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Strengthening Europe's Security Architecture: Where Do We Stand? Where Should We Go?

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Recent experience permits us to form a more concrete picture of how Europe's security architecture will look in the next century. The most important steps have included the opening of the North Atlantic Treaty Organization (NATO) through the Partnership for Peace (PfP), the signing of political charters with Russia and Ukraine, the entry of three new members, the Alliance-led military operations in Bosnia-Herzegovina and Kosovo, and the decision to enlarge the European Union (EU). Most recently we have seen the rapprochement between NATO and the EU, the latter's decision to integrate the Western European Union (WEU) and to be more actively involved in the so-called Petersberg tasks, and - finally - the agreement to create a Union of Freedom, Security and Justice by integrating the Schengen and Dublin agreements into community law.

Against the background of these important developments, in this chapter I attempt to answer two basic questions: What are the central pillars of Europe's security architecture? How do Europe's security organizations contribute to the strengthening of these pillars? I will concentrate on the second question and indicate what remains to be done in order to solidify Europe's current architecture.

I argue that the European security architecture, comprising the transatlantic community, the Central and Eastern European (CEE) states, and Russia and Ukraine, has to be multilateral in character, that is it has to be built on a set of rules facilitating and strengthening cooperation. Multilateralism implies equal treatment of all actors (indivisibility) and the general applicability (nondiscrimination) of liberal norms.¹ Actors will therefore build up positive expectations favoring international cooperation and allowing them to overcome the security dilemma.² However, multilateralism has two potential Achilles' heels. When cooperating, states form what Robert Keohane called "expectations of diffuse reciprocity."³ States may expect, first, to benefit from international cooperation over time and are prepared to make concessions today, anticipating that the benefits of cooperation will outweigh concessions to other states. This approach may pose great risks if governments cannot expect others to play by the rules (security dilemma). There is thus, second, an implicit tendency to defect. Although favorable, cooperation is not certain. A multilateral security architecture therefore needs built-in safety devices that prevent backsliding or a "return to the future", as suggested by John Mearsheimer.

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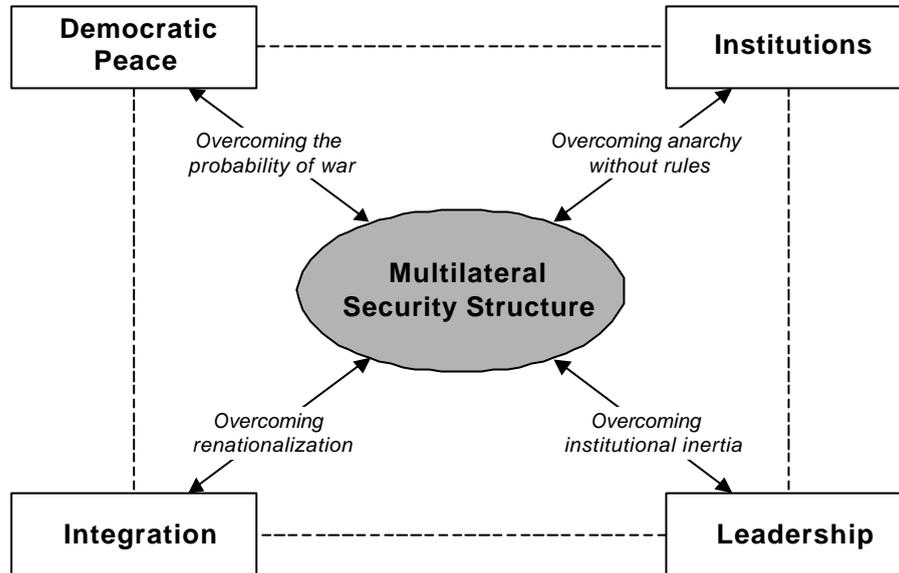
¹ Deudney/Ikenberry, *Structural Liberalism*, pp. 5-42.

² Ruggie, *Winning the Peace*, p. 20; Ruggie, "Multilateralism: The Anatomy of an Institution" pp. 14-22.

³ Quoted in Ruggie, "Multilateralism: The Anatomy of an Institution", p. 11.

I therefore propose an approach based on four pillars: democratic peace, institutions, leadership, and supranational integration (see Figure 1).⁴

Figure 1: Main Components of Europe's Multilateral Security Architecture



Democratic peace

Since the Cold War, the theory of democratic peace has become the guiding principle for the creation of a common European security architecture that includes the Atlantic, Western European, and the former Communist countries. Building a security community does not only require "the realization of sufficient commonality of security interests" and "a substantial transformation of the security dilemma"; it also involves "the disappearance of the traditional security dilemma among a select group of states."⁵ The disappearance of the traditional security dilemma has a lot to do with the foreign policy of the states involved. It is of paramount importance whether these states show a high or low propensity for war, and whether the likelihood of war in the international system is seen to be high or low. Democratic norms and structures reduce the probability of war between states.⁶ Therefore, the theory of democratic peace can be interpreted as the first safety device to avoid relapse into war in Europe.

Institutions

In a multilateral order, actors develop common norms, follow them, and foresee enforcement procedures in the case of deviation. This implies the existence of institutions - understood as durable patterns of behavior based on norms, principles, rules, and decision-making procedures - ultimately based on a democratic and liberal worldview.⁷ Since 1950, European countries, with the help of their transatlantic allies, have woven a tight web of international organizations, regimes, politically and

⁴ For a more detailed account of the theoretical arguments see: Borchert, *Europas Sicherheitsarchitektur*, pp. 71-152.

⁵ Job, "Matters of Multilateralism: Implications for Regional Conflict Management", p. 177.

⁶ Doyle, "Kant, Liberal Legacies and Foreign Affairs", pp. 205-235; Kahl, "Constructing a Separate Peace", pp. 94-144; Russett, *Grasping the Democratic Peace*.

⁷ For a general introduction into the different "institutionalisms" in political science see: Peters, *Institutional Theory in Political Science*.

legally binding international agreements, and common norms and principles serving as the backbone of Europe's security architecture. Because institutions "make certain things easier to do and other things harder to do,"⁸ they help to overcome international anarchy. They can be regarded as the second safety device in order to avoid Mearsheimer's scenario.

Leadership

Despite its advantages, a multilateral system tends to show signs of institutional inertia, buck passing, and inactivity - tendencies that undermine the credibility of the system. Therefore a multilateral system cannot do without leadership - the third safety device - that helps to remedy such situations.⁹ However, in contrast to hegemonic stability theory, where material resources play a crucial role, recent studies have emphasized the importance of norms in persuading followers and the role of non-hegemonic states that can develop true leadership.¹⁰ Following these lines, it can be argued that international organizations can provide leadership in two different ways. International organizations provide passive leadership either by facilitating decisionmaking (e.g., provisions for majority voting or mechanisms that improve flexibility) or by mandating international actions to be implemented outside international organizations (e.g., peace-enforcing missions authorized by the UN Security Council and conducted by a coalition of the willing). In contrast, international organizations acting independently can provide active leadership either by establishing international structures (e.g., the role of the European Court of Justice [ECJ] in developing the basic principles of European integration law), or by initiating cooperation (e.g., the role of the NATO Secretary-General in dealing with Russia on the first round of Alliance enlargement).

Supranational integration

This distinctly European phenomenon can be understood as a process whereby governments act jointly and freely to create international bodies by transferring sovereignty, thus granting them executive power. Within such a framework, governments not only coordinate their policies, but also initiate common policies that bind member states. The supranational body can act independently, and its norms are directly applicable, thereby enjoying precedence over national law. Hence, supranational integration as the fourth safety device, helps to prevent the renationalization of European politics.¹¹

⁸ Goodin, "Institutions and Their Design", p. 16.

⁹ I define leadership as a person's ability to convince others to act as he would like them to. Leadership has to be distinguished from dominance or power wielding, because it rests on a liberal worldview, common expectations, needs, and goals. Thus, a leader has the ability to initiate actions that will be followed by others and can even enforce such actions. Followers respect the leader's position as legitimated on the basis of a liberal worldview. Followers appreciate the leader deciding on their behalf and are occasionally prepared to change their own preferences if deemed necessary. For a similar understanding see: MacGregor Burns, *Leadership*, p. 19. On the interplay between followers and leaders see: Wiener, "'Hegemonic' Leadership. Naked Emperor or the Worship of False Gods?", pp. 219-243; Fenton Cooper/Higgott/Nossal, "Bound to Follow?", p. 398 f.

¹⁰ Wiener, "'Hegemonic' Leadership. Naked Emperor or the Worship of False Gods", pp. 219-243; Wiener, "Leadership, the United Nations, and the New World Order", pp. 41-63; Wiener, *Making Rules in the Uruguay Round of the GATT*.

