack of action of the OSCE may lie in the second point made by Ghebali. FRY authorities were not very eager to involve the international community in the internal issues in Kosovo. Initially, they did not grant entry to Special Representative Van der Stoep. Were (the lack of) national interests the reason behind this? Ambassador Holbrooke stated during a briefing that he had heartsick because if he and his team could have started negotiating three or four months earlier, the terrible destruction and loss of lives would not have happened. The reason behind this was according to Holbrooke (1998), apart from the Russian factor, that 'it takes a while before democracies to get their act together'. To clarify this, he said that 'The British, the French and the Germans had a very well publicized view (...) that NATO's action required a prior UN Security Council Resolution. That was not our view, but we had to work through and it took time.' Together with some other factors, this led to a delay of 12 to 15 months. In retrospect, it might be stated that it could have been in the national interest of many participating States if it would not have been necessary to start NATO actions regarding the high costs of a military operation. Moreover, post-conflict reconstruction posed quite a burden on the international community as well.

Apart from diplomatic efforts, the OSCE established the Kosovo Verification Mission after US Ambassador Holbrooke negotiated an agreement with President Milošević. This mission was aimed at preventing the conflict from (further) getting out of hand. The preventive function of this mission was clear in the sense that small scale conflicts at a local level could be solved and that it successfully mediated in a conflict regarding the imprisonment of soldiers. The KVM was unable however, to put enough pressure on both parties to make them refrain from hostilities; this regards especially FRY troops and Serbian police forces in Kosovo. Moreover, KVM could only report on incidents like Račak, but it could not prevent it from happening. The fact that this had already been

foreseen by at least some observers, appears in the book of Heinz Loquai (2000:67), who cites the German State Secretary for Foreign Affairs, Mr. Ischinger, who said in a television interview for the ARD at 25 October 1999:

‘Eigentlich waren vielen von uns schon im Herbst 1998 klar, dass dies nur eine Maßnahme war, mit der man vielleicht ein bisschen Zeit gewinnen konnte. Wir wussten, ohne militärische, ohne effektive militärische Drohung, wahrscheinlich sogar ohne Anwendung militärischer Gewalt würde Milošević nicht nachgeben. Keiner wusste das besser als Dick Holbrooke selbst ... Wir haben im Grunde dadurch ein Halbes Jahr verloren’.

Another point Loquai (2000:64) raises is the very slow build-up of KVM, he writes:

‘Am 16. Februar, also fünf Monate, nachdem das abkommen zwischen der OSZE und der BRJ geschlossen worden war, belief sich die Zahl der internationalen Mitarbeiter der OSZE auf 934, immer doch weniger als die Hälfte der angestrebten Zahl.’

The goal of the mission was to ‘saturate the area’ as was said by HoM Walker at the 22 January 1999 meeting of the Kosovo Watch Group. The Helsinki Document 1992 States that peacekeeping activities can be focussed on: supervision and maintenance of a cease-fire, the withdrawal of troops, the supervision of a cease-fire, the maintenance of law and order or to provide humanitarian or medical aid. In the sense of sub-question 5b, there was thus a discrepancies in the sense that the HCNM was not sent to Kosovo and that no substantive mediation efforts were undertaken by the OSCE. The words of the SIPRI Yearbook 1999, (SIPRI 1999:51-2) form a good conclusion of this paragraph: ‘owing to what was called a “ten year pattern of neglect”<sup>23</sup>, neither the OSCE, the EU, the UN or NATO, nor individual great powers had adopted or even formulated a Kosovo policy. Instead, international actors kept repeating their deep concern over what was happening in Kosovo.’

### **Crisis Management**

The ‘should play role’ of the OSCE regarding crisis management in a grave crisis like in Kosovo is rather big. All institutions and instruments mentioned in chapter five can be used. One extra possibility the OSCE has, is to intervene physically in the conflict and to

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23 A citation of Caplan, R. in: *International Affairs*, vol. 74, no. 4, Oct. 1998, p. 747.



establish a peace keeping force. This possibility has however never been materialised and according to SIPRI (SIPRI, 1994:48) it is not likely to happen. But the OSCE has many different options to manage the conflict with diplomatic means and with the use of special representatives and field missions.

The question that follows is tools, instruments and institutions the OSCE used, i.e. what its role was in the crisis. At the start of February 1999, the crisis really got out of hand when over 300,000 refugees were reported in the Kosovo region. By that time, negotiations on the resolution of the conflict were taking place in Rambouillet. The OSCE was not involved in this process until the CiO demanded to be present at the negotiations. Internal tensions rose within the OSCE about the steps taken by NATO to make air strikes possible. The RF did not want NATO to be involved in the Kosovo crisis. The political tensions made it impossible for the OSCE to play a substantial role. The Serbs continued to build up troops in Kosovo while the pressure exercised by NATO was growing. The CiO decided to withdraw KVM by 20 March 1999 and NATO started at 24 March to bomb targets in the FRY. The only thing the OSCE could do was providing humanitarian assistance to refugees in Macedonia and in Albania and try to prevent the crisis from spilling over to these countries.

There is thus a big discrepancy between 'should' and 'did' regarding the OSCE's role in crisis management. The OSCE envisaged a big role for itself regarding crisis management in the official Documents. It could however not reach a consensus on a strategy to be pursued. In terms of legitimacy, it may be good that no action is taken when there is no consensus. However, the problem solving capacity is threatened which is also important for the legitimacy of the organisation. The deadlock gave room for other organisations, like NATO and later the UN, to jump in and force a solution. But this has no influence on the legitimacy of the OSCE as such.

### **Post Conflict rehabilitation**

The 'should pray' role of the OSCE regarding post conflict rehabilitation lies in the field of advice and support. ODIHR can be asked by the involved country to advice on democratic reforms, a Special Representative can be sent to supply the country with advice and a field mission can be set up. After NATO actions stopped, the OSCE could get a role of substance again within the framework of UNMIK. The OSCE got full

responsibility in the fields of police training, judiciary reform, democracy building, election organisation and human rights monitoring. A consensus was reached again, all participating States expressed their consent with this action that was conform the official norms and rules. There was thus a high degree of fulfilment of the 'should play' role.

#### **8.4 Political process contributing to discrepancy between 'should' and 'did'**

This paragraph formulates an answer to sub-question 5b. The strategy pursued by the OSCE concerning its role in the conflict is described, i.e. the new consensus regarding the role of the OSCE in the particular situation of the Kosovo crisis and to what extent this strategy conformed the formal principles of the OSCE. Connected to this question is the nature of the consensus and the degree of institutional autonomy, as in sub-question 6.

The sequence of actions by the OSCE, the Contact Group for Kosovo, the UN, NATO and the G8 shows that the OSCE initially pursued a strong role in the resolution of the conflict. It was the first to be present in the field and even before that it made diplomatic efforts to solve the conflict. But even at that moment, the organisation was not the only actor; the establishment of the KVM was made possible by US Ambassador Holbrooke who negotiated with President Milošević. Before the establishment of the KVM, the Contact Group had made several statements and pressed the OSCE to establish KVM. When appeared that KVM did not realize quick results, US negotiator Hill tried to seek a diplomatic solution. In the meantime, NATO was building up pressure on Milošević and the UN Security Council adopted several resolutions to press the parties involved in the conflict to seek a peaceful solution. From January till March 1999 peace negotiations took place at Rambouillet in which the OSCE was not directly involved. At 24 March NATO started bombing strategic targets in the Former Republic of Yugoslavia. In the meantime the OSCE made preparations for post-conflict rehabilitation, but the UN took the lead in the organisation of this task and the OSCE had to negotiate with the UN to play a role at all. Overall, the OSCE did not play a primary and central role during the Kosovo crisis and was not able to coordinate the international efforts to solve the crisis. This discrepancy between 'should' and 'did' emerged both because of the involvement of other international organisations, as well as the position of the participating States. The strategy of the OSCE was the result of a consensus between participating states and the

institutional drive in the organisation. Whether this strategy would materialise was dependent on the process of role determination between international organisations.

In case of a conflict in the OSCE area, the organisation has to determine what its reaction will be and what actions will be (or will not be) taken. Most of these decisions have to be made by the Permanent Council. The organisation has some institutions that have a degree of autonomy, which will be discussed later. The determination of the role of the OSCE in a conflict is a political affair in which the participating States have to decide in consensus. This means that a compromise has to be reached between 56 States with their different interests and different interpretations of agreements on the role of the OSCE as have been made in the past, and of the situation at hand. A broad support for decisions and thus the role of the organisation is created by this procedure because all participating States agree with - or don't object to - the decisions concerning this role. On the other hand, this process can create a sort of deadlock when no consensus can be reached. In the period between the KVM and OMiK the OSCE found itself in such a deadlock and the organisation was not able to perform any task in the escalating conflict. This is a serious threat to the legitimacy of the organisation since it can't perform the tasks it set for itself.

This paragraph describes the political process of task determination of the OSCE. This is the process of building a consensus. The role of power plays an important role in the analysis. Is the new consensus a base for the exercise of influence by the whole organisation, or is the consensus forced by power politics? An interesting question is to what extent the OSCE is an instrument of the participating States. It is important to notice in this context, that many participating States are member of several international organisations. This means that States have different loyalties. They can influence different organisations at the same time trying to serve their national interest best. The distribution of tasks between international organisations is thus intertwined with the internal political process.

### **The OSCE as an instrument of (big) participating States**

What was the strategy of the OSCE (sub-question 5b)? Was there a broad and stable consensus on this action and on the package of activities undertaken by the OSCE among the participating states and was this consent expressed (sub-question 6)? And did the OSCE have some institutional autonomy; was there a drive into a certain direction from

within the organisation (sub-question 6b)? And closely connected to this question so sub-question number seven: did the OSCE merely reflect the interests of the participating states (realism) or did it change the interests and preferences of states (idealism/institutionalism) during the Kosovo crisis?

It took quite a long time before actions were undertaken regarding conflict prevention. In October 1998, the OSCE started determining its strategy quickly, and decided within two weeks to establish the KVM. There seemed to be a broad and stable consensus, many participating States expressed their consent with the actions by the OSCE, although this was not necessary because the absence of expressed objection is the definition of consensus used by the OSCE. The Contact Group seemed to be the driving force behind this quick decision making; it 'dictated' at the PC of 15 October 1998 what strategy the OSCE and the UN had to pursue. Consensus had been reached between the most powerful participating States (the Contact Group members), they determined what had to be done. These influential States also distributed the most important positions in the structure of the new mission among themselves. The clearest example of this is mentioned by Loquai (2000:57), who referred to Marc Weller (1999) by stating that even before the official establishment of KVM by the Permanent Council, the American Diplomat Richard Holbrooke had been appointed Head of Mission of KVM, by the Polish CiO Geremek. At the end of November 1998, discontent was growing among some participating States with the decision making process. The stability of the consensus could thus be questioned in this period. A problem regarding the legitimacy rose because a lot of participating States (inter alia: the states that were not member of the Contact Group or the Troika) were not directly involved in the decision making process and they did not have any staff in the KVM. The US organised informal meetings with other States and gave them positions in the KVM to gain their support. On the other hand, the possible lack of effectiveness of the KVM, due to the slow build-up of the Mission was caused by the participating States themselves. Loquai (2000:66) states:

'Diese organisatorische Defizite waren von den Teilnehmerstaaten selbst verursacht. Insbesondere Amerikaner und Briten hatten alle Versuche blockiert, in Wien einen kleinen ständigen Planungs- und Führungsstab einzurichten.'

