As the EU has become an ever increasing political and security actor, it has increasingly become engaged with Europe’s other political and security organisations. Furthermore, through the process of membership overlap and enlargement, the EU is sure to be drawn to other international institutions. The EU’s relationship with the Organisation for Security and Cooperation in Europe (OSCE) illustrates how the structural changes in Europe have encouraged an ever-increasing relationship between institutions. The OSCE as an international institution has many important characteristics that make it relevant to the EU. A largely Vienna-based institution, the OSCE provides the only formal political forum for communication for both the United States and the Russian Federation in the context of European security, which neither the EU nor NATO provide. Second, the OSCE is a conflict prevention organisation with institutions on democracy, human rights, minorities, media, economic cooperation, not to mention the many areas of competence under the OSCE secretariat. The key is that the OSCE is a political actor in all of these areas rather than a legal actor, again different from the EU, because the OSCE (and the Conference on Security and Cooperation in Europe, CSCE, before it) is based on the assumption that ‘common and comprehensive’ security is best assured through political consensus rather than legal conditions.

The EU’s relationship with the OSCE began as the US and its allies and the Soviet Union and its allies met with the non-aligned countries in Europe to found the CSCE. The EC countries often took coordinated stands in the negotiation of the Helsinki Final Act (1973–75) and have acted as a block in the OSCE Permanent Council since it was created, initially as the Committee of Senior Officials in 1992. As we shall see in this chapter, the EU and OSCE have naturally become involved in similar issue-areas because of shared membership/participation and shared objectives. This chapter will look at how the EU has increasingly become involved with the OSCE between institutions and in the field. First, we look at Cold War niches and post-Cold War ‘functional convergence’ (Galbreath and Gebhard, 2010). Second, we look at how contact and coordination has flourished between institutions. Third, we examine the contact and coordination in the field, paying attention to Kosovo and Georgia. We finish with a critical assessment of the EU’s role in the OSCE and the future of European security.

Cold War niches
The CSCE was established as a formal agreement in 1975 in the Helsinki Final Act, which embodied the changes in the Cold War that we refer to as Détente. This period of the Cold
War was brought on by the change in West German foreign policy towards the Soviet Union (‘Ostpolitik’) and the de facto stalemate between the Cold War powers, the US and Soviet Union. The negotiation of the Final Act began in 1973 and lasted for two years until being signed in Helsinki. Harold S. Russell (Russell, 1976) illustrates the nature of the divisions that existed during the Helsinki process. He shows that the most stalwart US allies and Soviet allies tended to side with their super power partners. At the same time, he shows that there were considerable differences between these states and other European Communities states and non-aligned states such as Sweden, Finland and Yugoslavia. Apart from the super powers and their close allies, we can see that a ‘European’ voice comes out of the Helsinki negotiations. The EC countries pressed for two issues. The first was the comprehensive nature of the security agenda in the CSCE. The second was more concerned with the limited nature of the mandate. While no sides put forward a legal framework for agreement, there was particular concern that commitments under the Helsinki Final Act would force some states to become more militarised than they were politically or legally able to do. Particular attention was paid to how the Final Act would affect neutral states.

Consisting of the Decalogue and the three ‘baskets’, each word and declaration was a bargain between actors even down to how the words would be translated into other languages (Galbreath, 2007: 29). The Decalogue lists the ten key principles of territorial integrity and reciprocal agreements that one would expect from a peace agreement. The bulk of the Final Act is given to the ‘baskets’ of cooperation and security. These are the politico-military, economic-environmental, and human dimensions. The dimensions essentially provided so-called ‘confidence and security building measures’ (CSBMs) that would promote stability in the Cold War context. The Final Act is important in its approach to regional security. More specifically, the participating states chose a ‘comprehensive security’ approach which defines security in broader terms, both in reference to causes of conflict (e.g. border relations) but also issues that are not inherently violent but are still nevertheless harmful (e.g. environmental crisis management) (on ‘comprehensive security’, see Gebhard and Norheim-Martinsen, 2011). Arguably most important in relation to what the OSCE has become, the human dimension had considerable impact in capturing the nature of the late Cold War era. As we shall see, in the transition from the ‘Conference on’ to the ‘Organisation for’, the institution became increasingly oriented towards fulfilling the human dimension and thus it is at this juncture that the EU intersects the OSCE.