¹¹ Most useful overviews of the vast literature on integration theory can be found in: Giering, *Europa zwischen Zweckverband und Superstaat*; Mattli, *The Logic of Regional Integration*, pp. 19-40; Moravcsik, *The Choice for Europe*, pp. 18-85; O'Neill, *The Politics of European Integration*, pp. 21-53, 122-144.

In order to analyze the contribution of Europe's security organizations to the four-pillar concept, I distinguish between political, economic, and military security dimensions. On the one hand, this distinction reflects Europe's current security architecture. The Organization for Security and Cooperation in Europe (OSCE)¹² and the Common Foreign and Security Policy (CFSP) of the EU primarily deal with political questions; economic matters are dealt with by the EU; and military matters are referred to NATO and the WEU. On the other hand, this distinction makes clear that each pillar of my concept has three dimensions, although, as will be shown later, in varying proportions.

My analysis can be summed up as follows: First, and most important, Europe's security organizations tend to work on the basis of identical core values. At the national level, the democracy requirement (rule of law, separation of powers, free elections, and the guarantee of human rights) has become the rule. At the international level, openness, transparency, predictability, reciprocity, flexibility, abstention from the use of force, sufficiency, and cooperation form the constitutional norms of a multilateral European security architecture. Second, Europe's security organizations already make a twofold contribution toward bolstering stability and security. They strengthen the four pillars just outlined, and they influence member states' policies in economic, military, and political matters. In the realm of economics, the transfer of sovereignty has led to the creation of a robust supranational framework, especially in the European Community (EC).¹³ In military matters, the aim of setting up multinational units and the required standardization of military doctrines and of equipment begin to encroach upon sovereignty. For multinational units to function, governments have to agree on decisions that limit their sovereignty. In politics, most prominently in security and foreign affairs, intergovernmentalism still reigns over supranationalism. However, most recent developments in the EU show that this distinction tends to get blurred. Third, improved coordination between political, economic, and military matters will be of foremost importance for Europe's future security. This requirement not only affects the enlargement process under way in NATO, EU, and the WEU. In the end it will also require a qualitative shift in the way that governments approach international politics. Transnational risks not only demand internationally agreed upon solutions and multilateral cooperation - they assume international instead of national interests.

The study has six sections. The first discusses the multiple activities of Europe's security organizations to promote democratic peace. The second turns to Europe's security organizations themselves. Among other things, it will show how they consult their member states, how decisions are made, and how they consult each other and cooperate. The third will deal with the question of institutional leadership by analyzing the degree of consent among the member states, defining the organizations' core competence, and giving four examples of executive leadership. Fourth, despite the strong resistance of states to transferring sovereignty in security issues, there are signs that international cooperation in this field is beginning to encroach upon sovereignty. Fifth, I address the question of what remains to be done in order to strengthen Europe's security architecture. Four concrete proposals are put forward, aimed at enhancing institutional contacts and augmenting institutional cooperation, improving rule orientation, managing peacebuilding more effectively, and strengthening Europe's Security and Defense Identity (ESDI). Finally, I summarize the results.

¹² For simplicity, I also use the acronym OSCE when talking about the former Conference on Security and Cooperation in Europe (CSCE), which was named OSCE in 1994.

¹³ We are used to referring to the "European Union" as denoting most of the institutions created within the European integration process. For clarification it should be kept in mind that the European Union rests on three pillars: the European Communities (themselves consisting of the European Community, the European Coal and Steel Community, and the European Atomic Energy Community), the Common Foreign and Security Policy, and Cooperation in the fields of Justice and Home Affairs. While the European Union is dominated by intergovernmentalism, the European Communities are dominated by supranationalism. I will therefore either refer to the European Union or the European Communities to highlight this distinction.

Democratic Peace: Broad Institutional Support

The contribution of international organizations to the promotion of democratic peace is often neglected.¹⁴ Yet, Europe's security organizations are active in many ways. They contribute to the development of norms, facilitate the monitoring of the application of jointly developed norms, and even provide enforcing mechanisms. Their assistance programs also support the building up of democratic structures.

Developing Norms

Joint liberal and democratic norms safeguard democratic peace,¹⁵ and Europe's security organizations contribute to the establishment of such norms at the domestic and the international levels.

At the domestic level, norms must accord with what is seen as appropriate international behavior.¹⁶ Europe's security organizations strengthen national democratic norms in three different ways: they broaden the protection of human rights, set up rules for democratic structures, and enhance democratic control of armed forces. The OSCE has created the most far-reaching democracy and human rights regime worldwide, thereby placing special emphasis on the protection of human rights in times of public emergency and on the independence of the judiciary as well as the rule of law.¹⁷ Additionally, the code of conduct on politico-military aspects of security adopted at the 1994 Budapest summit contains detailed provisions on the democratic control of armed forces. The code's provisions refer among other things to a state's security and defense policy in peacetime, the domestic role of armed forces, and the human rights of military personnel.¹⁸ The democratic control of armed forces is also on the PFP agenda. According to international experts, NATO officers thereby relate to the OSCE's code of conduct, which opens the door for interesting perspectives of cooperation.¹⁹ Furthermore, the ECJ and the European Court of Human Rights (ECHR) in Strasbourg have contributed greatly to an effective protection of human rights. Because most states follow the Luxembourg and Strasbourg judgments, both courts have profoundly affected domestic law.²⁰

At the international level, UN and OSCE norms as well as *ius cogens* can be seen as international constitutive norms. They include the principle of sovereign equality, the fulfillment of obligations in good faith, the peaceful settlement of disputes, abstention from the use of force, nonintervention in internal affairs, territorial integrity, and the inviolability of borders. These form the core of internationally binding norms. However, these norms are not uncontested, as the discussion on the legality of humanitarian interventions and various proposals to adapt the OSCE's decalogue have shown. On paper, at least, it is again the OSCE that has adopted the most far-reaching provisions by declaring that:

¹⁴ For a recent empirical study that describes the positive impact of membership in international organizations on peaceful external relations see: Russett/Oneal/Davis, "The Third Leg of Kantian Tripod for Peace", pp. 441-467.

¹⁵ Russett, *Grasping the Democratic Peace*, p. 42.

¹⁶ For a more general discussion of the role of international organizations in setting up and diffusing norms see: Finnemore, *National Interests in International Society*, pp. 34-127; Barnett/Finnemore, "The Politics, Power, and Pathologies of International Organizations", pp. 712-715.

¹⁷ Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 29 June 1990; Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991. All OSCE documents are available online: <http://www.osce.org>.

¹⁸ Code of Conduct on Politico-Military Aspects of Security, adopted as part IV of the Budapest Summit Document, Budapest, 6 December 1994.

¹⁹ Dean, "Der OSZE-Verhaltenskodex", p. 317.

²⁰ For a comparison of the contributions of the ECJ and the ECHR see: Helfer/Slaughter, "Toward a Theory of Effective Supranational Adjudication", pp. 290-298.

The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. *They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.*²¹

This commitment implies that European states are, at least in principle, no longer willing to accept violations of human rights, and this constitutes a common identity based on the respect of the principles of the human dimension. It is therefore very difficult for a state, as tensions between the EU and Turkey have shown, "to consistently abuse human rights and still be deemed to belong to contemporary 'Europe'."²²

Let me now turn to international norms controlling the use of armed forces. Once more, the OSCE paved the way for what today is taken for granted: military cooperation between East and West. The detailed provisions for confidence and security building, developed between 1986 and 1989 in Stockholm and then enhanced by the Vienna Documents, established a regime built on the principles of openness, reciprocity, and predictability allowing for a wide exchange of information. Recent conferences aimed at improving the treaty of Conventional Forces in Europe (CFE), the cornerstone of military stability in Europe, also adopted the principle of sufficiency. Sufficiency means that every state should "maintain only such military capabilities, individually or in conjunction with others, as are commensurate with legitimate individual or collective security needs, taking into account their international obligations."²³ Interestingly, this quotation is taken from the NATO-Russia Founding Act, indicating that OSCE and NATO tend to work on the basis of the same norms.

Monitoring the Implementation of Norms

Obviously, the credibility of norms depends on their application by states. Playing by the rules is crucial, because perceptions play an important role in devising political strategies towards other states, and they determine whether a state is seen to behave democratically or not.

In the political and economic spheres, we can distinguish three different approaches to the monitoring of norm application. Most international organizations require their executive bodies to monitor norm application (e.g., the UN Security Council, the European Commission and the different Councils of the OSCE). In addition, most international organizations have developed special authorities to serve this purpose. The United Nations established the United Nations High Commissioner for Refugees (UNHCR); the OSCE developed the instrument of a High Commissioner on National Minorities (HCNM) and long-term missions as well as a Representative on Freedom of the Media. Second, political procedures, such as the monitoring and fact-finding missions of the UN and the OSCE, the OSCE's emergency mechanisms, or its review and implementation conferences, either help to clarify specific questions or to monitor the application of provisions in general. Finally, judicial procedures often lead to legally binding judgments. Depending on who is allowed to appeal, a court's judgments are binding for different litigants: The International Court of Justice and the OSCE's Court

²¹ Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, Preamble, italics added.