The consensus on the actions to be taken by the OSCE started disappearing when no draft text could be accepted on the hostilities in Račak, at the PC of 18 January 1999. The RF and Belarus opposed the text they regarded to be too strong against the FRY. The gap between the RF and the US grew further when military pressure was built up by NATO, which took the decision enabling air strikes at the end of January 1999, while the RF stated over and over again that violence would not be a solution. During the meeting of the Kosovo Watch Group of 22 January 1999, the Norwegian Ambassador and chairman of the PC, Mr. K. Eide, stated that the US strategy put more pressure on Milošević, but that the very far reaching ultimatum proposals made by the US in NATO context did not create many connections for actions by the OSCE. The big difference in opinion on the approach to the Kosovo crisis placed the organisation in a deadlock. The US and the RF made a different assessment of the situation. The US regarded the threat of violence to be helpful to forge a solution. The RF wanted to keep going on the diplomatic track. The US abandoned its policy of containment and chose for a more aggressive approach. The difficult position of President Clinton, who faced an impeachment procedure, may have influenced this. There was thus no broad and stable consensus regarding the role the OSCE had to play.

The OSCE was abandoned as a forum for conflict settlement by the USA and the RF. The organisation could not avoid the US and its NATO partners from diverting from the chosen OSCE track and threatening the position and credibility of the OSCE as a forum for conflict prevention and resolution. The influence of the big participating States is thus decisive for the course of the OSCE and there was no institutional drive to protect the values of the organisation. Initially, there was consensus which led to quick decisions and an effective role of the OSCE. When the consensus disappeared, the organisation was unable to find a solution to this internal political dispute which put it into a deadlock and made further action impossible. It was only in June 1999 when it was decided in the PC that KVM would be closed soon and replaced by a 'Transitional Group' that room to manoeuvre was created in the OSCE. This decision paved the way for Russian support for an OSCE role after the conflict. During the PC meeting at 10 June 1999, the RF expressed appreciation for the preparatory work of the CiO regarding a future role of the OSCE in Kosovo and it stated that the good qualified staff in Kosovo had to be used some way. Soon afterwards, the CiO reached an agreement on an OSCE mission with its own Head under the umbrella of UNMIK. These developments show again, that highly political

decisions could only take place when the influential participating States wish so. 'The participating states realize that institutional limitations are not the only obstacle to results. The focus has shifted to political will of the Members to use their joint institutions and mechanisms and to the development of inter-institutional aspects of governance. The OSCE will benefit from the progress in political and economical integration and democratization' (Bothe, 1997:31).

The strategy of the OSCE was thus the same as the role of the OSCE as it materialised in reality. There are no examples of the OSCE pursuing a certain strategy which it could not materialise. This has to do with the fact that many participating States are member of several international organisations (see annex 2). When influential states agreed that the OSCE would play a certain role, they had to coordinate this with other international organisations so this envisaged role would materialise. When there was no consensus on the division of tasks between international organisations, there was no consensus in the OSCE and thus no strategy. The only moment when a strategy almost did not materialise was when the OSCE had formulated the strategy to play an important role in post-conflict rehabilitation and the UN seemed not to agree with this.

Initially, the drive behind the establishment of the KVM was the power politics of the US; the OSCE reflected here the interests of notably one participating State which was able to exercise its power on the others. The US flew in experts and took the lead in the planning of the mission. Moreover, the US contributed to the establishment of the mission by forging an agreement with Milošević through diplomatic efforts. Regarding the mission and the distribution of positions therein, the US had a policy of divide and rule. This comes close to the theory of Kissinger, who stated that an imbalance of power can be exploited to manufacture a moral consensus around the preferred value system of the leading state. But the US did not act purely on its own. Together with some other influential states a 'core', as defined by Paris, was formed by the US in the shape of the Contact Group. This might have had to do with a weak coordination among the EU Member States. A strong coordinating role by the EU chairmanship is necessary to formulate a European position, negotiate with the US and the RF and feed back to the other Members on the results. The use of the Contact Group had replaced the weak EU and the influence of the US had grown. The US cooperated in the Contact Group with the most powerful EU Member States and the Russian Federation. The core, i.e. the Contact

Group, defined the standards that had to be met by the FRY and the Kosovo Albanians, as well as what had to be done by international organisations such as the OSCE and the UN.

The OSCE was thus one of the 'transmission belts' to materialise these standards; the Contact Group dictated the OSCE what it had to do. The OSCE purely reflected the interests of the participating States. The trade-off between effective problem resolution and consensus comes forward here. If one adheres to the position that consensus represents the highest form of shared values and that this is the primary step towards legitimacy (see par. 3.3) a lack of action and thus a lower degree of effectiveness may be acceptable. If one takes the position that legitimacy is embedded in fundamental principles and basic values (inter alia: Mueller), a possible lack of action is not acceptable. A narrower consensus (or the use of power to forge this consensus) can be judged acceptable if in this way some basic values of the 'core' can be realised. The latter view may judge the situation of the Contact Group dictating to OSCE as right. The first may have serious problems with it. Concluding, there was initially a broad and rather stable consensus regarding the role of the OSCE in the conflict. But both the stability and the broadness of the consensus started disappearing when discontent about the decision making process started rising among some participating States.

The Contact Group formed a stable block in that initial period (September – December 1999), but its members had to make increasing efforts to convince others to 'stay aboard'. The consensus disappeared at all when the paths of the US and NATO members and the RF diverged. No consensus could be reached and the organisation found itself in a deadlock. It was only in June 1999 when a new, broad and stable consensus was reached about the establishment of the Mission in Kosovo. Many participating States expressed their consent with the new initiative. There were not many signs of an institutional autonomy or an institutional drive into a certain direction. The strongest indication of a common position that is different a position purely based on national interests was the consensus reached on the establishment of OMiK. After the strong normative appeal from the CiO, who referred to the principles of the OSCE, the very sceptical countries like the RF agreed with the proposals made by the CiO. Although developments point in this direction, there is no direct evidence for this. The efforts of the CiO who continued preparing an OSCE involvement during the military intervention by NATO show that there is a certain degree of institutional autonomy in the sense of sub-question 6a. These

preparations convinced both participating States and the UN of the added value of the OSCE in post-conflict rehabilitation. The institutional autonomy of the organisation will be further elaborated on in paragraph 8.4.

### **Interplay with other international organisations**

OSCE's ambition to be the principal actor when it comes to early warning, conflict prevention, crisis management and post-conflict rehabilitation in its region is clear. The Lisbon Document states that the OSCE has 'a central role' in achieving a common security space, the 'OSCE first' principle, was explained by the Norwegian CiO Vollebaek, who stated that the OSCE is the organisation of first resort in the OSCE area as regards conflict prevention and crisis management. The question is now if the OSCE was able to play this central role and if it could coordinate international efforts regarding the Kosovo crisis. A realisation of this primary role could be seen as evidence that there was a strong common interests, in such a case participating States agree on a central role of the OSCE and allow other international organisations role. This is thus an important indicator for the existence of a common interest as in sub-question five.

As described above, initially the role of the OSCE regarding the Kosovo crisis was quite strong. Although it is true that the Contact Group played an important role in the decision making process, the Contact Group is not a full fledged international organisation with operational capabilities. The OSCE set up the KVM and performed concrete tasks to stabilize the region. Apart from the stabilizing effect of the international presence, KVM was tasked to verify compliance of the parties to the conflict with Security Council resolutions 1160 and 1199. It was thus the UN that pressed the conflicting parties to seek a peaceful solution and not the OSCE. The OSCE could in this context even be seen as some kind of executive organisation of the UN.

At a later stage, the OSCE delivered information on the situation in Kosovo to the UN Secretary General (see chapter seven). The UN and the Contact Group continued to exercise pressure on the FRY authorities and the Kosovo Albanian leadership with their formal statements. NATO was involved in the conflict by means of its Extraction Force in Macedonia for the purpose of a possible evacuation of KVM staff. Later, the North Atlantic Council issued as Activation Order to build up pressure, notably on Milošević. A serious problem rose, when no consensus could be reached within the OSCE on this



approach. It was a situation in which the OSCE was trying to resolve the crisis with peaceful means, whereas NATO put military pressure on the conflicting parties and seriously contemplated military intervention.

The problem was that the OSCE was still reinforcing KVM with additional staff, while the chance of NATO bombings was growing, which threatened KVM personnel. The US considered this to be a coherent approach. The CiO stated however, that this strategy did not create many connections for OSCE actions.<sup>24</sup> This situation can be seen as a two track policy in which the one track does not know the other. When NATO would start bombings, KVM would have to evacuate or withdraw and it would be unsure what the role of the OSCE would be afterwards. At the start of February, a peace conference took place at Rambouillet. Negotiators were representatives of the US, the RF and the EU. The OSCE was not formally involved, the CiO or a representative was allowed to be present, but did not play a substantive role. At 31 January 1999, NATO chose for an independent track and issued a final warning in which was stated that it would take 'whatever measures necessary' to prevent a human catastrophe. The authority to start the bombings was put in the hands of SG Solana. UN Security Council resolutions 1199 and 1203 were seen by the NATO members as a sufficient legitimate base for military action. The RF did not block these decisions by the Security Council. This is interesting since the RF was clearly against the use of violence and even asked questions under the Vienna Mechanism and the Berlin Mechanism regarding the military manoeuvres of NATO. At 19 March 1999, the CiO decided to evacuate KVM personnel the next day. At 24 March, NATO bombings started and lasted till 5 June. The initiative was further taken out of the hands of the OSCE; as far as it ever had the initiative.

The modest position of the OSCE was very apparent when it stated that it would take responsibilities if this would be requested by the Secretary General of the UN (see chapter seven). Still, CiO Vollebaek tried to re-establish the role of the organisation by stressing the comparative advantages of the OSCE. The use of the two 'old' and hardly used OSCE mechanisms shows that the RF took distance from the OSCE and wanted the UN to take the lead in further conflict resolution. During the negotiations on the Security Charter for the 21<sup>st</sup> century, the RF even stated that: 'The participating States shall be accountable to

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<sup>24</sup> See chapter 7.

their citizens for the respect of (OSCE) principles and norms'. In this statement, the RF touches the heart of the OSCE principle of a shared responsibility for security in Europe.

In May and June 1999 negotiations took place on the division of tasks between international organisations after the bombings. Some delegations wanted a strong EU involvement, and there were rumours that the UN wanted to take over the civilian branch (incl. police) of the mission in Kosovo. The changed position of the RF in June 1999 created some room to manoeuvre for the OSCE. This positive mood in Vienna may have contributed to the change of position in the UN. New York transmitted the message that the OSCE could get its own mission under the UN umbrella. The statement by the G8 at 11 June (see paragraph 6.2) might have played a role as well, in this distribution of tasks. At 19 November 1999 the 'key role' of the OSCE was even mentioned again, this time in the context of the Stability Pact for South-Eastern Europe. Concluding, the role of the OSCE was not as primary as envisaged in the OSCE Documents and there was not a very strong sense of common interest. For the OSCE in Kosovo, this was not contributive to a legitimate position. If one looks at the situation from a broader, global point of view, the conclusion may be different since the UN can be seen as the highest legitimating body for international interference in a conflict.

## **8.5 Organisational features and their influence on legitimacy**

As mentioned in the previous paragraph, some features of the OSCE play an important role regarding the creation of legitimacy for the organisation. The consensus rule for decision making is one of these features. Other features concern the amount of autonomy the different institutions of the OSCE have. A certain degree of autonomy for OSCE institutions can create legitimacy when it contributes to the principles of the OSCE. On the other hand, it can take actions that take place outside the direct control of the Permanent Council and thus outside the organ that can provide the organisation with legitimacy by granting the support of all the 56 participating States.

### **Decision making procedures**

The OSCE is an organisation with 56 participating States, of which all States at the European continent are participants (as well as Canada and the USA) and all States agreed

with the norms and principles of the organisation as stated in the different Documents, the so-called *acquis*. This comprehensive membership gives the OSCE a broad base for legitimacy. The consensus rule of decision making creates support for decisions and guarantees that there is no State that has serious problems with decisions made and there is no State that can be ignored. 'The rule of consensus (defined as the absence of an expressed objection by a participant to taking a decision), embodying the principle of full equality among the participating States, provides legitimacy and acceptability for joint decisions' (Bothe et al. 1997:7).