While in hindsight, the Helsinki Final Act appeared to be a remarkable achievement in the Cold War, it was very quickly damned in the US and Soviet Union (see Fall, 1977; Fascell, 1978). The US media in particular was hostile to what appeared to be acquiescence to Soviet control over much of Central and Eastern Europe, including the Baltic States which had been effectively occupied and forcibly added to the Soviet Union in 1941. With the Helsinki Final Act stating that territorial frontiers (borders) would be respected and the CSBMs of the first ‘basket’ establishing monitoring mechanisms through which to gauge action and intent, it appeared that the Soviet Union had been rewarded with what it had demanded all along: geopolitical control of the region between it and Germany. In reality, Western participating states quickly pointed out that the Helsinki Final Act did not recognise the Soviet inclusion of the Baltic States. Nevertheless, the long term threat of Soviet land invasion appeared to become far less an issue on the European land mass, although Cold War politics still carried on elsewhere as usual. So, it is little surprise that the success of the CSCE was quickly overshadowed by the Soviet invasion of Afghanistan and the election in the US of the Ronald Reagan Administration which increased the pressure on the Soviet Union and its allies in the 1980s.

Changes at the CSCE began around the same time the EC was changing and adopting a political persona. The change at the CSCE came with the change in the Soviet leadership in
1985 and thus the European security environment (Sizoo and Jurriens, 1984). The dock strikes and its political repercussions in Poland showed that the Soviet Union was no longer willing to intervene to ensure a Soviet stalwart government in a neighbouring state. As the politics of liberalism and reform began to sweep across Central and Eastern Europe, the forum of communication that was provided under the CSCE became ideal for collaborating over the new challenges to European security. In this context, one of the key benefits of the CSCE then and the OSCE now is the participation of the two super powers. While more recently this has led to increased inaction in the OSCE, for the CSCE this meant that it had the political momentum to make an impact on Europe’s security challenges.

Within this context, the ‘human dimension’ came to the fore (Baudet, 2001). Of particular concern was the threat of ethno-nationalism and border tensions that came with the drawing down of the authoritarian regimes in Central and Eastern Europe. Under this umbrella, participating states met three times to discuss events and a coordinated effort to define, prevent and treat what became increasingly intra-state conflict, rather than inter-state conflict as highlighted by the Final Act (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990). This change in focus would be a fundamental shift in the nature of the CSCE and it would become as it began to institutionalise its Final Act mandate. Perhaps remarkably, this change in focus from inter-state conflict to intra-state conflict was shared across the CSCE participating states. Less remarkable is the fact that this feeling is no longer shared by many participating states in the former Soviet Union. The reformist agenda of the Russian Federation for instance has focused on dismantling this intra-state focus in an effort to return the OSCE to its inter-state mandate under the Final Act (see Drieskens, 2006; Dunay, 2006).

While the CSCE was capturing the spirit of Détente and shepherding the Cold War to a close (if seen in hindsight), the EC was adding its own political identity initially under the Single European Act (1986) and then the Treaty of Maastricht (1991). While the former had more to say about the nature of the EC as unified economic powerhouse, the latter brought about changes in the way the EC would be governed in terms of its own acquis politique. The result produced an EU that was more politically active at home and abroad. Where the two institutions had been functionally separate in European affairs, changes in both organisations encouraged increasing overlap which in turn would produce greater cooperation and arguably competition.

Post Cold War convergence

As the CSCE institutionalised into the OSCE, participating states agreed to establish a large number of mechanisms that would focus on democracy and rights. There was an underlying assumption that with the Cold War over, the greatest threats to European security would be the tensions of liberal reform, border changes and stalled (or even reversing) democratic transitions. In 1992, participating states established a series of mechanisms that would install governance in the organisation, such as the Committee of Senior Officials (Permanent Council) and a Secretariat in Vienna as well as autonomous units such as the Office for Free Elections (Office for Democratic Institutions and Human Rights, ODIHR) and the High Commissioner on National Minorities (HCNM). In 1996, participating states also agreed to the establishment of the Representative on Freedom of the Media. Yet, before this, the CSCE officially became the OSCE, following the Budapest Summit in 1994.