²² Adler, "Seizing the Middle Ground", p. 345.

²³ Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation, Paris, 27 May 1997, Chapter IV, Para. 8 (<http://www.nato.int/docu/comm/m970527/uk-text.htm>).

of Arbitration and Conciliation accept only petitions received from member states or contracting parties. In contrast, after ratifying Protocol No. 11 that restructured the control machinery of the Council of Europe (CoE), the ECHR can receive petitions from natural persons, and the ECJ also accepts petitions from Community institutions and legal persons.

The different approaches developed to monitor the application of military norms can be grouped as follows. Standard procedures normally entail the exchange of information and implementation meetings. Procedures for clarification are designed to facilitate decision making and the search for specific temporary measures by providing structured forms of dialogue (e.g., the Chemical Weapons Convention [CWC]). On-site procedures do not rely on information given by a state in question, but they do allow for routine inspections, challenge inspections, inspections for certification and reduction, visits, and observation flights.²⁴

Enforcing Norms

Most norms and rules are not self-enforcing, therefore requiring implementation in the case of non-compliance. Enforcing norms raises two questions: First, is it legal to enforce them? Second, how can norms be enforced?

In order to answer the first question, we have to look at the basic treaties and charters of Europe's security organizations. The basic provision for the legality of enforcement actions can be found in the UN Charter, which empowers the UN Security Council to take all measures deemed necessary to safeguard peace and security worldwide.²⁵ The OSCE, which is based on a cooperative security approach, gives priority to mainly diplomatic instruments. However, the principles of the OSCE's human dimension are matters of direct and legitimate concern to all participating states. Thus the Prague document (1992) says "that appropriate action may be taken (...), if necessary in the absence of the consent of the State concerned, in cases of clear, gross and uncorrected violations of relevant CSCE commitments."²⁶ The OSCE implicitly agreed to the possibility of imposing political and economic sanctions in accordance with the UN Charter.²⁷ In contrast, military sanctions or enforcement measures are categorically ruled out.²⁸ Hence, military enforcement measures - with the exception of the 1999 Kosovo intervention - can only be undertaken by the UN or by a coalition of the willing, authorized by the UN Security Council. In 1992, both NATO and the WEU agreed to support such missions at the request of the UN Security Council and subject to agreement by their member states.²⁹ Finally, even the EU foresees enforcing measures. While the Community institutions are entitled to enforce their decisions on the grounds of special treaty provisions (including economic sanctions), the Treaty of Amsterdam introduced the possibility of imposing sanctions against a member state in the case of a "serious and persistent breach" of the principles of "liberty, democracy, respect for human rights and fundamental freedoms,

²⁴ These instruments are foreseen by the Treaty on Conventional Forces in Europe, the Vienna Documents, the Open Skies Treaty (all available online at the OSCE web site) and the Chemical Weapons Convention (<http://www.opcw.org/cwdoc.htm>).

²⁵ UN Charter, Article 1:1 and Article 24:1.

²⁶ Prague Document on Further Development of CSCE Institutions and Structures, Prague, 30-31 January 1992, Chapter IV, Para. 16.

²⁷ Peters, "Normen- und Institutionenbildung der KSZE im Widerstreit politischer Interessen", p. 175.

²⁸ Helsinki Document, Helsinki, 10 June 1992, Chapter III, Para. 20.

²⁹ NATO adopted its decision in Oslo and Brussels in June and December 1992. The WEU adopted its Petersberg declaration in June 1992, thereby tasking the WEU to conduct operations of conflict prevention, crisis management, and peace keeping.

and the rule of law." These sanctions may entail suspension of certain rights deriving from the Treaty on European Union, including the voting rights of the respective country.³⁰

We can now turn to the different mechanisms to enforce norms. Again, it is useful to distinguish between political and economic mechanisms on the one hand, and military procedures on the other. In the political and economic dimensions, five instruments are available. Normally, political and economic sanctions will be the first instrument the international community employs. If it is possible to appeal to a court in order to enforce commonly agreed norms, judicially binding judgments will be a second instrument. At least in European integration law, judgments by the ECJ may be combined with coercive payments or administrative fines imposed by the European Commission or the European Central Bank. To exert additional pressure, international organizations may decide to suspend treaty rights, as foreseen by the new Treaty on European Union or the CWC.³¹ Finally, a member state can even be expelled or its membership suspended.³²

Enforcing norms militarily remains the *ultima ratio*. Should the international community deem it necessary to rely on military force, four instruments are at hand: Collective self-defense will be the standard response to an attack directed at a member of NATO or the WEU.³³ Peace-enforcement measures authorized by the UN Security Council and directed by NATO/WEU, or a coalition of the willing, aim at enforcing either a cease-fire resolution or a peace agreement (e.g., Implementation Force [IFOR], Stabilization Force [SFOR]). Humanitarian interventions are feasible if a secure environment has to be created in order to help the civilian population. Finally, military enforcement measures (*bellum iustum*) are necessary to restore peace and security in cases where all other measures have proved inadequate.³⁴

Building Up Democratic Structures

Let us turn to the contribution of Europe's security organizations towards the building of democratic structures within states. Most organizations provide consulting and general support. In politics, consulting and support means dealing with constitutional and legal issues, helping to solve minority problems and repatriate refugees, reform the public sector, and establish a free press. Besides granting financial and technical assistance, international financial organizations, as well as the EU and the UN, help build up capital and venture capital markets. They also launch special programs for small and medium-sized firms and help integrate women in business, support the privatization of formerly state-owned enterprises, conduct seminars on all questions related to management, and advise on the setting up of social security systems and pension funds. In military matters, building up democratic structures means establishing and safeguarding democratic control of armed forces, a job NATO has undertaken in Albania.

Different monitoring activities contribute a second category. The UN, the OSCE, and the CoE monitor the implementation of human and minority rights, peace treaties, and international agreements. Occasionally, these activities can be supported by military forces, as in Bosnia-Herzegovina, where IFOR/SFOR provide for the monitoring of the cease-fire agreement and guarantee free

³⁰ Consolidated Version of the Treaty on European Union (CTEU), Articles 6?7 (quoted according to the version reprinted in: *European Union. Consolidated Versions*, Luxembourg: Office for Official Publications of the European Communities, 1997).

³¹ Chemical Weapons Convention, Article XII:2.

³² Suspension and expulsion are foreseen by the UN Charter. The OSCE can suspend a participating state. Even the European Bank for Reconstruction and Development (EBRD) has the possibility to suspend the membership of a member state (Agreement establishing the EBRD, Article 8:3, <http://www.ebrd.com/english/Public/Basic documents/basic1.htm>).

³³ UN Charter, Article 52; Washington Treaty, Article 5; Modified Brussels Treaty, Article V.

³⁴ UN Charter, Article 42.

movement of the people. Finally, in countries where fighting has destroyed most of the infrastructure, international organizations may provide transitional authority. Transitional authority can also entail the organization and supervision of elections and the arrangement of negotiations between the parties to the conflict. International organizations may even negotiate international agreements on behalf of the parties of conflict, as in the case of the OSCE, empowered to negotiate a regional arms control treaty under the Dayton Accords.

Summary

To sum up the results of this section, Europe's security organizations support democratic peace in four ways. First, they help to establish norms reorienting state behavior. Second, they provide various instruments to monitor the application of commonly agreed norms: monitoring by executive bodies, political and judicial procedures in politics and economics as well as standard procedures, procedures for clarification, and on-site procedures applied in the military dimension. Third, if necessary, Europe's security organizations help to enforce international norms. In this case, we can distinguish between sanctions, judgments, fines, the suspension of treaty rights, and suspension and expulsion of membership. Militarily we must differentiate among the right of collective self-defense, peace-enforcement measures, humanitarian interventions, and military enforcement measures. Finally, Europe's security organizations help build up democratic structures at a domestic level by consulting and supporting, granting economic aid, monitoring, and providing transitional authority.

Cooperation Among Europe's Security Organizations: High Complexity, Low Coordination

This section presents an analysis of the structure of Europe's security organizations as well as their interaction. First, I will look at their decision-making procedures and the way they consult with their member states. Second, I turn to interinstitutional cooperation. Third, it will be shown whether Europe's security organizations facilitate deviation from commonly agreed rules or whether they render such behavior more difficult. Finally, relations between Europe's security organizations and non-state actors are analyzed.