It may be clear, that this procedure makes full compliance with the criteria of Beetham impossible, since the absence of expressed objection is a weaker criterion than his criterion of expressed consent. Regarding the Kosovo crisis, Bothes' argument can be used to stress the legitimacy of decisions that have been made on the establishment of the KVM, the earlier decisions in which the violence in the Kosovo region is condemned and the decision on the establishment of the OSCE Mission in Kosovo. The remark must be made however, that this consensus was possible because the Contact Group prepared a lot of these decisions. At some moments the Contact Group in fact dictated the Permanent Council what to do. The case of the French intervention in the PC at 15 October 1998<sup>25</sup> makes this very clear. In the Contact Group, agreement was reached between the most powerful participating States in the OSCE and no country tried to block its decisions. But some participating States must have felt like they were confronted with a *fait accompli*. The discontent with this way of decision making sounds through the words of the Canadian ambassador, who talked about 'self appointed contact groups' at the PC of 22 October 1998. Although he made this remark regarding the threat the Contact Group could pose to the legitimacy of the UN Security Council, it is clear that he was not happy with the way decisions were made regarding the Kosovo crisis. One could say that the legitimacy of decisions made within the OSCE was undermined by the Contact Group as well, since many participating States were not involved in the process of deliberation. Of course they could have objected to a decision, but the powerful States had already agreed and it could be politically unwise to act against their positions unless the stakes are very high.

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<sup>25</sup> See chapter 7.

Another issue is whether *not* making a decision can threaten a legitimate role of the OSCE in a crisis situation. In the Kosovo case, the OSCE was not able to make a decision during the period between the evacuation of the KVM and the establishment of OMiK. This deadlock made it impossible to fulfil a role in crisis management and thus to fulfil a task the OSCE has set for itself and stated explicitly in the Budapest and Lisbon Documents. The consensus rule in the decision making process makes it also rather difficult to act rapidly and early in terms of conflict prevention. In many cases it is important to act rapidly in order to prevent a conflict from escalating. In the Kosovo crisis, this could mean sending the HCNM or applying diplomatic pressure to force FRY authorities to comply with OSCE principles. The problem with this early action is that some countries signal at a very early stage that action needs to be taken by the OSCE, whereas others make this assessment a lot later or not at all. Since consensus is needed, it can take very long before action is taken.

### **Autonomy of OSCE institutions**

A certain degree of autonomy for institutions of the organisation can be helpful for fulfilling the organisational goals and tasks effectively. This applies to the OSCE as well. An effective fulfilment of tasks can contribute to the legitimacy of the organisation since it makes it possible to actually execute what has been agreed upon. Scharpf States in this context that action is legitimate if it ‘effectively promotes the common welfare of the constituency in question’. Of course a clear mandate is necessary for the sake of legitimacy. A degree of autonomy means that there is no direct legitimation by the PC or other legitimizing bodies (the SC or a ministerial summit). This sub-paragraph further answers sub-question 6a.

### *CiO*

The position of the Chairman in Office is rather special in this context. The CiO has a double role since he has a responsibility for the organisation but he will not be entirely neutral and might try to pursue some national interests as well. During the Kosovo crisis, initially the Polish, but notably the Norwegian Chairmanship played an important role. But even before this period, the events in Kosovo were put on the agenda of the ministerial councils of 1995 and 1997 by the chairmanships at the time. The Special Representative of the CiO acts on behalf of the CiO and under his responsibility. The CiO can appoint a Personal Representative without formal consent of the PC. The

chairmanship can set some accents in the policy of the organisation this way. A Personal Representative is paid by the CiO which means that there is no institutional space to use funds from the unified budget in this regard. This institutional arrangement makes it possible for the Chairmanship to react rapidly to a situation it regards to be of direct interest to the OSCE. The Personal Representative can further try to steer the OSCE in a certain direction when he deems necessary. An anonymous respondent stated that Special Representative Van der Stoep warned the PC of an impending disaster when no action would be taken by the international community.

Apart from these functions regarding agenda setting and stressing certain issues by appointing personal representatives, the CiO has certain organisational responsibilities. The Norwegian CiO Vollebaek was responsible for the security of the KVM. He decided in March 1999 to evacuate the mission, this was a decision he could take without consulting the PC. A strong CiO can steer the OSCE in a certain direction, a weak CiO is open to be influenced by participating States and that can put pressure on the chairmanship, inter alia with diplomatic means and by providing additional information that suggest a certain solution. During the NATO bombings, the Norwegian chairmanship continued its preparations for a new OSCE mission in Kosovo. The OSCE was fully prepared to take up its tasks when the UN was planning the post conflict rehabilitation. Detailed plans were ready when the NATO actions were over and these plans made it possible to convince the participating States and the UN to allow the OSCE to play a substantial role in the process of post-conflict rehabilitation. This is also reflected in his statement of 28 April 1999.

An interesting 'what if' question is what would have happened if the Norwegians weren't so consistent in their planning efforts; would OMiK have had the same structure or would it be much weaker? If the answer to this question is yes, it may be worthwhile to research the possibilities to strengthen the capabilities of the Secretariat to support the CiO. A bigger bureaucracy may make it harder however, to be flexible. The CiO has thus the possibility to define the interest of the organisation to a certain extend. The chairmanship can appoint a Special or Personal Representative, place certain issues on the agenda of the PC, make chairman's statements, take responsibility in case of serious threat to the staff of a mission and prepare the set up of new missions. All these factors can be very influential on the course of the organisation, but they can be seen as 'soft' in the sense that the CiO

can not make major policy decisions on the political course of the OSCE, nor can he decide on spending money from the unified budget (although he has authority regarding extra-budgetary spending). These 'tools' in the hands of the CiO make it possible however, to be flexible and react rapidly to new situations.

### *HCNM*

The High Commissioner on National Minorities can be seen an institution with certain institutional freedom. The HCNM can decide himself what issues to investigate and where to engage in a mission of preventive, quiet diplomacy. This institutional space gives him the possibility to bring about change without bringing an issue to the open, what would happen if every decision he takes has to go through the PC. At the time of the Kosovo crisis, the HCNM was not involved in his capacity as such. The then HCNM, Van der Stoel was asked to perform some tasks as a personal representative of the CiO. In contrast to the CiO, the HCNM has certain room to decide what issues to deal with and thus how to spend his budget.

### *Heads of Mission*

The Head of Mission of the Kosovo Verification Mission and the OSCE Mission in Kosovo had the organisational responsibility for their Missions. Within the mandate of the mission, the HoM has the freedom to act independently in a way he deems best to fulfil the goals of the mission. This freedom is necessary to make policy decisions for which the local situation has to be taken into account. A narrowly defined mandate makes it very hard for a HoM to adapt flexibly to changes in the local situation and may thus enshrine the effectiveness of the mission. This might make it hard for the mission to execute its tasks and it may thus pose a threat to the legitimacy of the organisation since it could be unable to contribute to the resolution of a specific problem the organisation has tasked itself. On the other hand, a very broad mandate gives a lot of room to the HoM to fill in his mission in a way he deems best. This freedom may however be used in a way that had not been envisaged by the PC, the organ that drafted the mandate. This may have been the case during the Kosovo Verification Mission.

The Head of the KVM was Ambassador Walker. The way Walker acted in Kosovo was not always highly appreciated by all participating States and especially not by the FRY authorities, who declared him *persona non grata* in January 1999. Some critical voices

said that Walker had a too clear partial position towards the Kosovo Albanians and NATO. This criticism got stronger when a circulaire was published, which had on the last page a picture of Walker and deputy HoM Drewienkiewicz with the texts: 'Now it's up to you Wes(ly Clark)!'. Of course this can be seen as an incident which has nothing to do with discretionary room for a Head of Mission. Nevertheless, it may give some insight in the way of thinking of the HoM which might have had some influence on the policy of the Mission as well.

## **8.6 Other factors influencing legitimacy**

The previous paragraphs focussed on the formal premises regarding legitimacy. These paragraphs explained inter alia why a difference emerged between the formal principles of the organisation and its role in the Kosovo conflict and what the influence of the organisational features are. Apart from all these formalised factors, there are some less formal factors that can influence the legitimacy of the organisation as well. These factors can change the support for the actions performed by the organisation. The first is impartiality. If mediates in a conflict and tries to resolve it, it is important to get support from all conflicting parties. There was consensus within the OSCE, but was there also a consensus among the OSCE and the conflicting parties? This consensus provides actions of the organisation with legitimacy. If one of the parties regards the intervening organisation to be partial, it won't be too anxious to support the intervention and legitimacy wanes. Another, yet very different, factor regards the latent functions of certain actions undertaken by the OSCE. These are functions that are not officially stated in formal Documents or guidelines but they can indirectly contribute to the goals of the OSCE.

### **(Im)partiality of OSCE**

In order to obtain sufficient support for the activities of the organisation, it is important to act according to the principles of the organisation without bias towards one of the parties. In conflict resolution you need the support of all conflicting parties. Initially, there seemed to be no problem in this regard. There was a broad consensus on the decision in which violence of both conflicting parties in Kosovo was condemned and in which the mandate of the KVM was determined. But even before that moment, at 9 November 1998,

the FRY Foreign Minister issued a non-paper in which he indicated that the FRY was not satisfied with the structure of the KVM at certain points. According to the FRY, the staff of the Mission had to consist of members from all participating states, which was not the case (Loquai, 2000:59). Despite this critique, Loquai (2000:61) states that the conditions for the resolution of the conflict were there.

If one looks back at the first months of the Mission; the cooperative attitude of the Serbs in Kosovo, the cease-fire and the moderate leaders of the KLA: 'Die Voraussetzungen für eine Stabilisierung der Lage waren gegeben'. In December 1998, problems started to rise when the Serbian authorities declared officially that they were disappointed that KVM was not able to curtail the KVM and prevent it from attacking the Serbian police. The police started to act more aggressively from that moment on (Loquai, 2000:61). In a conversation with CiO Vollebaek, President Milošević stated that the late and deficient deployment of the KVM led to the increase of terrorist attacks by the KLA and that Walker was more interested in accusing the Serbian police than in investigating crimes by the KLA. The Mission was too much dominated by the Americans and NATO (Loquai, 2000:62). Some staff members of the KLA signalled partiality towards the Kosovo Albanians and NATO and that possibilities for cooperation with the FRY authorities were not used to the full extend. These and other accusations led the FRY to the decision of declaring HoM Walker *persona non grata* because they thought he was too outspoken against the Serbian policy in the media. Critics stated at several times during the first months of 1999 that OSCE arrangements and equipment had been used for NATO purposes. Although this was (partly) necessary for the protection of the Verification Mission, it harmed the reputation of the OSCE. Loquai (2000:61) stated that the accusations of the FRY in this regard were not entirely unjustified: 'Tatsächlich hatten sich Amerikaner und Brited vor allem an Schaltstellen festgesetzt. Die NATO-Länder hatten auch ein deutlich personelles Übergewicht.' On the other hand, many observers noticed broad support from the Kosovo Albanians for KVM. Allegations on partiality can pose a serious threat to the legitimacy of the OSCE's role in Kosovo. When one of the parties involved in the conflict does not trust the intervening actor, mediations is made extremely difficult and it will be very hard to reach tangible results in solving the conflict.



### **Latent functions of the organisation**

Apart from the official functions, like early warning, conflict prevention etc. an organisation like the OSCE can have some latent functions that can contribute to its legitimacy, i.e. there are functions that indirectly contribute to the goals of the OSCE. One of these latent functions might be the function of education or 'capacity building'. The Kosovo Verification Mission and OMiK employed hundreds of staff members. Many of these were young people who worked for the OSCE early in their career. The OSCE gave this international and local staff the opportunity to gain work experience and to work on a daily basis with the OSCE principles. After their work for the OSCE, these people may be employed by their national governments or by other international organisations where they can use their experience from the OSCE and contribute to the spread of the OSCE principles. People, who belonged to the local staff for example, may have found employment in the governmental institutions in Kosovo. In these jobs, they take the experience from the OSCE with them and can contribute to the further implementation of OSCE standards and principles on democratic governance.