At the time, the OSCE appeared to represent a post-Cold War European order. The organisation focused on ‘common and comprehensive’ security and thus surpassing the limited collective defence of NATO. So, when it came to agreeing to new institutions, there was unanimity
across participating states. The Russian Federation saw this as bringing the fruits of Détente to the post-Cold War European order by assuming that any potential for inter-state conflict was passed and thus ensuring regional stability would be best suited with these institutions (Cotti, 1997). From the Western perspective, these institutions like ODIHR and the HCNM represented a check on democratic transitions that appeared to be stalling, reversing or did not get off the ground in the first place. This follows the general democratic assumption about peace: democracies are inherently peaceful towards other democracies and thus the more democracies, the more stable the region.

With the new mandate of the OSCE, a pattern developed in terms of the issues it was concerned with and the areas in which they existed (Borawski, 1996). As the human dimension became more pronounced, the organisation began to focus more on internal politics of states ‘East of Vienna’. For the OSCE and its relation to the EU, this has been its greatest asset. The ability to address the enlargement area before the accession process started was key but also the ability to address the issues that extend beyond the enlargement area such as Ukraine, Georgia, Azerbaijan, Belarus, and Central Asia was also vitally important in terms of making the OSCE relevant in the post-Cold War environment.

For instance, the OSCE became increasingly focused on what some have called a human security agenda (see Galbreath, 2009). The notion of human security encapsulates the work of ODIHR and the HCNM as well as the civil society functions of the OSCE Secretariat. This approach came to the fore at the time of the ‘coloured revolutions’ in Georgia, Ukraine and arguably Kyrgyzstan. The OSCE became invested in supporting pro-democracy groups on one side such as peace and reconciliation non-governmental organisations in Georgia, and then turning around and acting as independent reviewer of elections. As a result, the Russian Federation and its former Soviet allies have become increasingly critical and for understandable reasons, even if not appreciable.

The OSCE’s presence in the former Eastern Bloc took on several forms. The main form were the OSCE missions that focused on a variety of mandates, including conflict resolution and prevention, democracy promotion, rule of law and civil society training (OSCE Secretariat, 2005). The first mission was to (FYR) Macedonia in 1992, which is still ongoing. Other missions, such as those in Bosnia and Kosovo have had very specific roles to perform in the wider international organisation matrix of peace building. In the case of the OSCE Mission to Georgia, the focus was heavily on the conflict in South Ossetia, with the United Nations as the key international actor in Abkhazia. There were also missions in accession countries, such as those in Estonia and Latvia that lasted from 1992 to 2001, which were primarily focused on the minority and stateless communities following the independence from the Soviet Union. Second, the HCNM under the role of Max van der Stoel become increasingly a diplomatic voice in Central and Eastern Europe (see Kemp, 2001). The High Commission began a ‘naming and shaming’ campaign in 1992 around the status of minorities in Estonia, Latvia, Slovakia and Romania as well as minority issues outside of the accession area in the former Yugoslavia and Soviet Union (Zellner, 1999). Importantly for this chapter, the OSCE missions and the documents of the HCNM became an important element of the EU’s accession criteria and can be found in the EU’s Regular Reports on the progress of enlargement.

Before we progress to the details of coordination, one further case is worth mentioning because it represents the longest and most in-depth engagement between the EU and OSCE. The case is Kosovo (Bellamy and Griffin, 2002). The OSCE had a presence in Kosovo prior to the 1999 NATO intervention. The first mission was to Kosovo, Sandzak and Vojvodina in 1992, but this was not renewed by the Yugoslav authorities in 1993. The second was the OSCE Kosovo Verification Mission that sought to ensure a cease-fire in the southern Yugoslavian province.
Following the escalation in violence, the verification mission was withdrawn. After the spring NATO bombings, the OSCE Permanent Council established the OSCE Mission to Kosovo that remains in the region. The mission to Kosovo is the largest of the OSCE in terms of funding and staff. Furthermore, the mission provides the OSCE with a specific focus in the peace-building (cum state-building) process of post-conflict Kosovo as determined under the United Nations Interim Administration Mission in Kosovo (UNMIK) mandate. The mandate set out in UN Security Council Resolution 1244 stated that the OSCE should ‘take the lead role in matters relating to institution- and democracy-building and human rights and rule of law.’ At the same time, UNMIK allocated the EU with the larger ‘rule of law’ rubric as can be seen under the EU Rule of Law Mission in Kosovo (EULEX).