Consultation and Decisionmaking

What are the basic provisions for consultation and decisionmaking? How do Europe's security organizations consult with potential new entrants, and how did they prepare themselves institutionally for enlargement? This section provides some answers to these questions.

Basic structures: who, how, for what?

Intergovernmental bodies decide what Europe's security organizations should do and how they should approach their tasks. Within the OSCE as well as the CFSP, the political guidelines are set by the heads of state, meeting either in the OSCE's Summit Meetings or at the European Council. All subsequent decisions to implement these guidelines will be adopted by the OSCE's various Councils (Ministerial Council, Senior Council, Permanent Council) or by the EU's Ministerial Council. The WEU opted for a similar procedure. The guidelines will be adopted by the Foreign Ministers meeting as the WEU Ministerial Council, and day-to-day decisions are adopted by the Permanent Council meeting in different formats. In contrast, NATO's North Atlantic Council is the central body for decision making, meeting either as the summit of the heads of state, the foreign ministers, or defense ministers.

Europe's security organizations basically decide by consent. However, this can mean different things. Within the OSCE, consent does not equal unanimity. Rather, consent means that no participating state vetoes a decision. In NATO, consensus is the basis for all decisions. In practice it requires consent. However, the "silence" procedure allows decisions to be taken as long as no ally feels so strongly that it believes it must block the decision. The same holds true for the WEU Ministerial Council, although a distinction is made between political and procedural matters. The former require unanimity (allowing for the possibility of opting out), whereas the latter do not require unanimous voting. Finally, the CFSP requires unanimity in the European Council, while the Ministerial Council may adopt decisions on the basis of qualified majority voting; constructive abstention is possible.

The Secretaries-General play different roles. In NATO and in the UN, the Secretary-General plays an important administrative as well as political role, because both organizations grant him a right of initiative that gives him the possibility to influence internal decisionmaking. Additionally, NATO assumes that in case of disputes between member states, the Secretary-General can offer his good offices. In contrast, the Secretary-General of the OSCE acts rather as a civil servant by supporting the Chairman in office and heading the administrative structures. So far, the CFSP has had no Secretary-General. However, the Treaty of Amsterdam established the position of a High Representative who is expected to give the CFSP a higher public profile. Javier Solana, who was appointed High Representative, also serves as the WEU's Secretary-General. While the merger of the two functions is to be welcomed, the Union's external representation is still very confusing. Different persons can speak on behalf of the Union, among them the High Representative, the foreign minister of the country holding the Presidency of the EU, the Commissioners for external relations and for enlargement, or a special representative appointed in the case of a crisis.

All of Europe's security organizations have Parliamentary Assemblies that serve four purposes. First, they serve as decisionmaking forums for various questions. Second, the Parliamentary Assemblies often criticize the information policies of intergovernmental bodies that are reluctant to pass on information. For this they have to build up their own expertise. Therefore, most Parliamentary Assemblies see themselves as critical counterparts - by questioning the governmental representatives addressing them and by developing independent positions on certain questions. Third, Parliamentary Assemblies support the democratization process within the former communist countries. The NATO Parliamentary Assembly has established the Rose-Roth Initiative, using the forum to facilitate interparliamentary cooperation. The Parliamentary Assembly of the OSCE adopted a Democratic Assistance Program and established the Parliamentary Assembly Network (PA-NET), an electronic system facilitating interparliamentary communication. Finally, all Parliamentary Assemblies are active in supervising elections.

Institutional framework for enlargement: who meets whom in what forum?

At present the OSCE is the only European security organization where all participating states have the same rights and duties and take part in the same institutional bodies. The EU, NATO, and WEU, however, have adopted different procedures and established different institutions to manage enlargement.

EU: In order to cope with the demanding task of enlargement, the EU adopted four different institutional provisions. First, the European Conference serves as a general framework providing an opportunity for consultations on a broad range of issues. The European Conference meets at twenty-eight (15 member states, 10 CEE countries, Cyprus, Turkey and Malta). Second, the Association Council was established as a framework for negotiations with those countries that will join the Union. Although the Union started admission talks in March 1998 in the format of twenty-six (15 member

states, 10 CEE countries, and Cyprus), it began its negotiations in the format of 5+1 (5 CEE countries and Cyprus).³⁵ Most recently, the European Council decided to convene bilateral intergovernmental conferences to start negotiations with the other five CEE countries and Malta.³⁶ In general, the negotiations begin with the screening of secondary legislation by the Commission. While in transition, the preadhesion strategy will be reinforced, admission partnerships will mobilize all forms of assistance to the applicant countries, and financial support will be upgraded. Third, the Union has adopted a special framework for admission talks with Turkey. Although invited to the European Conference, the Union did not negotiate with Turkey in the Association Council.³⁷ In 1999, relations with Turkey gained new momentum when the European Council decided to draw up an accession partnership and to enhance its political dialogue and economic support.³⁸ Fourth, so-called Agreements on Partnership and Cooperation have been signed with nine countries of the Commonwealth of Independent States (CIS), helping to institutionalize political dialogue with the EU.³⁹

WEU: The WEU started accepting new members rather early.⁴⁰ Rights and duties of observers, associate members, and associate partners have been adopted by the Petersberg and Kirchberg declarations. Associate members take part in meetings of the Ministerial Council, have the right to address the Ministerial Council, and can contribute to military operations. Associate partners can join the Permanent Council (without the right to veto), and they can contribute to military operations. Observers participate in Ministerial Council meetings and can participate in Petersberg missions. Four different formats have been established for consultation: The Western European Armaments Group (WEAG), formed to improve armaments cooperation, meets at thirteen.⁴¹ The Ministerial Council and the Permanent Council alternatively meet either at eighteen (member states, associate members and observers) or at twenty-eight (eighteen and associate partners). In addition, the Parliamentary Assembly meets at twenty-eight, comprising parliamentary delegations of all WEU states, whereby only WEU members have the right to vote.

NATO: Before issuing the study on enlargement, NATO established the North Atlantic Cooperation Council (NACC) and adopted the PfP program in order to facilitate cooperation with CEE countries. In 1997, the NACC was replaced by the Euro-Atlantic Partnership Council (EAPC), NATO established special forums for communication with Russia and Ukraine and decided to receive three new members. Institutionally, the Alliance meets in different compositions. Meeting at forty-four (nineteen plus twenty-five) means that NATO members, EAPC, and PfP countries discuss matters of common interest. 19+n is the format for discussion between NATO members and a different number of partners, e.g. in order to discuss the PfP's Planning and Review Process (PARP). 19+1 serves as the format for discussion of a country's Individual Partnership Program. 19+Russia is the format for meetings in the Permanent Joint Council (PJC) established for discussion between NATO and Russia. 19+Ukraine is a similar format established under the NATO-Ukraine Charter. Finally, 19+13 means that NATO members and thirteen former communist countries meet in the NAA.

³⁵ The Czech Republic, Estonia, Hungary, Poland, and Slovenia participated in the first round of admission talks.

³⁶ Presidency Conclusions, Helsinki European Summit, SN 300/99, 10/11 December 1999, Paras. 6-10. Romania, Slovakia, Latvia, Lithuania, and Bulgaria will participate in the second round of admission talks.

³⁷ *Agenda 2000*, pp. 69-79.

³⁸ Presidency Conclusions, Helsinki European Summit, SN 300/99, 10/11 December 1999, Paras. 12-13.

³⁹ Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyz Republic, Moldova, Russia, and the Ukraine.

⁴⁰ In November 1992, Greece accessed as a new member, Denmark and Ireland as observers, Iceland, Norway and Turkey as associated members. Since 1994, ten Central and Eastern European countries have accessed the WEU as associate partners.

⁴¹ The WEAG comprises Belgium, Denmark, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom.

Interinstitutional relations

In 1991, NATO ministers declared that the "challenges we will face in this new Europe cannot be comprehensively addressed by one institution alone, but only in a framework of interlocking institutions."⁴² In order to be interlocking, institutions have to consult each other and must cooperate. Both issues will be addressed below.

Consultation

Because consultation schemes have become quite complicated, it seems useful to concentrate on specific interinstitutional relations.

OSCE, UN AND COE: Under the Swedish chairmanship, the former Conference on Security and Cooperation in Europe (CSCE) and the UN signed a framework agreement on cooperation and coordination. Among other things, the agreement foresaw regular consultations between the Secretary-General and the chairman in office, the exchange of documents, resolutions, and reports as well as coordinated activities. In addition, the UN General Assembly granted the CSCE observer status in 1993.⁴³ Most recently, the OSCE and the UNHCR extended their cooperation in the field and adopted various Memoranda of Understanding which aim at improving existing mechanisms for exchanging information. Relations between the OSCE and the CoE proved more difficult at the beginning. The main problems have included political differences, misunderstandings of each other's positions, and mutual fears of encroachments on authority.⁴⁴ Thanks to increasing cooperation in the field, these relations have improved greatly.⁴⁵ Besides organizing joint seminars and workshops, the CoE established a special working group in 1993. Since then, OSCE and CoE representatives come together in 2+2 high-level meetings involving the respective chairmanships and Secretaries-General. Finally, all three organizations form tripartite high-level meetings.