### **Intermezzo: The bigger picture**

A somewhat gloomy picture may be the result of the analysis presented in this chapter: the OSCE as an organisation that is drawn into a deadlock by the two extreme points of view presented by the US and the RF which leads to a role of the OSCE at the two extremes of the spectrum of violence. Moreover, the trade-off between consensus and effectiveness made that the organisation had a rather low overall degree of legitimacy regarding the Kosovo crisis. The organisation is vulnerable to political struggles since there are no strong institutional structures that protect it from political arbitrariness. The SIPRI Yearbook 1999 (SIPRI, 1999:258) speaks in this context of a paradoxical situation:

'the weaker the organisational structures, the easier it is to make changes. In other words, the OSCE's weaknesses are an asset in the current volatile situation. The OSCE's ability to take ad-hoc decisions and its flexibility make it unique among European security structures. However, in the long run, the strength of the organisation can not be measured by its ad-hoc activities; it should be measured by its constant and continuing efforts to resolve questions under its mandate.'

It is thus important to take a little distance from the Kosovo case to try to get a somewhat broader picture of what the 'constant and the continuing' efforts of the OSCE have been in the past. Annex five presents an overview of the missions of the OSCE after the Cold War. Looking at the latter, we see that the OSCE is a stable factor in many countries where it has a Mission. Significant activities are undertaken in conflict prevention, crisis management and resolution of disputes.

Without pretending to give a complete overview of the OSCE's successes and failures of the past, I want to give some examples of the work of the OSCE in order to show that there is more than 'Kosovo'. In the view of the CSCE Secretary General, the joint action of the CSCE mission and the HCNM, Max van der Stoep 'was a key factor in persuading Estonia to revise its law on aliens'. Another important accomplishment to which the OSCE mission contributed in 1994 was the 26 July agreement between Estonia and Russia on the withdrawal of Russian troops (...) and on social guarantees for Russian military pensioners (SIPRI, 1995:293). In 1995, the Spillover Mission to Skopje played an essential role in ensuring the democratic character of the press and parliamentary elections and it assisted the authorities and the Council of Europe in holding a long awaited census. (SIPRI 1995:87). Regarding the conflict in Nagorno Karabach, the Minsk Group negotiated an informal cease fire and integrated all peace efforts with a view to finalizing a unified peace plan (SIPRI, 1995:294). In 1996 the first OSCE peace keeping mission was prepared to be deployed in Nagorno Karabach, but continued disagreement between the warring parties made this impossible (SIPRI 1996:67). Under the auspices of the OSCE, two agreements were signed on Confidence and Security Building measures between the Bosnian government, the Bosnian/Croat federation and the Republika Srpska and an agreement on a balanced and stable defence force (SIPRI, 1996:73). In 1997 the OSCE was involved in the implementation of Russian-Estonian and Russian Latvian agreements on retired military personnel (SIPRI, 1997:163). The HCNM played an essential role in limiting conflict situations and solving numerous disputes relating to minorities in many countries (SIPRI, 2005:195). The OSCE has thus definitely contributed to security in Europe, but since it has very weak organisational structures and activities are often based on ad-hoc structures, the organisation has to seek legitimacy for every individual action. The Kosovo case shows that there are many obstacles on the road to legitimacy, that a lot is possible with the political will and almost nothing without it and that a sense of institutional responsibility can be generated by the chairmanship.

## 9. CONCLUSION

After the decision of the PC to approve the budget for KVM at 11 November 1998, Ambassador Landman spoke of 'a new step in the development of the OSCE into an organisation with a very concrete organisational role in the European security architecture'. The US stated during this PC that it was 'a historical day'. A few months later, at 3 June 1999, a representative of a European delegation to the OSCE said that the gap between the pretensions agreed upon in Lisbon and reality was growing and that texts like 'OSCE first' and 'the central role of the C/OSCE' in building safety and security in Europe' should better be forgotten. These remarks, made only seven months apart, show that a lot had happened. It may be clear now, that the OSCE was not able to fulfil the tasks it set for itself and some serious question marks could be placed regarding the legitimacy of the role of the OSCE. The organisation is very vulnerable to the political processes that take place internally and those processes may lead to a deadlock. If we look at the checklist of Scharpf as presented in chapter one, we might conclude that some conditions have been met, but others not. This chapter reiterates these conditions as they come forward in the research sub-questions. The scheme at the next page presents the findings of this project in a short overview. Of course conclusions can not be as short and blunt as in the scheme, but it gives an overview and nuances will be made in the following text.

Criterion of Scharpf	Situation in Kosovo
The problem can not be solved through individual action.	<b>Yes</b>
A high degree of interconnectedness.	<b>Yes</b>
A large number of individuals is involved.	<b>Yes</b>
A solution to the problem	<b>No</b> ; although some contributions have been made.
A range of range of common interests.	<b>Yes</b> in early warning and post conflict rehabilitation. <b>No</b> in crisis management and conflict resolution
Sufficiently broad and stable interests.	<b>Yes</b> at first, <b>later not anymore</b>

*Figure 9.1 Conditions of Scharpf and their fulfilment in the Kosovo crisis.*

### **Legitimacy**

The different sub-questions together build the building of legitimacy. As was described in the analysis, the first three sub-questions could be answered positively. The OSCE participating States used the principles of collective security and referred to their common responsibility for the security of Europe and the risks for spill-over to other countries to justify the involvement of the OSCE. There was a high number of individuals or actors involved in the sense that probably the whole population of Kosovo was affected by the crisis, there were hundreds of thousands of refugees, the surrounding countries were involved because of the refugees, different (para)military groups were involved as well as humanitarian organisations and many others. These factors together made the Permanent Council decide that individual action of the FRY government would not be enough to solve the crisis. Also because the FRY could be seen as a part of the problem causing the crisis.

In the analysis it came forward that the OSCE was not able to ‘solve’ the problem in Kosovo (sub-question number 4), in that sense its role was not very legitimate. But following Beetham, such a judgement could not be black and white. Legitimacy has to be seen in terms of degrees. Certain tasks of the organisation can be judged more legitimate

than others. At the beginning of a conflict, the OSCE performed a function of early warning and non committal, informal consultations. A warning had been issued at an early stage by the Special Representatives of the CiO and the Head of Mission of the Mission in Macedonia. This function was thus performed effectively and according to the norms of the organisation and with the consent of the participating States. The SIPRI Yearbook 1998 (SIPRI, 1998: 163) made clear, however that only early warning is not enough: 'It is noteworthy that the Kosovo case calls into question the conventional wisdom that early warning is of key importance in preventing conflicts. However, the international community does not possess adequate instruments to prevent tensions from escalating to a conflict'. Whether it was a lack of adequate instruments or a lack of political will, during the phase of the conflict that conflict prevention and crisis management were necessary, the organisation did not perform a role as was laid down in the OSCE Documents, nor did it reach any consensus.

The legitimacy of the OSCE was very low during this period since there was no range of common interests in the sense of sub-question five. As was pointed out in the analysis, especially regarding crisis management and conflict resolution, there was a big discrepancy between the 'should play' and 'did play' role. One might say that the OSCE does not have the possibilities to be active in a military conflict, so when a conflict turns into an armed conflict the role of the OSCE is played out. But even before the conflict turned hostile, the OSCE missed opportunities in the sense that it did not provide the negotiators in the first instance since Ambassadors Hill and Holbrooke did not negotiate on behalf of the OSCE. At a later stage it did not play a significant role regarding the Rambouillet peace-process. Regarding post conflict rehabilitation, i.e. the very practical level of the field missions, the OSCE could play a strong role again. A new consensus was reached, many states expressed their consent with the new initiative and the mission was in line with the norms and principles of the OSCE. This brought a much higher degree of legitimacy. When the mandate of a mission has been established, the HoM has the room to seek practical solutions that take place outside the realms of the political scene in Vienna, where it is hard to reach agreement between 56 States. This may be good for the effectiveness, the ability of the OSCE to reach practical results, which is also important for the legitimacy.

Overall, one might ask if the OSCE functioned as a fire retardant, or if it was an unnecessary retardant, as was implied in the German State Secretary Ischingers' statement? From a general point of view, the latter may be right since the OSCE did not bring a solution to the conflict and finally the solution was brought by a military intervention. On the other hand, diplomatic efforts will always be undertaken before military intervention is undertaken. Parliaments, and the public opinion will not agree with a military intervention when they reckon that not all diplomatic means are exhausted. During those diplomatic efforts, it is important to try to stabilise the situation *on the ground* when the moment of escalation appears to be close. Such stabilisation efforts were undertaken by the KVM. Although incidents like in Račak could not be prevented, some smaller situations that might have gotten out of hand were prevented. Moreover, one does not know what did not happen because of the presence of the OSCE. The effectiveness of the mission could possibly have been bigger when the planned number of 2000 staff members would have been reached, which was not the case.

### **Political process, forum shopping**

Apart from what has been reached in reality by the OSCE, it is interesting to look at what has happened internally and what the consequences were for the legitimacy of the organisation. This regards sub-question number six: Was there a broad and stable consensus on this action and on the package of activities undertaken by the OSCE among the participating states and was this consent expressed? The procedures for decision making make it possible to take action when there is a consensus. Although the definition of a consensus used by the OSCE is different from the definition of Beetham, this is an important legitimising structure. The remark has already been made about the consequences this might have when a deadlock results in inactivity and thus ineffectiveness. But there is more. Some participating States had the feeling that things were going too fast just after KVM had been established. It appears as if some states determined what had to be done and did not allow others to break the consensus. Power politics thus plays an important role. Kissingers' statement that the imbalance of power can be exploited to steer the decision making in the direction of the preferred value system of the powerful state(s) was confirmed by the Kosovo case. The US were in favour of the KVM and provided a structure and the expertise to start quickly so that others might have been confronted with a *fait accompli*. Later, they developed so much pressure on the organisation that the KVM had to be evacuated and there was room for NATO to

interfere. Some participating States were not very happy with this way of decision making and the need to use power politics shows that the consensus was not always broad and stable. When the Russian Federation made clear that it did not agree at all what was happening in Vienna in March 1999, it decided to go from Vienna to the other forum, which is situated in New York, to seek a solution that might fit better in their point of view. These are clear cases of forum shopping and they show that, perhaps apart from the first months of KVM, there was no strong and stable common interest. The fact that participating States left the OSCE as a forum shows that there is not much of a feeling of a common OSCE identity.

An event that may point in the direction of a minimal feeling of responsibility regarding a role of the OSCE was the return to Vienna when in June 1999, when an agreement between NATO and the Serbian government was reached, a new Mission under the lead of the UN had to be set up. This was the only occasion in which participating States might have taken a position that was possibly a little bit different from their direct national interest in the sense of sub question seven: Did the OSCE merely reflect the interests of the participating states (realism) or did it change the interests and preferences of states (idealism/institutionalism) during the Kosovo crisis? Despite the discontent of the RF and some others with what had happened and despite the weak role of the OSCE at the peak of the crisis, the participating States decided to pursue a big role for the OSCE again. It was recognised that the organisation had the expertise and the right people to set up a mission quickly and stabilise the region. This shows that the OSCE has the flexibility and the expertise to perform such tasks. At least at that moment it could do it better than the United Nations which has a much broader scope of attention which waters down the specific expertise of certain regions and it has a much bigger bureaucracy which made it impossible to make sure it had people on the ground quickly.

The Norwegian chairmanship played a crucial role in this regard. In the sense of sub-question 6a we might conclude that we can see here a small degree of institutional autonomy. The chairmanship can be seen as a driving force behind the positioning of the OSCE. It was able to make the preparations for a quick establishment of the mission on the one hand, and it made consultations at the political level to reach a consensus on the other hand. The chairmanship seems to play an important role for the functioning of the OSCE. Because the OSCE is a conference of states, based on norms and values and thus

political will, instead of treaties, the chairmanship can be the binding factor. It is very easy to break the consensus, or to 'spoil', at a negotiation table with 56 participants. The chairmanship can try to forge an agreement and create a positive dynamic. This might be seen as the strongest potential institutional drive the organisation possesses.