So far, we get a good sense of how OSCE developed after the Cold War to take on many of the issue that the EU would increasingly become involved in, including democratic transition, human rights, minority rights and good governance. With the UK–French agreements in St Malo in 1999 and the subsequent Treaty of Nice, we see the launch of the CSDP missions. The first of these missions, interestingly enough, went to the same location as the OSCE’s first mission: (FYR) Macedonia. Like the OSCE, the EU has developed a tool by which to address many different issues such as rule of law missions, security-policy missions, elections, etc. With this in mind, two issues are worth restating. The first is that while the EU is a legal institution, the OSCE is not, but rather operates by political consent. OSCE officials do not have diplomatic passports for instance, unless they come by them through other ways. The second is that the OSCE is a common security institution. While acts promoting democracy, good governance, human rights, minority rights, gender-mainstreaming, etc., are evident, the organisation still has regional security as its key mandate. More specifically, these other ‘softer’ issues gain value and credibility by being linked to security.

EU–OSCE relations

Now that we have had a contextualised view of the relationship between the EU and OSCE, let us look at how the organisations reflect upon this convergence and cooperation. By convergence, we refer to the degree of institutionalisation, the consequences of reciprocal interaction, and the behavioural change between the EU and OSCE. The data come from interviews carried out between October 2008 and March 2009, at the EU in Brussels and the OSCE in Vienna. With the interviews focusing specifically on the relationship between the two organisations, officials commented on a range of issues as well as how they viewed the role of the two organisations in Europe. Firstly, the defining feature is that the two organisations occupy different areas within European governance, as highlighted in an earlier section. For instance, the OSCE Secretary General, Ambassador Marc Perrin de Brichambaut, laid out his sense of how the organisations differ:

The different international organisations have different members, different processes and different practices so each organisation approaches the problems of democracy and minority rights from its own angle. Each organisation has its own way of dealing with these issues. Each has its own practical mechanisms, its own decision-making processes. Each is specific in its own way. That’s why it makes sense to have cooperation especially as we have the same or similar goals and objectives. So while we look after more or less the same area, and have the same objectives, each organisation is at the same time distinct.
Similarly, the organisations represent different things to different states. An official in the European Commission Delegation to International Organisations in Vienna exemplified this in his statement:

For example, in somewhere like Albania the OSCE might be doing something on legal and police reform and tell the Albanians what they need to fulfil to work towards EU enlargement. But it is very important that for many countries the OSCE presence is seen as a badge of dishonour. For example, the Croats said it should be closed but we said it should be there. There are very few countries, such as Bosnia and Herzegovina, and Georgia, who want them there.\(^4\)

Altogether, the interviews illustrated how the organisations see themselves as providing niche functions in European governance.

Second, officials argued that the cooperative relationship between the EU and OSCE is strategic rather than path dependent. An official in the OSCE Secretariat Section on External Relations stated:

Each organisation has specific tools and they join their individual efforts in a coordinated manner. And in particular this coordination helps to avoid forum-shopping, where a state’s government talks to one organisation on a particular and decides then to move to another to pursue this issue. Another important reason for coordination among the [OSCE, EU and Council of Europe] is the need for efficiency. While the OSCE is the largest among the three organisations, we share members with the EU and the Council of Europe. So coordination means that one organisation does one thing and another does the follow-up. So in terms of the impact of this coordinated action, the results are better when the organisations work together than when the presences on the ground work separately. … But I wouldn’t say that overlap is the main problem, rather it’s about the problem of forum-shopping I mentioned earlier. For example, a state may decide it wants to do something and decides to bring some money for that activity, but may try one organisation and then another to get the most activity from the lightest commitment on its part.\(^5\)

Another official in the same interview expounded on the strategic nature of the OSCE relationship with the EU and Council of Europe, rejecting the notion of overlap:

I wouldn’t describe the cooperation between the organisations as overlap. I work on the cooperation between the OSCE and the Council of Europe and while there are some issues that are treated by both, each approach is very different. For example, the Council of Europe is about standard-setting, it has a legal approach while we have a more political approach, for example the High Commissioner’s ‘quiet diplomacy’ strategy. So I would say that it is about the organisations complementing each other rather than overlap. And even if there is something like overlap this reinforces our joint activities in the field, such as monitoring in Ukraine and activities in Kosovo.\(^6\)

The OSCE Secretary General reinforces this claim:

Look, in talking about overlap, I would avoid any simplification of the relationship between the different organisations. While each organisation may be doing the same thing as others, each is operating according to its own logic. For example the OSCE was the first
one working on these issues and has been doing so in its own way, especially through the work of the parliamentary assembly, the setting up of legal frameworks, protocols, standards and the work of the European Court of Human Rights. It has been doing all this for a fairly long period of time. But it was only until recently that the Council of Europe was geographically restricted and not so much involved in helping with implementation on the ground.

At the same time, the officials at the EU were far more likely to recognise overlap. One official stated:

Yes, there’s overlap. But it’s just overlap … We all want the same things but we do different things determined by resources. While the OSCE has a smaller budget it plays a major role in countries in Central Asia, the South Caucasus and the Balkans so these countries can claim ownership of activities. They can block things, they are part of it. Uzbeks can appoint the head of the Secretariat. So the OSCE does specific countries in transition, countries in trouble, for example, election monitoring. So I would say that to say there is duplication between the organisations is a bit harsh, a bit too strong.\(^7\)

The sensitivity to overlap is understood from the OSCE perspective. Overlap for the OSCE confirms what some see as the growing futility of the organisation, as we discussed earlier. Likewise, the EU’s willingness to acknowledge overlap illustrates the organisation’s place in European governance. The EU’s ability to shunt aside the OSCE over the Russia–Georgia conflict in August 2008 is a good example. Reflecting on the OSCE’s relationship with the EU, the OSCE Secretary-General created an image summing up the power relationship: ‘The EU is the elephant in the room. But we can think of the EU as the elephant, the Council of Europe as the dog and the OSCE as the flea. And of course, the flea can bite the dog that bites the elephant.’

Finally, the interviews illustrate the contributions that the EU and OSCE make to each other. Specifically, we can see the knowledge transfer between the organisations. An official in the OSCE Secretariat stated:

But certainly it is true that some see the OSCE as relaying for the EU what is happening on the ground in terms of policy formulation. For instance, it is true that the European Neighbourhood Policy reaches a certain number of countries, and there is the Central Asia strategy which was a bit of a flight at the beginning in terms of whose flag it should have, but the money was provided by the EU. But in principle we could say that until now some sectors see the OSCE about relaying EU dynamics, about defining the boundaries.\(^8\)

An EU official adds to this:

And in order to prepare these progress reports what we are going to say in this area is partially founded on the input of OSCE and Council of Europe and in that exact area there is quite some exchanges and meetings where we give the floor to our colleagues in order to get their assessment and latest documents available. And all this then is used as a source that the Commission can draw upon when writing its own reports.\(^9\)

More specifically, an official at the European Council stated, ‘the whole question of minority rights was functionally outsourced to the OSCE and Max van der Stoel who was the authority from which the European Union asked whether this country was up to par on minorities or not.’\(^10\)

An understanding of cooperation between the EU and OSCE should be based on the three characteristics laid out here. The two organisations offer particular niche functions in the region.
We begin to see convergence in areas of political transition, such as the former Yugoslavia and Soviet Union, as exhibited earlier. Second, where cooperation does exist, we should expect the EU and OSCE to have strategic reasons as to why they cooperate. At the same time, there cooperation is predated by a change in the political needs of the region. As these needs have changed, naturally so have the organisations. To what degree is this convergence a risk for the OSCE, the more vicarious of the two organisations? An official at the European Commission Delegation to Vienna stated:

What we do and the nature of the cooperation will always be reinvented. The management positions at the OSCE are seconded, there will be fresh faces, there will be different staff members reinventing continuously the wheel. The Ministerial Council will give new tasks to the Secretariat, someone will point to new problems and say they could be done by the OSCE and so there will be a lot of trading, agreement on budgets, people will be watching out for issues such as refugee returns, there will be draft codes of conduct.¹¹

Finally, the interviews confirmed a previously stated argument, that the OSCE offers an epistemic input to the European Security architecture. The interviews show how this expert, in-the-field knowledge has helped to shape EU policies. All three characteristics will continue to represent the relationship between the EU and OSCE.