EU, OSCE, COE AND UN: From the beginning, the EC and the former CSCE had good working relationships. The CSCE was one of the first organizations where EC member states began coordinating their foreign policy initiatives. Today, the Presidency is to present the Union's positions regularly, and the Commission has established an OSCE bureau.⁴⁶ Due to its legal construction, the EU has not yet established its own charter of human rights, but has accepted the European Convention on Human Rights to serve this function. This establishes a close link between the EU and the CoE. Following an exchange of letters in 1987, the President of the European Commission and the Secretary-General of the CoE paved the way for closer cooperation. Since then quadripartite meetings with the Presidents of the Commission and the Council on the one hand, and the Secretary-General and the Chairman of the Committee of Ministers of the CoE on the other hand, take place. Furthermore, both organizations benefit from exchanging documents and participating at each other's meetings.⁴⁷ In 1974, the UN General Assembly granted the EC observer status. Since the EU is not a subject of international law, the EC remains the spokesman for the Union in areas of EC responsibility (e.g., trade, agriculture, fisheries). The exchange of information is facilitated by the fact that two EU members are permanent members of the UN Security Council.⁴⁸

⁴² Declaration of the NATO Ministerial Council, 7-8 November 1991, S-1(91)86, Para. 3.

⁴³ CSCE Communication No. 166, Prague, 1 June 1993 and A/RES/47/5, 13 October 1993.

⁴⁴ Buchsbaum, "The CSCE and International Organizations", p. 131; Ghebali, *L'OSCE dans l'Europe post-communiste*, pp. 547-565.

⁴⁵ For more on this, see also the recommendations by the Assembly of the CoE in: Recommendation 1381 (1998), General Policy: Council of Europe and OSCE (<http://www.stars.coe.fr/ta/ta98/erec1381.htm>).

⁴⁶ Cameron, "The European Community and the CSCE", pp. 267-277; Schneider, "The Twelve/Fifteen's Conference Diplomacy: Has the CSCE/OSCE Remained a Successful Platform?", pp. 237-262.

⁴⁷ van den Broek, "The Council of Europe and the European Union: complementing each other", pp. 173-175.

⁴⁸ *Partnership and Commitment*, pp. 10-11.

NATO/WEU AND OSCE/UN: There are no formal agreements between the two alliances and the OSCE or the UN. In 1992, NATO and the former CSCE agreed to exchange information regularly and participate at each other's meetings.⁴⁹ Exchange of information between NATO and the UN depends on case by case cooperation. The WEU Council will be informed by the chairman in office of the OSCE, and the WEU Secretary-General participates at OSCE Summit Meetings. He is also responsible for contacts with the UN.

NATO AND WEU: Joint meetings of the respective councils serve to exchange information. In 1996, NATO ministers agreed on the possibility of WEU having recourse to NATO infrastructure. In the same year, both organizations signed a security agreement allowing for the exchange of classified information. With regard to military planning, WEU is to be involved in NATO decisions, thereby allowing the newly established Director of the WEU Military Committee to serve as a liaison officer between both organizations.⁵⁰

NATO, WEU AND EU: In 1999, relations between the three organizations were given a qualitative boost. During its spring meeting in Washington, D.C., NATO members agreed that the Alliance and the EU should "ensure the development of effective mutual consultation, cooperation and transparency." For this purpose the EU will have direct access to the collective assets and capabilities of the Alliance, especially for operations in which NATO is not involved.⁵¹ Parallel to this, the EU decided to appoint the High Representative, who is Secretary General of the Council, as Secretary-General of the WEU and to integrate the WEU into the EU. Coordination will be improved in the fields of decisionmaking, the holding of joint-seminars and, if possible, harmonization of their presidencies. Furthermore, the EU will establish new political and military bodies within the Council to tackle the setting up of the Common European Security and Defense Policy.⁵² Despite recent progress, tricky questions remain to be solved. This is especially true for procedural questions in the case of the EU availing itself of the WEU to conduct military operations and for cooperation and exchange of assets between NATO and the WEU.

Cooperation

Consultation is one part of the idea of interlocking institutions; cooperation is another. In what follows I will look at interinstitutional cooperation with regard to preventive diplomacy, peacekeeping, and peacebuilding.

PREVENTIVE DIPLOMACY: Preventive diplomacy rests on the assumption that conflicts can be avoided if all necessary steps are undertaken in advance. Preventive diplomacy is one of the main activities of the OSCE. In some cases the EU and the CoE support the OSCE. From a theoretical point of view, the EU's Pact on Stability is an extremely interesting example of interinstitutional cooperation. At the beginning of the 1990s, then French Premier Minister Eduard Balladur feared that contested borders and minority issues in the CEE countries could endanger European stability. His initiative aimed at reestablishing stability and improving early warning. The EU adopted the Pact on Stability as a joint action and negotiated the final document with CEE countries. After signing, the Pact on Stability was transferred to the OSCE, now responsible for its development. This is an innovative way of combining the advantages of both organizations: monitoring and implementing common

⁴⁹ Peters, "Die Beziehungen der OSZE zu anderen internationalen Organisationen", p. 425.

⁵⁰ Assembly of WEU, *The WEU Military Committee*, Document 1591, 1 December 1997, Paras. 74-84.

⁵¹ Washington Summit Communiqué, Washington, D.C., NAC-S(99)64, 24 April 1999, Paras. 9, 10.

⁵² This has raised the question of whether the European Council is "abolishing" rather than "integrating" the WEU, because it now creates bodies that already exist within the WEU. See especially: Assembly of WEU, *WEU after the Washington and Cologne Summits - reply to the annual report of the Council*, Document 1652, 10 June 1999, Paras. 59-64.

principles (OSCE) with financial support (EC), thereby creating incentives to agree on substantive solutions.

PEACEKEEPING: In 1992, the then CSCE declared it could conduct peacekeeping operations but excluded the possibility of military enforcement actions. The framework agreement already mentioned foresees that the UN in the case of such operations will support the OSCE. In addition, the OSCE and the UN can have recourse to NATO as well as WEU, which both decided in 1992 to support in such operations on the basis of a case-by-case evaluation of the alliances' own provisions. The conflict in former Yugoslavia became the first example of such interaction. NATO was responsible for monitoring and subsequently enforcing sanctions imposed on the former Republic of Yugoslavia (jointly with WEU in Operation Sharp Guard), supported the United Nations Protection Force in Bosnia, and subsequently enforced the UN's no-fly zones. In addition, the WEU, OSCE, and the EU cooperated to implement sanctions on the Danube.

However, field operations between NATO and the UN were complicated by the dual-key procedure. In 1993, NATO and the UN agreed that the launch of NATO air strikes must be authorized by both organizations. This provision was a continuous source of controversy and reduced the deterrent effect of NATO air strikes. In order to be more effective, it had to be changed. In the future the UN will authorize peacekeeping or peace-enforcing operations. If NATO forces participate, the Supreme Allied Commander will keep the responsibility for the conduct of military operations, and the unity of the chain of command will not be challenged.⁵³ IFOR, established under the Dayton Accords, followed this approach.

PEACEBUILDING: The provisions of the Dayton Accords serve as an illuminating example. First, the Office of the High Representative has to oversee civilian implementation of the Bosnia peace agreement and has the right to decide and impose decisions as long as the local parties cannot agree on measures.⁵⁴ Second, the Dayton Accords established specific fields of cooperation: The Commission on Human Rights, an OSCE-CoE joint venture, monitors and implements human rights. The OSCE provides the ombudsperson, and the CoE has established the Human Rights Chamber. In order to develop confidence- and security-building measures, IFOR/SFOR and the OSCE cooperate closely. The OSCE has been empowered to negotiate with the parties to the conflict an arms control regime for the whole Balkan region, its provisions monitored by armed forces. Although the OSCE is primarily responsible for organizing and supervising elections, it is supported by the CoE, the United Nations, and IFOR/SFOR (e.g., technical assistance). Finally, economic recovery is a task managed by the EU and international financial organizations. Although the mere establishment of such fields of cooperation is not yet a guarantee for success, these examples are clear indicators of the potential inherent in interinstitutional cooperation in the field.

Defection or Playing by the Rules?