### **Effectiveness and consensus**

Sub-question four is about effectiveness, Was the OSCE able to solve the Kosovo crisis? The answer to this question is for a large part: no, the OSCE could not solve the crisis in the sense that it could prevent the crisis from getting worse when the organisation got involved in 1998. The OSCE contributed to the process of finding a solution and reached some results with its diplomatic efforts and KVM, but a solution could not be found through these means. The most tangible contribution to solving the crisis the OSCE brought was the OSCE Mission in Kosovo since this mission helped to stabilise Kosovo after the bombings by NATO and thus to prevent a crisis from rising up again. This lack of effectiveness is for a big part caused by the consensus rule of decision making in the OSCE. The Kosovo crisis underlines the conclusion of Bothe (1997:31) that 'The focus has shifted to political will of the Members to use their joint institutions and mechanisms and to the development of inter-institutional aspects of governance.' Although there are lots of discussions on reform of the OSCE in order to strengthen it institutionally, the political will to take responsibility in a(n emerging) conflict is of primary importance for the OSCE to effectively fulfil its tasks. The political deadlock from mid-March till June 1999 shows this clearly. The instruments the OSCE has to manage a conflict and to prevent it from escalating were not always used, because no consensus could be reached. For the sake of legitimacy, it can be considered as good that no action will be taken if there is no consensus. On the other hand, the lack of consensus may damage the legitimacy of the organisation as well. The judgment regarding this trade-off depends on the priorities one gives to obtaining consensus and to fulfilling of moral standards. Regardless the position one takes, the focus in the reform discussion should lie at the development of smoother political processes, so the OSCE might win the competition with other institutions next time when states do not start with 'forum shopping' and reach a consensus in Vienna. I am, however well aware that this is easier said than done.



### **Two extremes**

At the so called 'spectrum of violence', the OSCE operated at the two extremes. At one end, the OSCE performed preventive actions, and at the other hand the OSCE was active in post-conflict rehabilitation. Regarding the activities in the field of conflict prevention some observers stated in advance that without the threat or use of violence, no solution could be found. The cynical point in this situation is that the final resolution of the conflict came with the use of force, but that this military intervention was only possible after the population of Kosovo had suffered a lot. The more peaceful solutions had to be tried out first because national parliaments would not agree with the use of force at such an 'early' stage.

The problem with KVM was however, that it took very long to bring the mission to the full operational strength. Goal was 'to saturate the area' which would provide the pressure of the international community on the FRY authorities and the Kosovo Albanians to refrain from violence and implement the UN SC resolutions. The fact that it took so long to build up the mission had to do with the recruitment of staff. There was no fixed pool of international staff members that could be sent to the region at short notice. The OSCE secretariat did not have a planning unit that could steer the recruitment of staff quickly and efficiently. Moreover, the international staff had to be seconded by the participating States. Most participating States were most interested in the higher management positions, whereas the lower on-the-ground verification positions were difficult to fill in. This problem could be prevented if there was a common pool of staff that could be deployed quickly. Initiatives to create such a pool were blocked by the USA and the UK. This case clearly shows that the OSCE is dominated by national interests and that there is no strong common organisational identity.

The fact that the EU had not only learned the lesson from the problems in Kosovo, but was also able to apply this lesson, shows that the EU has a stronger common identity. The EU has created Civilian Response Teams (CRT's) which consist of 100 members, inter alia: political advisors, judicial experts, experts in the fields of border policing etc., these teams will be operational in 2007. If the OSCE wants to be an organisation with an important operational role in conflict prevention and post conflict rehabilitation in Europe, it must be able to react quickly in cases of immediate need. With the establishment of the CRT's by the EU, it seems that the EU is taking the lead in conflict prevention or post

conflict-rehabilitation by means of civilian intervention. This would mean that the OSCE might lose one of its very important and very tangible tools or that it becomes a body that legitimises the external operations of the European Union instead of performing certain tasks itself. The OSCE has taken an initiative in the sense that it has established an Rapid Reaction Assistance and Cooperation Team (REACT). It seems however, that this is merely a list with names and it remains to be seen how effectively it can be used in a situation of crisis.

### **Minorities**

In order to make an assessment of the legitimacy, the concept of constituency has been explained in this paper as the participating states. States are the highest form of authority in our world and they are the constituting parts of the international community. States possess sovereignty and there are international treaties that grant states the right of self-determination. The OSCE is focussed a lot on national minorities, which is logical because tensions between minorities may result in instability within a state which can spill over and threaten the stability of a whole region. The problems in Kosovo were based on tensions and intolerance between minorities: the Kosovo Albanians were a minority in Serbia, and the Serbs were a minority in Kosovo. The Kosovo Albanians had no official voice in organs like the OSCE. The Serb minority in Kosovo was represented by the authorities in Belgrade, although the politicians in Belgrade had their own agenda's and it has been suggested that these were not always in line with those of the Serbs in Kosovo. It may be worthwhile to investigate the possibilities to give the minorities that have such a central place in a conflict like in Kosovo a better representation in the international diplomatic forums. National minorities don't have a seat as a group in e.g. the OSCE Parliamentary Assembly, if minorities are granted a seat in such a forum, early warning and dialogue may be improved. Maybe it is time to speak of a community of minorities instead of, or complementary to, a community of states in the OSCE area.

## 10. EPILOGUE

As the writer of this research project I would like to make some final remarks about the process of writing this thesis. First of all, I have learned a lot during the period of almost one year of generating ideas, writing a proposal, doing research and writing this document. Some of the curiosity I mentioned in the Prologue has definitely been satisfied in the sense that I have, and hopefully the reader together with me, gotten a better insight in how the OSCE functions and what exactly the problems are which it faces in its functioning. Of course it is way beyond the scope of this project to formulate solutions for the (legitimacy) problem the OSCE faces, but it does show the complexity of problem resolution in the international community in the specific Kosovo case. A better insight in the functioning of an organisation like the OSCE may contribute to a better understanding of security politics in general and of the functioning of the OSCE in particular. It may be the case that the contents and outcomes of this project are not very surprising for people who are very familiar with the OSCE, but it has definitely helped me to better understand the organisation, and I hope that this research has opened up information to a broader public. Concluding, the Kosovo crisis is a very interesting case since such a deep crisis shows the more extreme problems that can rise in an international organisation. The conclusion regarding the legitimacy of the role of the OSCE can not be seen as positive. Nevertheless, the OSCE has done, and still does a lot of work and has definitely reached some concrete and tangible results which do grant the organisation with legitimacy. Moreover, the OSCE can still be seen as a conference in which representatives of 56 states meet weekly and so create a continuing dialogue which creates mutual understanding and possibly early warning in case of an impending conflict.

## References

AIV; Adviesraad Internationale Vraagstukken (2002). *Nederland en de Organisatie voor Veiligheid en Samenwerking in Europa; Rol en Richting*. Den Haag.

Bakker, E. (2002). *Aanstaand Nederlands OVSE-Voorzitterschap als Uitdaging*. In: Internationale Spectator, December 2002.

BBC Online (1999). *Analysis: UN faces Kosovo challenge*.  
[<http://www.globalpolicy.org/security/issues/kosovo1/ksv2.htm>] 12-11-1999.

Bloed, A (1997). The OSCE main political bodies and their role in conflict prevention and crisis management, in: Bothe, M. Ronzitti, N. and A. Rosas (1997) *The OSCE in the maintenance of peace and security*. Kluwer Law International, the Hague.

Bloed (2000). Yugoslavia returns to the international community. In: *Helsinki Monitor* 2000 No. 4 pp. 80-85.

Caplan, R. (1998). International Diplomacy and the crisis in Kosovo, in: *International Affairs*, Vol. 74, No. 4. Oct. 1998, pp. 745-761.

Clark, I. (2005). *Legitimacy in international society*. Oxford University Press, Oxford.

CIA World Factbook (2006) *Serbia*.  
[<https://www.cia.gov/cia/publications/factbook/geos/rb.html#Govt>] 08-11-2006.

CNN (1999). *Statement of RF Foreign Minister Ivanov*  
[<http://www.cnn.com/WORLD/europe/9904/27/kosovo.talbott/>] 07-11-2006.

Cooper, Robert (2003). *The Breaking of Nations: Order And Chaos in the 21st Century*. Atlantic, London.

Cohen, J. (1999). *Conflict prevention in the OSCE*. Netherlands Institute for International Relations, Clingendael, The Hague.

Contact Group (1997). Contact Group discusses Kosovo, at: website of UK Select Committee of Foreign Affairs: *The Kosovo crisis after May 1997*. [<http://www.parliament.the-stationery-office.co.uk/pa/cm199900/cmselect/cmfaaff/28/2808.htm#n60>] 13-11-2006.

Contact Group (1998a). *Statement of the Foreign Ministers of the Contact Group Countries in London*; 9 March 1998. Published at website of Monde Diplomatique [<http://www.monde-diplomatique.fr/cahier/kosovo/contact-090398-en>] 13-04-2006.

Contact Group (1998b). *Statement of the Foreign Ministers of the Contact Group Countries in Bonn*; 25 March 1998, Published at website of Monde Diplomatique [<http://www.monde-diplomatique.fr/cahier/kosovo/contact-250398-en>] 13-04-2006.

Contact Group (1998c). *Statement on Kosovo by members of the Contact Group in Rome*; 29 April. Published at website of Monde Diplomatique [<http://www.monde-diplomatique.fr/cahier/kosovo/contact-290498-en>] 13-04-2006.

Contact Group (1998d). *Statement on Kosovo issued by the Foreign Ministers of the Contact Group in London*; 12 June 1998. Published at website Monde Diplomatique: <http://www.monde-diplomatique.fr/cahier/kosovo/contact-120698-en> (13-04-2006).

Contact Group (1998e). *Statement of the Contact Group*; 8 July 1998. Published at website Monde Diplomatique: <http://www.monde-diplomatique.fr/cahier/kosovo/contact-080798-en> (13-04-2006).

Contact Group (1999a). *Statement by the Contact Group in London*; 29 January 1999. Published at website Monde Diplomatique: <http://www.monde-diplomatique.fr/cahier/kosovo/contact-290199-en>

Council of Europe (1998a). *Recommendation 1376 of the Parliamentary Assembly of the Council of Europe*; text adopted 24 June 1998.

Council of Europe (1998b). *639<sup>th</sup> Meeting of the Council of Ministers*; 9 September 1998. CM/AS(98)Rec1376finalE

Council of Europe (1998c). *Crisis in Kosovo and situation in the Federal Republic of Yugoslavia*, Recommendation 1384 of the Parliamentary Assembly of the Council of Europe; 23 September 1998. [<http://assembly.coe.int/Documents/AdoptedText/TA98/erec1384.htm>] 20-04-2006.

Everts, D.W. The OSCE Mission in Kosovo – two years into institution building. *Helsinki Monitor*, Volume 12, Number 4, 2001, pp. 245-256.

Gheballi, V.Y. *Preventive Diplomacy as Visited from the OSCE*. Speech during the 3<sup>rd</sup> International Security forum in Zürich. [[http://www.isn.ethz.ch/3isf/Online\\_Publications/WS5/WS\\_5B/Gheballi.htm](http://www.isn.ethz.ch/3isf/Online_Publications/WS5/WS_5B/Gheballi.htm)] 02-05-2006.

Goldstein, Joshua, S. (2004). *International Relations*. American University, Longman. Washington D.C.

G8 (1999a). *Statement of the G8 Foreign Ministers*. Published by the UN under reference: S99/516. [<http://www.un.org/peace/kosovo/s99516.pdf>] 16-04-2006.

G8 (1999b). *Proposals of the G 8 Presidency in the Light of the Discussions on Civilian Implementation in Kosovo, Gürzenich/Cologne*. [<http://www.g7.utoronto.ca/foreign/fm9906010c.htm>] 12-11-2006.

Holbrooke (1998). *On the record briefing by the Ambassadors Holbrooke and Walker in Washington*, 28 Oct. 1998. Published at internet site of the Mount Holyoke University: [<http://www.mtholyoke.edu/acad/intrel/holb.htm>] 07-11-2006.