EU–OSCE cooperation in the field

The civilian field presence of the EU and OSCE in Kosovo are for both organisations the most extensive ones in their history. Together with the UN, NATO and the International Civilian Office, the EU and OSCE are forming two crucial pillars in the international architecture on Kosovo which emerged as a consequence of NATO’s intervention in 1999 (see Brosig, 2011). Since then the military presence of KFOR was gradually substituted with a civilian component which was chiefly developed under the leadership of the UN and operation UNMIK together with the OSCE focusing on the creation of a functioning police force and stable and democratic institutions in Kosovo. However, the OSCE’s engagement even dates back before NATO’s military campaign and the setting up of UNMIK.

In October 1998 the US Special Envoy Richard Holbrooke managed to broker a ceasefire agreement amidst a constantly deteriorating security situation in Kosovo which foresaw the deployment of an OSCE observer mission. The so-called Kosovo Verification Mission deployed 1,400 military observers which had no positive or deterrence impact on Serbian forces. The mission was terminated in March 1999 and followed by NATO’s air campaign until June 1999. In July 1999 the OSCE deployed again together with the UN. Nonetheless, the OSCE’s observer mission was instrumental for all following operations including the EU’s engagement. In fact, the OSCE fulfilled a gatekeeping and facilitating role for other international organisations at this time.

During the first years after the war in Kosovo, the OSCE and UN were the leading organisations supporting a democratic reconstruction of Kosovo while the EU played a less prominent but not less important role in the economic sector. The EU was primarily engaged in the economic reconstruction and infrastructure projects and in establishing a customs service (European Union Pillar, The 10 Key Achievements, End of Mission Report 1999–2008: 14). Uncertainty over the final political status of Kosovo’s independence which by international law still forms part of Serbia and has been recognised today by 85 countries¹² out of 193 UN member states, has forced the international community to reshuffle its international missions. Currently, neither
UN, EU, nor OSCE countries have agreed on the recognition of Kosovo. As a consequence, during this reconfiguration process the EU was given a much more prominent role.

The mandate of the EU Rule of Law Mission (EULEX) is dividing the mission into three main areas, police, justice and customs. The police sector forms the main focus of the mission. EULEX came into existence in 2008. In the EU Council Joint Action 2008/124/CSFP Article 3a) formulates the EU’s role as being primarily occupied with monitoring, mentoring and advising (MMA) Kosovo institutions in matters related to rule of law. This also includes some executive powers in the area of war crimes, organised crime, and customs. The reconfiguration of responsibilities exerted some adaptation pressure on the side of the OSCE. In fact the OSCE had to transform from a lead-actor in the early years of development to a niche actor after EULEX was deployed in 2008.

In 2003 a European Council Draft Conclusion on EU–OSCE Co-operation in Conflict Prevention, Crisis Management and Post-conflict Rehabilitation was adopted between the two organisations which, however, only provides for very general formulations stressing the willingness of the EU and OSCE to cooperate and avoid unnecessary overlap and competition. Developing a more applicable Memorandum of Understanding for EU–OSCE relations in Kosovo has not materialised (author interview – Senior Official OSCE).

In the field, EU–OSCE relations in Kosovo show a degree of functional convergence in the form of a division of labour which allows organisations to occupy the same policy area and maintain institutional autonomy. Despite the fact the UN and OSCE have been the key organisations responsible for setting up a fairly functional Kosovo police and justice system, today the EU is the undisputed lead-organisation in these areas. This forces the OSCE to search for functional niches which have not been occupied by the EU but nonetheless, provide for a functional value added individually and in cooperation with the EU.