Whether institutional incentives to defect or play by the rules are high or low depends on at least two factors: the nature of the problems to be solved (collaboration or coordination) and the organization's institutional structure (regulative, normative, cognitive).⁵⁵

⁵³ *Beyond IFOR, SFOR, DFOR: After the Combatant comes the Legislator*, North Atlantic Assembly, Subcommittee on Defense and Security, AR 94 DSC/DC(93)3, 16 April 1998, Paras. 36-43; Klein, "Interface Between NATO/WEU and UN/OSCE", pp. 249-274.

⁵⁴ His mandate derives from Annex 11 of the Dayton Accord (<http://www.ohr.int>), from the London Peace Implementation Conference of 8-9 December 1995 and Security Council Resolution 1031 of 15 December 1995.

⁵⁵ Collaboration problems occur when states want to cooperate, but due to different interests they do not agree on the way used to achieve cooperation. In contrast, coordination problems occur when states have the same interests. See also: Haftendorn, "Sicherheitsinstitutionen in den internationalen Beziehungen", pp. 16-18; Stein, *Why Nations Cooperate*, pp. 25-54; Wallander, *Mortal Friends, Best Enemies*, pp. 28-32.

Among Europe's security organizations, the EC and NATO primarily deal with coordination problems. Because member states mostly agree on the strategic tasks of these organizations and how to achieve them, collaboration is no longer a problem. In addition, within the EC supranational bodies, such as the Commission or the ECJ, have the possibility of adopting legal acts that are binding on the member states. However, both organizations are in a process of transition. While enlarging eastwards the EU is at the same time moving on to complete the final stage of the European Monetary Union, to which not all members belong. Hence, it may well be that collaboration will prove to be difficult on some questions. The same holds true for negotiations with new members. As has been demonstrated, enlarging the common market is a demanding task that is rendered more difficult by the fact that the necessary degree of commonality, reached between Western EU member states during the last forty years, still remains to be framed with CEE countries. NATO faces a similar problem with respect to cooperation with Russia and the Ukraine. In order to work as smoothly with these two countries as with its longtime members, NATO will have to overcome collaboration problems. In contrast, the CFSP, the OSCE, and the WEU all face collaboration problems from the start. In these three cases, disagreement over what should be done, and how, overshadows consent.

A similar picture is presented by the organizations' institutional structure. It will come as no surprise that the EC and NATO both follow regulative functions. The possibility of being sued for digression and the possibility of ECJ rulings against a member state set clear incentives to play by the rules. Similarly, a state will not take security commitments lightly. Since security is a precious good, most states will behave properly within NATO, although transgressions by single members cannot be ruled out. Where collaboration problems prevail, one should not expect an organization to provide for regulative functions; instead they mostly follow either normative or cognitive functions. This holds true for the OSCE and the CFSP. Although the OSCE foresees some obvious regulative functions, participating states tend to back away from the use of such instruments. The same holds true for the CFSP, where most decisions are adopted as voluntary declarations instead of taking recourse to binding instruments, such as common positions or joint actions. The WEU, although a defense alliance, follows the same line. In contrast to NATO, WEU has not really been tasked to prepare for the eventual case of an attack against one of its member states. This task has been delegated to NATO as part of a division of labor. Despite public statements, the WEU lacks a clear objective up to today. The Petersberg declaration can be interpreted as such a clear objective, but the organization still lacks robust backing by its members, hence they show the tendency to remain passive.

In sum, playing by the rules is to be expected in organizations that have the possibility of enforcing such behavior, i.e. in organizations that provide regulative institutional structures, such as the EC or NATO. In contrast, organizations that have to overcome collaboration problems can be expected to have greater problems convincing their members not to defect (see Table 1). This is so because mostly these organizations either provide normative or cognitive institutional structures. In these cases, playing by the rules is not the result of enforcement but of expectations or social learning. Hence, with regard to converging interests, the OSCE, the CFSP, and the WEU are more demanding. However, one should not interpret these findings as establishing a ranking. Rather these results suggests different ways of influencing states' behavior, thereby suggesting that an organization which combines each of the three approaches shows particular promise in preventing members from defecting.

Regulative, normative, and cognitive institutions describe three different approaches to influencing an actor's behavior: Regulative institutions constrain and regularize behavior according to a rational cost-benefit-analysis. Normative institutions create expectations of behavior, thereby leading to compliance. Finally, cognitive institutions stress the importance of social interaction. They assume that the actor, his environment, and his expectations are socially constructed. In this case, compliance results from social interaction and learning. This distinction is developed by Scott, *Institutions and Organizations*, pp. 34-45.

Table 1: Institutional Incentives for Defection

Criteria	Organization	OSCE	EU	CFSP	NATO	WEU
Institutional structure						
Regulative			X		X	(X)
Normative		X		(X)		
Cognitive		X		X		
Structure of the problem to be solved						
Collaboration		X	(X)	X	(X)	(X)
Coordination			X		X	X
Institutional directives binding for states						
Yes			X			
No		X		X	X	X
Enforcement mechanisms						
None						
Political sanctions		(X)	X	X		
Economic sanctions		(X)	X	X		
Military sanctions					X	X
Rulings by an international court						
Yes		(X)	X			(X)
No				X	X	X

Key:

X = Criteria comprehensively fulfilled by organization

(X) = Criteria partially fulfilled by organization

Access for Nonstate Actors

International organizations are said to suffer from a democracy deficit. This flaw can be overcome by stronger involvement of nonstate actors. Besides helping to improve democratic legitimacy, they serve additional purposes. They can help to facilitate fact finding and monitoring, to inform about non-compliance with international rules especially in the field of human rights, and to lobby international organizations and governments.⁵⁶ Therefore, this last section examines how Europe's security organizations interact with nonstate actors.

Since 1990, the CSCE/OSCE has greatly improved its relations with nonstate actors.⁵⁷ Nonstate actors are granted unrestricted access to conference buildings and infrastructure (except for rooms reserved for delegations), they can participate in all OSCE meetings and conferences; and participating states as well as OSCE institutions are asked to facilitate contacts with them by establishing liaison offices. At first, contacts concentrated on human rights and disarmament. In the meantime nonstate actors dealing with conflict prevention have gained importance. The OSCE consults with them regularly, and their representatives train members of OSCE long-term missions. In contrast, nonstate actors have more difficulties influencing the CFSP. This is primarily due to the fact that CFSP is an intergovernmental field where supranational institutions like the Commission play a subordinate role. Therefore, nonstate actors wishing to influence the Union's foreign and security policy

⁵⁶ Barcavage, "NGOs in the System of European Security", pp. 24-25; Brett, "NGOs and the Human Dimension of the CSCE", pp. 1 f.; Keck/Sikkink, *Activists beyond Borders*, pp. 1-38.

⁵⁷ Brett, "NGOs and the Human Dimension of the OSCE", pp. 1-5; Grönick, "The CSCE and Non-Governmental Organizations", pp. 227-248; Gutlove/Thompson, "The Potential for Cooperation by the OSCE and Non-Governmental Actors on Conflict Management", pp. 52-64; OSCE, *OSCE-Handbook*, pp. 88-90; Wängeborg, "The OSCE at 20: Breakthrough for 'Citizen Diplomacy'?", pp. 393-399.

have to address the member states. The situation is a little different with regard to the Community's development policy. The European Community Humanitarian Office has signed more than 60 partnership agreements with nongovernmental organizations (NGO) that help to implement Community decisions in the field, e.g. by coordinating the distribution of food.⁵⁸ Finally, neither NATO nor WEU have official and formal contacts with nonstate actors. However, both can interact with them either in the field or within special programs. NATO entertains contacts with non-state actors within the NATO Industrial Advisory Group dealing with questions of logistics and within the NATO Scientific Program. In addition, the Parliamentary Assembly of the WEU is in close contact with European armaments firms.

Summary

Europe's security organizations work and interact in a complex network of institutional relations. However, in most cases cooperation and coordination rest not on formal, but on ad hoc agreements. This holds especially true for peacekeeping or peacebuilding. From an institutional point of view, strategic guidelines are set by intergovernmental bodies deciding by consensus. Analyzing the way in which Europe's security organizations are able to influence the behavior of their member states leads to the conclusion that organizations faced with coordination problems, and thereby providing regulative institutions, diminish states' incentives to defect. In contrast, organizations faced with collaboration problems that provide either normative or cognitive institutional structures demand a higher degree of interest convergence among member states. Finally, the OSCE provides the broadest access to non-state actors; they face bigger problems with the CFSP, NATO, or the WEU.

Leadership by International Organizations? Underestimated Potential

Leadership is foremost an individual capacity. A liberal worldview may permit a leader to convince followers to act as he would like them to. Nonhegemonic leadership is possible within an established international system based on accepted liberal norms. Against this background international organizations can be expected to act as leaders.⁵⁹ It is the purpose of this section to analyze this proposition. First, I will discuss how far the member states of Europe's security organizations agree on their roles and tasks. Second, their core competence will be analyzed. Finally, I will give four illustrations of executive leadership by international organizations.