Loquai, H. (2000). *Der Kosovo-Konflikt – Wege in einen vermeidbaren Krieg*. Nomos Verlagsgesellschaft, Baden Baden.

McCormick, J. (2002). *Understanding the European Union*. Palgrave, New York.

Meyer, B. (1997). Dispute settlement procedures and crisis management, in: Bothe, M. Ronzitti, N. and A. Rosas (1997). *The OSCE in the maintenance of peace and security*. Kluwer Law International, the Hague.

Morgenthau, H.J. (1973). *Politics among nations*. Alfred A. Knopf, New York.

Möttölä, K. (1997) The OSCE : institutional and functional developments an evolving European security order, in: M. Bothe, N. Ronzitti and A. Rosas (1997). *The OSCE in the maintenance of peace and security*. Kluwer Law International, the Hague.

Mueller, C. (1973). *The Politics of Communication*. Oxford University Press, New York.

NATO (1998a). NATO Activation Order. [<http://www.nato.int/kosovo/history.htm>] 12-11-2006.

NATO (1998b). *Press Statement*. Press release(98)139, 5 December 1998. [<http://www.nato.int/docu/pr/1998/p98-139e.htm>] 22-04-2006.

NATO (1999). *NATO's role in relation to the conflict in Kosovo*. [<http://www.nato.int/kosovo/history.htm>]. 12-11-2006.

NATO (1999a). *Statement of UN Secretary General Kofi Annan at NATO North Atlantic Council*. 28 January 1999. [<http://www.nato.int/docu/speech/1999/s990128a.htm>] 07-11-2006.

NATO (1999b). *Statement of the North Atlantic Council*; 30 January 1999. [<http://www.nato.int/docu/pr/1999/p99-012e.htm>] 25-05-2006.

NATO (1999c). *Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia*. [<http://www.nato.int/kosovo/docu/a990609a.htm>] 19-04-2006.

New York Times (1999). *Full text of the UN Resolution Draft on Kosovo*; 8 June 1999. [<http://www.globalpolicy.org/security/issues/kosovo70.htm>] 12-11-2006.

Paris, R. (2002). *Review of International Studies* (pp. 637–656) British International Studies Association.

Rezun, M. (2001). *Europe's nightmare: the struggle for Kosovo*. Praeger Publishers, Westport.

Robson, C. (2002). *Real World Research*. Blackwell, Oxford.

Scharpf, F.W. (1999). *Governing in Europe: effective and democratic?* Oxford University Press, New York.

Stockholm International Peace Research Institute (1990-2006). *Yearbook, world armament and disarmament*. volumes 1990 – 2006. Oxford university press, Oxford.

Stoel, van der, M. (1993). Opening speech by the HCNM at the OSCE Warsaw Seminar on Roma at 24 May 1993:2. In: Ghebali, V.Y. *Preventive Diplomacy as Visited from the OSCE*. Speech during the 3<sup>rd</sup> International Security forum in Zürich.  
[[http://www.isn.ethz.ch/3isf/Online\\_Publications/WS5/WS\\_5B/Ghebali.htm](http://www.isn.ethz.ch/3isf/Online_Publications/WS5/WS_5B/Ghebali.htm)] 02-05-2006.

Stoel, van der, M. (1996). Speech of the HCNM before the 5th session of the OSCE Parliamentary Assembly in Stockholm at 5 July 1996. In: Warner, D (1996:37) *Preventive Diplomacy: the United Nations and the OSCE*.  
[<http://hei.unige.ch/psio/fichiers/OSCE%201.96.pdf>] 20-05-2006.

Tongeren, P van, Veen, H van de en J. Verhoeven (2002). *Searching for peace in Europe and Eurasia*. Lynne Rienner Publishers, Inc. Colorado, USA.

Törnudd, K. (1998) *The OSCE Institutional and Operational Responses to Post-Cold War Risks and Challenges*.  
[[http://www.isn.ethz.ch/3isf/Online\\_Publications/WS5/WS\\_5B/Toernudd.htm](http://www.isn.ethz.ch/3isf/Online_Publications/WS5/WS_5B/Toernudd.htm)] 02-05-2006.

United Kingdom Parliament (2000). *The origins of the Kosovo crisis up to May 1997*  
[<http://www.publications.parliament.uk/pa/cm199900/cmselect/cmfaff/28/2807.htm>] 27-06-2006.



United Nations (1998a). *Security Council Resolution 1160*. S/RES/1160 (1998)

[[http://www.un.org/Depts/dhl/da/kosovo/koso\\_sc2.htm](http://www.un.org/Depts/dhl/da/kosovo/koso_sc2.htm)] 19-04-2006.

United Nations (1998b). *Statement by the President of the Security Council*; 24 August 1998.

S/PRST/98/25. [<http://www.un.org/peace/kosovo/prst9825.pdf>] 17-04-2006.

United Nations (1998c). *UN Security Council Resolution 1199*. Adopted by the Security Council at its 3930th meeting on 23 September 1998. S/RES/1199 (1998).

[<http://www.un.org/peace/kosovo/98sc1199.htm>] 17-04-2006.

United Nations (1998d). *UN Security Council Resolution 1203*. Adopted by the Security Council at its 3937th meeting, on 24 October 1998. S/RES/1203 (1998).

[<http://www.un.org/peace/kosovo/98sc1203.htm>] 17-04-2006.

United Nations (1998e). *UN Security Council Resolution 1207*. Adopted by the Security Council at its 3944th meeting, on 17 November 1998. S/RES/1207 (1998).

United Nations (1999a). *Statement of the President of the Security Council*. S/PRST/1999/2

[<http://www.un.org/peace/kosovo/sprst992.htm>] 20-04-2006.

United Nations (1999b). *Statement by the President of the Security Council*. S/PRST/1999/5.

[<http://www.un.org/peace/kosovo/sprst995.htm>] 20-04-2006.

United Nations (1999c). *UN Security Council Resolution 1239*. S/RES/1239 (1999).

[<http://www.un.org/Docs/scres/1999/99sc1239.htm>] 20-04-2006.

United Nations (1999d). *Daily press briefing of office of spokesman for Secretary General*.

[<http://www.un.org/News/briefings/docs/1999/19990604.DB060499.html>] 12-11-2006.

United Nations (1999e). *UN Security Council Resolution 1244*. S/RES/1244 (1999).

[[http://www.un.org/Depts/dhl/da/kosovo/koso\\_sc2.htm](http://www.un.org/Depts/dhl/da/kosovo/koso_sc2.htm)] 19-04-2006.

United Nations (2001). *Statement made on behalf of the Security Council, at the 4298th meeting*; 16 March 2001. [<http://www.unmikonline.org/scpresstatem.htm>] 22-04-2006.

United Nations (2006). *Journal of Briefing to the Security Council*.

[<http://www.un.org/News/Press/docs//2006/sc8758.doc.htm>] 27-06-2006.

U.S. Department of State (1999). *Daily Press Briefing #34*, 18 March 1999.

[<http://www.hri.org/news/usa/std/1999/99-03-18.std.html>] 07-11-2006.

US Mission to the OSCE (1999a). *Statement on Kosovo delivered by US Ambassador Johnson*; 28 January 1999. [<http://osce.usmission.gov/archive/1999/01/28kosovo.htm>] 12-11-2006.

US Mission to the OSCE (1999b). *Statement on Kosovo delivered by senior political advisor Mark L. Wiznitzer to the OSCE Watch Group Meeting*.

[<http://osce.usmission.gov/archive/1999/02/10kosovo.htm>] 12-11-2006.

US Mission to the OSCE (1999c). *Statement on Kosovo delivered by US Ambassador Johnson*;

10 June 1999 [<http://osce.usmission.gov/archive/1999/06/10kosovo.htm>] 12-11-2006.

US State Department (1999). *Statement issued at the conclusion of the Special Meeting of the Permanent Council*. 18 January 1999.

[[http://www.state.gov/www/policy\\_remarks/1999/990118\\_eide\\_racak.html](http://www.state.gov/www/policy_remarks/1999/990118_eide_racak.html)] 07-11-2006.

Vollebaek, K. (2000). *Speech during Conference on the Role of Regional organisations in the work of the United Nations*, at Thammasat University in Bangkok, 6 Jan. 2000.

[<http://odin.dep.no/odinarkiv/norsk/bondevikI/ud/taler/032005-094023/dok-bn.html>] 11-04-2006).

Vrieze, F. de. (2000). *De Kosovo Diplomatie; Waarom de voorspelde oorlog niet kon worden voorkomen*. De Wrikker, Berchem.

Washington Post (1999). *Africans See Bitter Irony In NATO Kosovo Mission; Lynne Duke*, 10 May 1999. [<http://www.globalpolicy.org/security/issues/kosovo54.htm>] 12-11-2006.

Weber, M. (1968, vol. 2). *Economy and Society*. Bedminster Press, New York.

**C/OSCE Documents**

CSCE, Helsinki Final Act 1975

CSCE (1989). *Concluding Document of the Vienna Meeting 1986.*

CSCE (1990). *Charter of Paris for a New Europe.* Paris, 1990.

CSCE (1991). *Report of the Meeting of the Council of Ministers.* Berlin.

CSCE (1991). *Report of the CSCE Meeting of Experts on Peaceful Settlement of Disputes,* Valletta.

CSCE (1991). *Document of the Moscow meeting of the Conference on the human dimension of the CSCE,* Moscow.

CSCE (1992). *Helsinki Document 1992,* Helsinki.

CSCE (1992). *Third Meeting of the Council, Summary of Conclusions, Decision on peaceful settlement of disputes.* Stockholm.

OSCE (1994). *Final Document 5th Ministerial Council Budapest.*

OSCE (1996). *Lisbon Document.*

OSCE (1997). *Final Document 6th Ministerial Council Copenhagen.*

OSCE (1998a). *Statement on the CiO Bronisław Geremek's Action Plan on Kosovo.*  
CIO.GAL/10/98

OSCE (1998b). *Permanent Council Decision No. 218, PC.DEC/218; in: OSCE decisions 1998,* OSCE, Vienna.

OSCE (1998c). *Statement by OSCE Troika; 25 June 1998.* CIO.GAL/33/98

OSCE (1998d). *Letter of CiO Geremek to UN SG Annan*; 23 September 1998.

CIO.GAL/60/98

OSCE (1998e). *Statement by Professor Brosilav Geremek, Chairman in Office of the OSCE*, 8 October 1998. No. 58.98. SEC.INF 360/98.

OSCE (1998f). Permanent Council Decision No. 259, PC.DEC/259; in: *OSCE decisions 1998*, OSCE, Vienna.

OSCE (1998g). Permanent Council Decision No. 260, PC.DEC/260; in: *OSCE decisions 1998*, OSCE, Vienna.

OSCE (1998h). *Press Release* at 15 October 1998; No. 62/98. SEC.INF 372/98.

OSCE (1998i) Permanent Council Decision No. 263, PC.DEC/263; in: *OSCE decisions 1998*, OSCE, Vienna.

OSCE (1998j). Permanent Council Decision No. 265, PC.DEC/265/Corr; in: *OSCE decisions 1998*, OSCE, Vienna.

OSCE (1998k). Permanent Council Decision No. 266, PC.DEC/266; in: *OSCE decisions 1998*, OSCE, Vienna.

OSCE (1998l). *Permanent Council Decision No. 266*. PC.DEC/266

OSCE (1998m). *Seventh Meeting of the Ministerial Council 2-3 December 1998*. OSCE, Oslo.

OSCE (1998n). *OSCE decisions 1998*. MC(7).JOUR /2/ Corr

OSCE (1998o). *OSCE decisions 1998*. PC.JOUR /2/ Corr

OSCE (1999) *Istanbul Document 1999*.

OSCE (1999a). *Statement of the Ministry of Foreign Affairs of Russia*, 18 January 1999.

Unofficial translation. SEC.DEL/15/99

OSCE (1999b). *OSCE decisions 1999*. PC.JOUR 207/99

OSCE (1999c). *Press Release* at 20 March 1999; No. 31/99. SEC.INF/118/99.