An illustrative example of EU–OSCE functional convergence in the field is the relationship between EULEX Police and OSCE policing. Within EULEX the police section makes up the strongest branch. The Police department is divided in three sections. A Strengthening Department is primarily tasked with MMA and supports capacity building within Kosovo Police. The so-called Executive Department is conducting active policing with executive powers in the area of organised crime, ethnic crimes and war crimes. These areas are still not managed by Kosovo Police as they are lacking either the competences or are perceived as being too political. Finally a Special Police Department has been established within EULEX Police which provides for crowd control and a high risk unit which in the still many situations of public and predominately ethnically motivated rioting in Kosovo functions as a robust reaction force. In summary, EULEX Police is occupying central parts of classical policing in Kosovo. In fact, in such a situation developing niche competences might be perceived as a desirable strategy as alternative options would require to either compete on the same ground with the EU, or disengage from Kosovo. Both of these options do not appear as very attractive for practical and political reasons and because of the overlapping membership of EU and OSCE member states.

Therefore the OSCE is engaging a highly specialised field which avoids institutional competition but allows the organisation to maintain a visible field presence by creating functional convergence through developing complementary competences. The OSCE has specialised in monitoring the police and justice sector in a very specialised section. It is monitoring compliance of the Kosovo Police with international human rights standards. The compiled monitoring reports are available publicly and are used for consulting and advising EULEX and Kosovo Police (author interview with OSCE Security Monitoring Section).

In the justice section the OSCE has equally sought to occupy a niche position in relation to EULEX. While the EULEX justice section is clearly the dominant actor (author interview
with EULEX Head of Justice), its monopolistic position still provides for some niche competence which the OSCE has discovered. OSCE officials have argued that EULEX cannot at the same time have executive powers in the police and justice section and monitor this area, as a conflict of interest might emerge (author interview, OSCE Security and Monitoring Section). Having a non-EU actor monitoring the police and justice sector is eliminating potential claims of political bias by the EU. Furthermore, the OSCE still enjoys a high field presence in many parts of Kosovo which can provide for a complementary advantage.

Conclusion

In this chapter, we illustrate the growing relationship between the EU and the OSCE. In the Cold War, the CSCE had a particular role in the geopolitics of the Cold War and of Détente in particular. As the European security environment began to change, so did the CSCE, becoming the OSCE, and the EU. The conflicts in the former Yugoslavia and the Soviet Union had a major impact on the way that the two organisations would develop. From the beginning, the OSCE was important because it included the US and Russian Federation in its decision-making structures and maintained institutional structures such as the HCNM and field missions that remain unique to the organisation. At the same time, the EU has increasingly become involved in these areas, first in Bosnia, then Kosovo and further afield. With the first launch of a CSDP mission in Macedonia in 2003, the EU has increasingly exerted its influence on the dimensions of security that are ensconced in the Helsinki Final Act.

This begs the question, what future for the OSCE? The answer is not straightforward. Firstly, international organisations rarely put themselves out of business, with perhaps the member states of the Western European Union being the exception. Second, the OSCE still maintains important institutions that have not been replicated in other international organisations such as the High Commissioner, ODIHR, and the Representative on Freedom of the Media. Whether the OSCE comes or goes, those concerns of insecurity still exist for which these institutions were established in the first place. Finally, the OSCE remains an important post-Cold War forum for negotiations about security and cooperation that includes all of the major European stakeholders. For these reasons, the EU has a great deal to gain from a vibrant OSCE.

Notes

1 States in the OSCE are referred to as ‘participating states’, given the political and non-treaty based nature of the organisation.
2 The authors would like to thank Joanne McEvoy for her research assistance in collecting the interview data.
3 Interview on 6 November 2008 in Vienna at the OSCE Secretariat.
5 Interview on 4 November 2008 in Vienna at the OSCE Secretariat Section for External Relations.
6 Interview on 4 November 2008 in Vienna at the OSCE Secretariat Section for External Relations.
7 Interview on 8 November 2008 in Vienna at the European Commission Delegation to International Organisations in Vienna.
8 Interview on 4 November 2008 in Vienna at the OSCE Secretariat Section for External Relations.
9 Interview on 3 February 2009 in Brussels, European Commission, Legal Services, External Relations.
10 Interview on 5 February 2009 in Brussels, Council of European Union, Human Rights Unit.
11 Interview on 8 November 2008 in Vienna at the European Commission Delegation to International Organisations in Vienna.
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