Consensus Among the Participating States?

Basically, the OSCE covers activities in three different fields: preventive diplomacy, consulting states in transition, and peace building. Among other things, the discussion about a common and comprehensive security model for Europe for the twenty-first century, launched at the OSCE's 1994 Budapest Summit, aims at clarifying the OSCE's role. My impression of this discussion is that most states are, at least at the moment, neither willing to broaden the OSCE's agenda nor are they prepared to use the OSCE more intensively. The possibility of an OSCE peacekeeping mission for Nagorno-Karabach has been discussed for several years without measurable results; proposals for institutional

⁵⁸ Cameron, "Where the European Commission Comes In", pp. 105 f.

⁵⁹ For a similar analysis see: Reinalda/Verbeek, "Autonomous policy making by international organizations", p. 1-8.

reforms have been opposed.⁶⁰ There is no chance to grant the OSCE legal status, and finally there is broad disagreement about the necessity to develop and adapt the OSCE's Helsinki decalogue. Therefore, Ingo Peters observed correctly that the OSCE has been assigned a residual function by the participating states, since the organization is usually given tasks that no other organization wants to shoulder.⁶¹

So far the CFSP and the WEU have shared the same fate, because there seemed to be fundamental differences among member states about their development. However, at the end of 1998 the Franco-British St. Malo declaration initiated a reform process.⁶² Starting from the experience gained in Bosnia and Herzegovina, the heads of states declared that European military capacities needed to be backed up. During the most recent Kosovo crises, this assertion was most obviously highlighted by the fact that NATO's air campaign was almost exclusively handled by the United States. It therefore comes as no surprise that EU states, at their Cologne and Helsinki meetings in 1999, decided to merge the WEU with the EU until the end of 2000 and to adopt measures that allow for EU-led military crisis-management operations.⁶³ This is a welcome step that will help to establish a fair sharing of the burden among the transatlantic partners. However, the political will to implement this decision will be most important. In a time of shrinking budgets and heavy competition among different governmental branches, it is not yet clear that the challenging aims can be realized. If this fails, the consequences will be far-reaching. Europe's strategic capabilities would depend even more strongly on the Atlantic Alliance and on the degree to which Washington and its European allies agree on security issues.

The Kosovo intervention in spring 1999 made it clear that NATO seems to be the only European security organization that enjoys broad support by its members. However, even among NATO members there is disagreement on some important questions. While Washington wants to keep the enlargement process open for everyone (thereby allowing for even the possibility of Russian membership), European allies seem prepared to restrict membership in NATO. This question goes to the core of NATO (i.e., the question of the future relationship between defense and non-Article 5 operations). Limiting NATO's membership implies that states want to uphold NATO as a defense organization, whereas extending the possibility of non-Article 5 operations implies using NATO as an organization to solve international conflicts, if necessary, by using force. Furthermore, the flexibility brought about by the decision on Combined Joint Task Forces (CJTFs) allows NATO members to not participate in NATO missions and also makes it possible for non-NATO members to participate. It remains to be seen if and how this trend will affect NATO's coherence.⁶⁴

Core Competence

In the early 1980s, business managers asked how they could meet the challenges lying ahead. Puzzled by the success of Japanese companies, business economists like Gary Hamel and C. K. Prahalad began analyzing the secrets of Japanese success. Contrary to Western business strategies advo-

⁶⁰ However, during the Istanbul Summit 1999 the participating states decided to strengthen the OSCE's capacities by forming so-called "Rapid Expert Assistance and Cooperation Teams" (REACT), by establishing an Operation Center in Vienna to facilitate effective preparation and planning of field operations, and by establishing a Preparatory Committee designed to strengthen the consultation process.

⁶¹ Peters, "Von der KSZE zur OSZE", p. 99

⁶² Reprinted in: Assembly of WEU, *WEU and European defence: beyond Amsterdam*, Document 1636, 15 March 1999, Appendix. For an analysis of the document's importance with special emphasize on the British strategy see: Duke, *The Elusive Quest for European Security*, pp. 292-316, especially, pp. 313 f.

⁶³ Presidency Conclusions, Cologne European Summit, SN 150/99, 3/4 June 1999, Annex III: European Declaration on Strengthening Common European Policy on Security and Defence, pp. 33-42; Presidency Conclusions, Helsinki European Summit, SN 300/99, 10/11 December 1999, Paras. 25-28.

⁶⁴ Cornish, *Partnership in Crisis*, pp. 81-111.

cating decentralization and strategically independent units, Hamel and Prahalad saw that Japanese companies concentrate on what they do best. Sony was a champion of micro technology, and Honda had an unmatched know-how in engines. They called the skills that allow a company to produce many different products *core competence*, which must meet three tests. First, core competence has to make a disproportionate contribution to customer-perceived value. Second, such a capability must be competitively unique, and thus almost impossible for other companies to imitate. Finally, core competence forms the basis for entry into new product markets.⁶⁵ Although international organizations are not privately run companies, it is evident that they, too, compete.

The OSCE works in many different areas: armaments control, security and confidence building, questions of democracy, safeguarding human rights, preventive diplomacy, organizing and supervising elections, and peacebuilding; it competes with other international organizations in these areas. If we look closely at the way the OSCE is doing business, we can say that political dialogue is its core competence. This is reflected in the large number of different instruments of dialogue (e.g., seminars, meetings, implementation conferences, long-term missions, the HCNM and the Representative on Freedom of the Media, and general discussions within its Councils). Dialogue is *the* precondition of every political process, thereby laying the ground for international cooperation. While it is true that dialogue makes an important contribution to the "customer-perceived value" of the OSCE and opens the door to many "markets", it can be copied quite easily.⁶⁶ Furthermore, dialogue rests on the assumption that parties are willing to talk to each other. If this is not the case, the OSCE is in deep trouble - as many recent examples have made clear.

As long as foreign policy and security affairs among EU members are dominated by collaboration problems, the CFSP remains an invaluable instrument to harmonize different positions. Hence its primary importance, although not a real core competence, is a domestic one. In this regard the member states' approach to questions of foreign and security policy could benefit greatly from applying the EC's core competence: negotiating and adopting package deals. Let me illustrate this point with an example. In recent years defense-related industries all over the world have undergone drastic changes, shaped by the end of the Cold War. In the United States, the Pentagon has played an active role in helping to restructure this industry. Because Europe still lacks a common market for defense-related products and EU members act independently, Europe's defense industry has trouble competing with U.S. companies. In November 1997, the Commission submitted a proposal of implementing an EU strategy on defense-related industries to be adopted as a common position. The package deal the Commission proposed consists, among other things, of simplifying intra-community transfers, creating a European Company Statute, allowing competitive bidding for public contracts, rationalizing standards, harmonizing common duties, and removing obstacles to European exporters.⁶⁷ The success of this proposal remains to be seen. However, it shows that the EU could greatly step up the quality of CFSP decisions by following the Community path, that is, by creating economic incentives to cooperate politically. It is no secret that harmonizing Europe's defense industry makes sense only if one is willing to act jointly on questions of foreign and security policy. According to the functional logic of integration, establishing a common market for defense-related products, or at least facilitating their trading, could build up economic pressure that might eventually lead to the necessary political steps to improve the CFSP.

⁶⁵ Hamel/Prahalad, *Competing for the Future*, pp. 223-233.

⁶⁶ Emanuel Adler has argued that one of the most remarkable features "of the OSCE security model is how extensively it has 'traveled' throughout Europe. In other words, were the OSCE to cease to exist today, it still would continue to 'live' on, embedded in the practices of other European multilateral institutions." See: Adler, "Seeds of Peaceful Change", p. 143.

⁶⁷ Implementing European Union Strategy on Defence-Related Industries, COM (97) 583 final, 12 November 1997 and Action Plan for the Defence-Related Industries, COM (97) 583 final/Annex II, 12 November 1997.

So far the WEU has had no chance to develop core competence. However, the WEU has two favorable characteristics that have been underestimated so far. First, neither the United States nor Russia is a member of the WEU. At first sight, Washington's absence from the WEU could be interpreted as a flaw. In practice it greatly facilitated dialogue between the WEU and CEE countries since there was no Russian opposition. The fact that Russia is not part of the WEU could be advantageous in regard to strengthening military cooperation with the former Warsaw Treaty members. Many of them have been anxious that the Brussels-Moscow link could imply an indirect Russian veto over the question of enlarging NATO. Since neither the United States nor Russia is a member of the WEU, the organization does not face this problem. Second, the WEU has great institutional flexibility. Compared to the OSCE, there is no overlapping competence between the different Councils. Compared to NATO, the WEU has neither an integrated military structure nor a permanent command structure that could lead to problems over who should be given what command. However, both advantages have not been used effectively. WEU joint exercises started in December 1995, rather late if one takes into account the interest of CEE countries in cooperating militarily with the West. Despite numerous declarations on armament cooperation most WEU members were hardly interested in initiating concrete talks with Russia or the Ukraine over beefing up Europe's long-range air lift capacities. Furthermore, because WEU has but a small-staffed military structure that has been strengthened only recently, there is neither such a thing as day-to-day working in integrated structures nor provisions to standardize doctrines and military equipment.