OSCE (1999e). Permanent Council Decision 296. *OSCE decisions 1999*. PC.DEC/296/Corr

OSCE (1999f). Permanent Council Decision 305. *OSCE decisions 1999*. PC.DEC/305

OSCE (1999g). *OSCE decisions 1999*. Annex 2 to S(99)JOUR/2.

OSCE (1999h). Permanent Council Decision No. 331. PC.DEC/331. *OSCE decisions 1999*.  
OSCE, Vienna.

OSCE (1999i). Permanent Council Decision No. 333. PC.DEC/333. *OSCE decisions 1999*.  
OSCE, Vienna.

OSCE Handbook (2002). Published by the secretariat of the OSCE on OSCE's  
website [http://www.osce.org/publications/osce/2005/04/13858\\_222\\_en.pdf](http://www.osce.org/publications/osce/2005/04/13858_222_en.pdf) (10-04-2005).

OSCE (2005). *Common Purpose: Towards a more Effective OSCE*. Final Report and  
recommendations of the panel of eminent persons on strengthening the effectiveness of  
the OSCE.

OSCE Website: <http://www.osce.org>

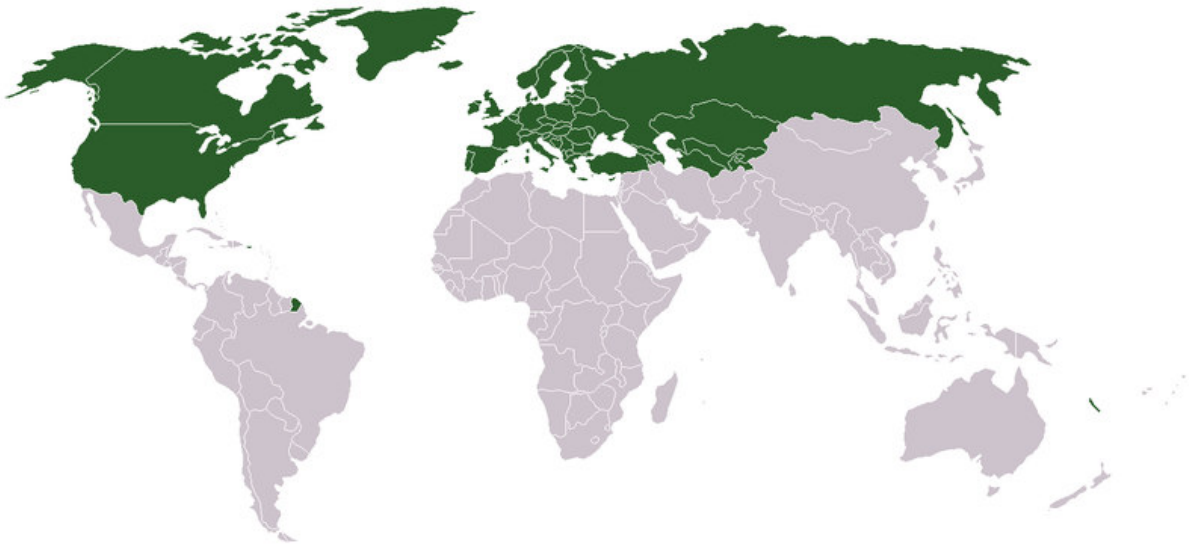
## **Annex 1: Acronyms**

BRJ	Budesrepublik Jugoslawien
CFSP	Common Foreign and Security Policy (of the European Union)
CiO	Chairman in Office
CoE	Council of Europe
CSCE	Conference for Security and Cooperation in Europe
CSO	Council of Senior Officials
FRY	Federal Republic Jugoslavia
HCNM	High Commissioner on National Minorities
HLPG	High Level Planning Group
HoM	Head of Mission
KLA	Kosovo Liberation Army
KVM	Kosovo Verification Mission
ICTY	International Criminal Tribunal of the Former Yugoslavia
LTM	Long Term Mission
NATO	North Atlantic Treaty Organization
ODIHR	Office for Democratic Institutions and Human Rights
OMiK	OSCE Mission in Kosovo
OSCE	Organization for Security and Cooperation in Europe
OSZE	Organisation für Sicherheit und Zusammenarbeit in Europa
PA	Parliamentary Assembly
PC	Permanent Council
PR	Personal Representative

RF	Russian Federation
SC	Senior Council
SIPRI	Stockholm International Peace Research Institute
SR	Special Representative
UN SC	United Nations Security Council
UCK	Ushtria Climtare e Kosoves; Kosovo Liberation Army
UN	United Nations
UNMIK	United Nations Mission in Kosovo
WEU	Western European Union

## **Annex 2: OSCE Participating States**

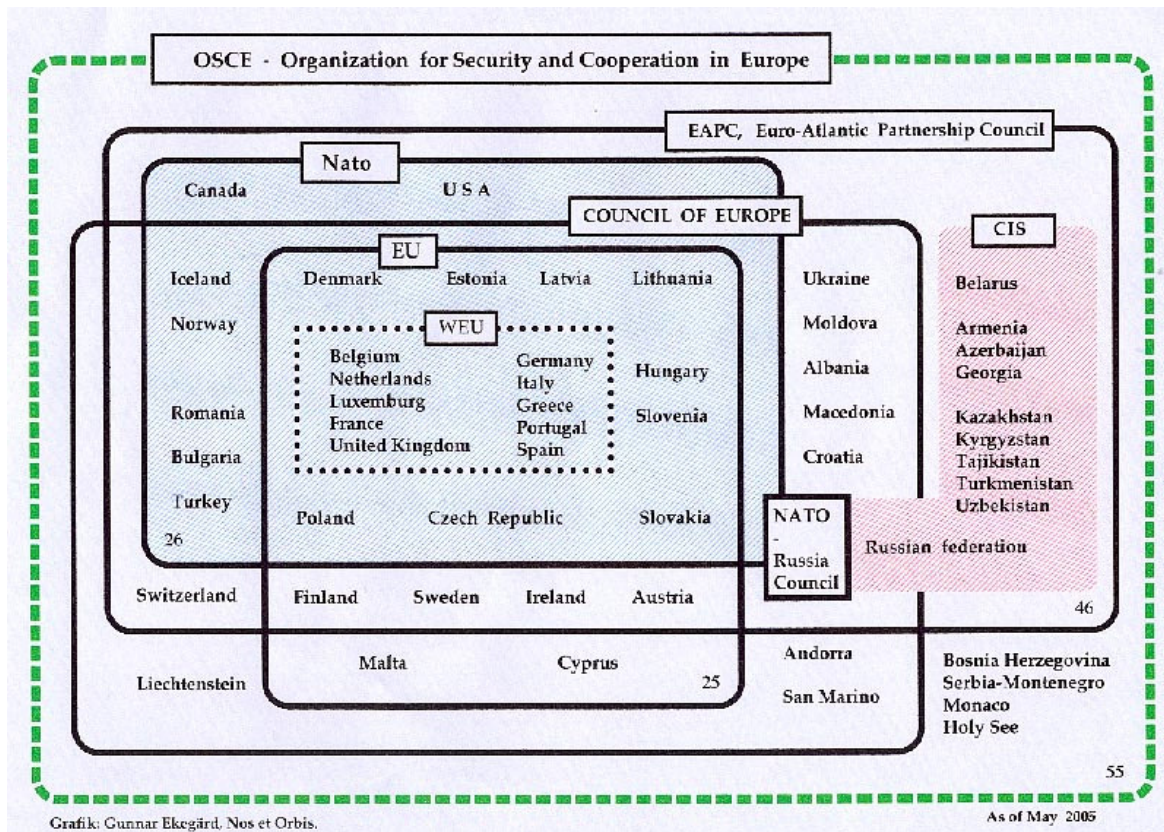
### *OSCE participating States*



Source: <http://de.wikipedia.org/wiki/Bild:OSZEMitgliedsstaaten.png>

- |                               |  |
|-------------------------------|--|
| <b>Albania</b>                | <b>Liechtenstein</b>                   |
| <b>Andorra</b>                | <b>Lithuania</b>                       |
| <b>Armenia</b>                | <b>Luxembourg</b>                      |
| <b>Austria</b>                | <b>The former Yugoslav Republic of</b> |
| <b>Azerbaijan</b>             | <b>Macedonia</b>                       |
| <b>Belarus</b>                | <b>Malta</b>                           |
| <b>Belgium</b>                | <b>Moldova</b>                         |
| <b>Bosnia and Herzegovina</b> | <b>Monaco</b>                          |
| <b>Bulgaria</b>               | <b>Montenegro</b>                      |
| <b>Canada</b>                 | <b>Netherlands</b>                     |
| <b>Croatia</b>                | <b>Norway</b>                          |
| <b>Cyprus</b>                 | <b>Poland</b>                          |
| <b>Czech Republic</b>         | <b>Portugal</b>                        |
| <b>Denmark</b>                | <b>Romania</b>                         |
| <b>Estonia</b>                | <b>Russian Federation</b>              |
| <b>Finland</b>                | <b>San Marino</b>                      |
| <b>France</b>                 | <b>Serbia</b>                          |
| <b>Georgia</b>                | <b>Slovakia</b>                        |
| <b>Germany</b>                | <b>Slovenia</b>                        |
| <b>Greece</b>                 | <b>Spain</b>                           |
| <b>Holy See</b>               | <b>Sweden</b>                          |
| <b>Hungary</b>                | <b>Switzerland</b>                     |
| <b>Iceland</b>                | <b>Tajikistan</b>                      |
| <b>Ireland</b>                | <b>Turkey</b>                          |
| <b>Italy</b>                  | <b>Turkmenistan</b>                    |
| <b>Kazakhstan</b>             | <b>Ukraine</b>                         |
| <b>Kyrgyzstan</b>             | <b>United Kingdom</b>                  |
| <b>Latvia</b>                 | <b>United States of America</b>        |
|                               | <b>Uzbekistan</b>                      |





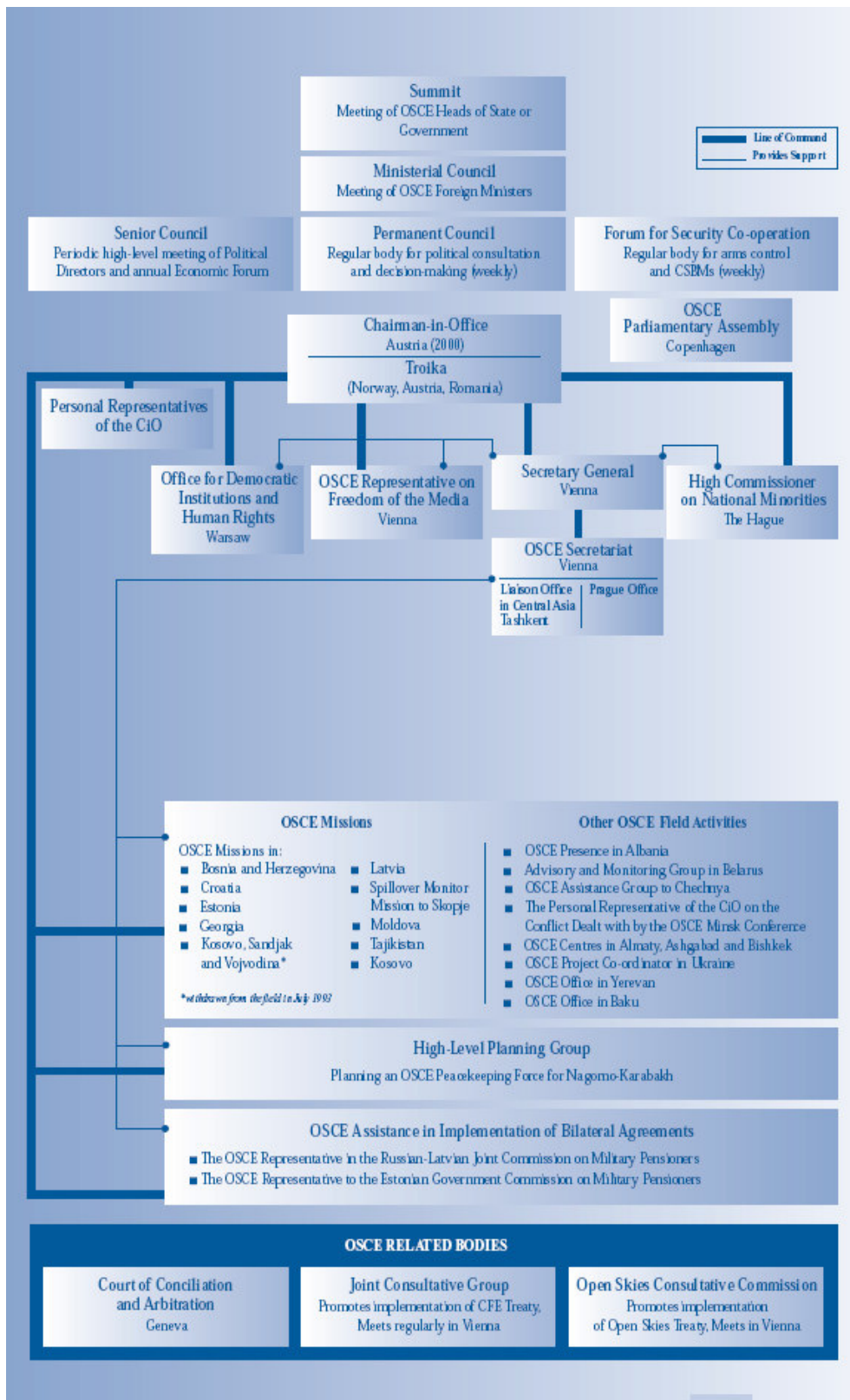
Grafik: Gunnar Ekegård, Nos et Orbis.

As of May 2005

*Membership of International Organisations*

Source: [www.oscengo.net](http://www.oscengo.net)

### Annex 3: Organisational Chart of the OSCE



OSCE Organisational Chart Source: OSCE Handbook, [http://www.osce.org/publications/osce/2005/04/13858\\_222\\_en.pdf](http://www.osce.org/publications/osce/2005/04/13858_222_en.pdf)

## Annex 4: Map of Kosovo

*Map of Kosovo*Source : [www.lib.utexas.edu](http://www.lib.utexas.edu)

NB. The text in the upper left corner is not correct anymore. Montenegro has declared independence from Serbia after a referendum in June 2006.

**Annex 5: Overview of OSCE Missions after the Cold War**

*All information provided in this chart has been derived from the SIPRI Yearbooks 1990-2006.*

<b>Year</b>	<b>Missions</b>
1990	/
1991	/
1992	Observer Missions to Kosovo, Sandzak and Vojvodina
1993	FRY, Spillover mission to Skopje, Georgia, Moldova and Tajikistan. <sup>26</sup>
1994	Spillover Mission Skopje, Mission in: Georgia, Moldova, Tajikistan. <sup>27</sup>
1995	Spillover Mission Skopje, Missions in: Georgia, Moldova, Tajikistan, Ukraine, Sarajevo, Latvia, Estonia, Chechnya. <sup>28</sup>
1996	Spillover Mission Skopje, Missions in: Georgia, Estonia, Moldova, Latvia, Tajikistan, Sarajevo, Ukraine, Bosnia and Herzegovina and an Assistance Group in Chechnya.
1997	Spillover Mission Skopje, Missions in: Georgia, Estonia, Moldova, Latvia, Tajikistan, Sarajevo, Ukraine, Bosnia and Herzegovina, Croatia, the Assistance Group

<sup>26</sup> Sanction assistance missions were deployed to Albania, Bulgaria, Croatia, Hungary, the Former Yugoslav Republic of Macedonia, Romania and Ukraine. These missions were neither conflict prevention nor conflict resolution missions but measures in support of peace enforcement sanctions against Serbia and Montenegro (SIPRI Yearbook 1994:44).

Rapporteur Missions to Albania, Armenia and Azerbaijan, Ukraine, Moldova and Belarus, Turkmenistan, Uzbekistan and Tajikistan, Kazakhstan and Kyrgyzstan, Georgia and Bosnia and Herzegovina. Fact finding Missions had been active in Kosovo, the region of the Georgian/Ossetian conflict and Georgia. Short term Missions to Kosovo, Sandzak and Vojvodina, Nagorno Karabach, Macedonia, Yugoslavia and Croatia, Azerbaijan and Armenia, Moldova, Romania, Ukraine, Russia, Estonia and Latvia.

<sup>27</sup> The sanction assistance missions of footnote 1 were active in 1994 as well. Preventive diplomatic missions were sent to Kosovo Sandzak and Vojvodina (representatives kept visiting these regions formerly covered by the mission), Skopje, Georgia, Moldova, Tajikistan, Estonia, Latvia, Ukraine and Sarajevo.

<sup>28</sup> The HCNM undertook diplomatic missions to Albania, Estonia, the Former Yugoslav Republic of Macedonia, Hungary, Kazakhstan and Kyrgyzstan, Latvia, Moldova and Ukraine (SIPRI Yearbook 1996:299).

	in Chechnya and the presence in Albania.
1998	Spillover Mission Skopje, Missions in: Georgia, Estonia, Moldova, Latvia, Tajikistan, Ukraine, Bosnia and Herzegovina, Croatia, the Assistance Group in Chechnya, the presence in Albania, the Permanent representative of the CiO on the conflict dealt with by the Minsk conference, the KVM and the Monitoring Group in Belarus.
1999	Spillover Mission Skopje, Missions in: Georgia, Estonia, Moldova, Latvia, Tajikistan, Bosnia and Herzegovina, Croatia, the Assistance Group in Chechnya, the presence in Albania, the Permanent representative of the CiO on the conflict dealt with by the Minsk conference, the KVM/OMiK. <sup>29</sup>
2000	Spillover Mission Skopje, Missions in: Georgia, Estonia, Moldova, Latvia, Tajikistan, Bosnia and Herzegovina, Croatia, Kosovo, the Assistance Group in Chechnya, the presence in Albania, the Permanent representative of the CiO on the conflict dealt with by the Minsk conference.
2001	Spillover Mission Skopje, Missions in: Georgia, Estonia, Moldova, Latvia, Tajikistan, Bosnia and Herzegovina, Croatia, Kosovo, FRY, the Assistance Group in Chechnya, the presence in Albania, the Permanent representative of the CiO on the

<sup>29</sup> Moreover, a liaison office in Central Asia was established in Uzbekistan and centres were opened in Almaty (Kazakhstan), Ashkhabat (Turkmenistan) and Bishkek (Kyrgyzstan).

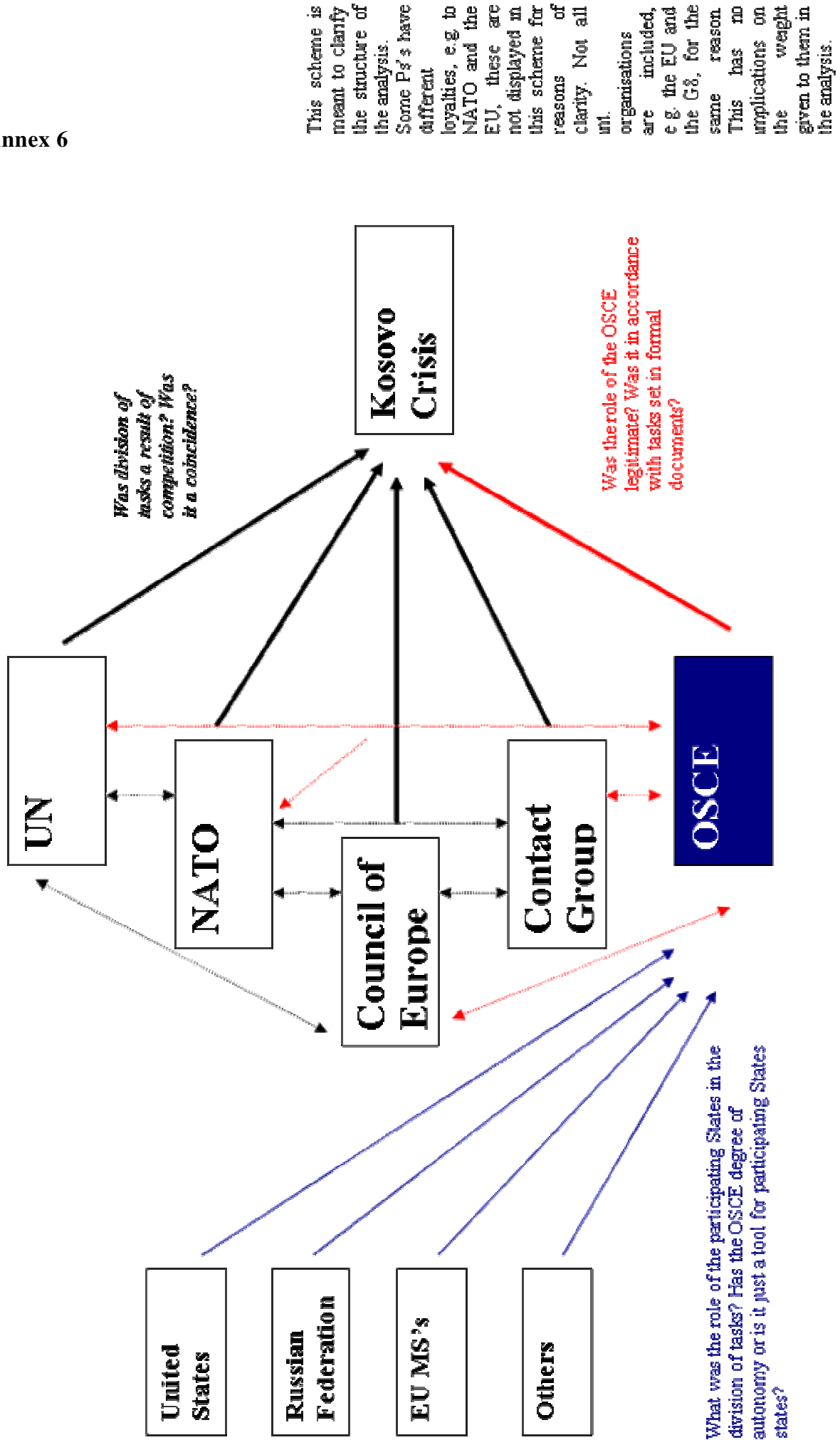
	conflict dealt with by the Minsk conference.
2002	Spillover Mission Skopje, Missions in: Georgia, Moldova, Bosnia and Herzegovina, Croatia, Kosovo, FRY, the Assistance Group in Chechnya, the presence in Albania, the Permanent representative of the CiO on the conflict dealt with by the Minsk conference and the Centre in Dushanbe. <sup>30</sup>
2003	Spillover Mission Skopje, Missions in: Georgia, Moldova, Bosnia and Herzegovina, Croatia, Kosovo, Serbia and Montenegro <sup>31</sup> , the presence in Albania, the Permanent representative of the CiO on the conflict dealt with by the Minsk conference and the Centre in Dushanbe.
2004	Spillover Mission Skopje, Missions in: Georgia, Moldova, Bosnia and Herzegovina, Croatia, Kosovo, Serbia and Montenegro, the presence in Albania, the Permanent representative of the CiO on the conflict dealt with by the Minsk conference and the Centre in Dushanbe.
2005	Spillover Mission Skopje, Missions in: Georgia, Moldova, Bosnia and Herzegovina, Croatia, Kosovo, Serbia and Montenegro, the presence in Albania, the Permanent representative of the CiO on the conflict dealt with by the Minsk conference and the Centre in Dushanbe.

<sup>30</sup> Formerly the OSCE Mission in Tajikistan.

<sup>31</sup> Formerly the OSCE Mission in the FRY, the name was changed following the constitutional state charter of the state union of Serbia and Montenegro.

Lines of influence and division of tasks during Kosovo Crisis late 1990's

Annex 6



States

International Organisations

Local conflict