NATO's survival at the end of the Cold War has been a puzzle to many commentators. It is no surprise when we consider the Alliance's core competence. Celeste Wallander and Robert Keohane have argued that NATO managed to survive because the Alliance has become a hybrid institution dealing both "with security problems created by external threats or problems and those problem posed by risks, mistrust, and misunderstandings among members." Such an organization can be termed a security management institution denoting "an inclusive, risk-oriented arrangement with highly institutionalized practices."⁶⁸ Although, as Wallander and Keohane argue, changes in the external environment, from threats to risks, as well as the hybrid character of an alliance, facilitate its transformation, NATO benefited greatly from its most distinctive core competence: commanding multinational contingents within integrated military structures. This is what NATO does best. It is precisely the ability to act together militarily that explains NATO's attractiveness at the end of the Cold War, where threats have diminished but risks remain to be solved. Adopting and modifying NATO's Strategic Concept in the 1990s would not have been possible without this core competence. If an organization, such as NATO, is able to command military contingents effectively, it does not matter whether these contingents have to defend a member state, help solve a crisis militarily, or serve as peace-keeping troops. For sure, all these tasks pose different demands. But without being able to command troops effectively, none of these tasks can be achieved. Hence, the discussion about the future relationship between non-Article 5 operations and Article 5 operations is a futile one - at least with regard to the core competence of the Alliance. Furthermore, it can be assumed that NATO will continue to play a central role within the concert of Europe's security organizations, because its core competence not only adds disproportionately to "customer-perceived value" (military security) and is extendable to different "markets" (e.g. defense, crisis management, peace keeping, or peace enforcement). Even more, it is almost impossible to copy because of the enormous amount of money that would be required to build a military organization comparable to NATO. Hence, NATO has an almost "unfair competitive advantage" over Europe's other security organizations.

⁶⁸ Wallander/Keohane, "Risk, Threat and Security Institutions", pp. 22 f., 32-35, 40-46.

Executive Leadership

To conclude this section, I would like to refer to four examples that illustrate the possibility of active and passive leadership by international bodies. The Presidency of the EU and the chairman in office of the OSCE can be regarded as examples of passive institutional leadership, while the President of the European Commission and the HCNM should be interpreted as examples of active institutional leadership.

Taking over the Presidency of the EU is a very demanding task. The Presidency plays a vital part in organizing the work of the institution. It has to organize and chair all meetings and work out compromises capable of resolving difficulties. The Presidency also sets the agenda for its term of six months, thereby giving each country the possibility to lead on certain questions. Since every country acting as the Presidency attempts to do its job very well, it has become a driving force in the legislative and political decisionmaking process. The chairman in office of the OSCE has a similar function. He is even more important, because the OSCE has no institution comparable to the Commission that guarantees continuity within the work of the organization. The OSCE Chairman has become the central figure in decisionmaking; he mediates between different positions and tries to work out strategies that are acceptable to all participating states. Both positions can be seen as examples of passive institutional leadership, because they facilitate governmental leadership by providing specific institutional procedures, especially the possibility to set the agenda.

In contrast, the President of the European Commission is a typical example of active institutional leadership. Of all Presidents so far, Jacques Delors has had an enormous impact on the development of the Union. As Helen Drake has argued, Jacques Delors differed from his predecessors in many ways. When taking over the Presidency he was willing to make contacts with national leaders in order to set the framework for his subsequent actions. He understood that *how* the Commission is doing its job is at least as important than *what* the Commission does. He therefore paid great attention to the Commission's public relations, maintained good relations with national leaders, and concentrated on some key issues (e.g. EMU).⁶⁹ Within the OSCE, the HCNM performs a similar, but almost unnoticed job. Max van der Stoep, acting as HCNM since 1993, usually points out that his job depends on three conditions. He is *impartial* because the HCNM is an instrument of conflict prevention; he does his work *confidentially* because matters of human rights are of great sensibility; and finally, his work rests on the *cooperation* of all parties involved.⁷⁰ Referring to the leadership categories developed by Oran Young,⁷¹ we can assume that acting as the HCNM requires great intellectual as well as entrepreneurial leadership, because it will never be easy to convince a government that lacks interest in dealing with minority questions to undertake actions deemed necessary for their protection. However, the influence of the President of the Commission and the HCNM is limited. Discussions about Jacques Delors' successor made clear that his performance and his style might have been at the limit of what national leaders were willing to accept. Because national leaders appoint, with the consent of the European Parliament, the President of the Commission, they still decide whether the Commission is headed by a high- or by a low-profile personality. Despite his success, the mandate of the HCNM is rather limited. Some participating states effectively blocked the extension of his mandate. Thus, he has no possibility to "communicate with and will not acknowledge communications from any person or organization that practices or publicly condones terrorism or violence."⁷²

⁶⁹ Drake, *The Commission Presidency of Jacques Delors*; Drake, "Political Leadership and European Integration", pp. 140-160.

⁷⁰ van der Stoep, "The Role of the CSCE High Commissioner on National Minorities in CSCE Conflict Prevention", p. 6.

⁷¹ Young, "Political leadership and regime foundation", pp. 288-302.

⁷² Helsinki Decisions, Helsinki, 10 July 1992, Chapter II, Para. 25.

Summary

Analyzing the possibility of active or passive institutional leadership has revealed that such activities are subject to many preconditions. Consent among the member states and the institutions' core competence are two of the most important. One of the most promising examples of active institutional leadership is the president of the European Commission. Thus, it can be assumed that the creation of supranational bodies granted executive powers is an effective instrument to overcome inertia caused by differing national interests, thereby providing active institutional leadership. However, the Commission plays only a subordinate role within CFSP. This shows that the possibility of leadership by international organizations is, at least for the moment, subordinate to national interests. National resistance to international organizations acting independently can therefore be identified as one of the most fundamental obstacles to be overcome in the future.

Security and Integration: Ceding Sovereignty Silently

Integration means transferring sovereignty to supranational bodies. This process renders the re-nationalization of European politics more difficult. This chapter analyzes whether and to what degree European security organizations contribute to the process of transferring sovereignty in the area of foreign and security policy. While the direct transfer of sovereignty remains an exclusivity of economic affairs, military cooperation begins to encroach upon sovereignty, and even political cooperation shows faint signs of moving away from intergovernmentalism. First, I will show how Europe's security organizations contribute to harmonizing the criteria applicant countries are expected to fulfill. Next comes the question of coordinated or common policies in security affairs. Third, I will refer to majority voting as a clear indication of supranationality. Fourth, it will be discussed whether documents and decisions of Europe's security organizations are legally or politically binding. Finally, I will take a glance at the role of international courts in security and foreign policy affairs.

Converging Admission Criteria

Successful regional integration presupposes some degree of commonality. It can be argued that harmonized policies, comparable economic standards, and similar cultural values greatly facilitate regional integration. International organizations are able to support the process of regional integration by adjusting their admission criteria to the same values. This is what happens in Europe today.

With regard to political questions, the OSCE, the EU, NATO, and the WEU expect potential members to possess stable political institutions guaranteeing democracy, the rule of law, the protection of human rights, and effective and efficient administrative structures. Additionally, the extension of the Union's common market is leading to a growing convergence in most parts of a state's policies, e.g. competition policy, environmental policy, social policy, transportation policy, agricultural policy, trade policy, etc. This harmonization process facilitates the work of the EU and increases transparency as a political leitmotiv, thereby furthering predictability and stability. A similar process is under way with regard to economic issues. At the regional level the EU plays an important role. At the global level, the World Trade Organization (WTO), as well as different financial organizations, support the harmonization of economic policies. In recent years, the World Bank, the International Monetary Fund, and the European Bank for Reconstruction and Development have come to place greater value on political considerations. The emphasis on good governance has greatly upgraded the value of programs aimed at fostering political stability, banning corruption, and creating stable condi-

tions for foreign investments.⁷³ This shows that political and economic international organizations are beginning to reinforce one another.

The foregoing also holds true for military issues. NATO and the WEU expect future members to adhere to democratic principles. In addition, they want them to accept the decisions and documents that provide the basis for the work of both organizations. Through standardization, NATO has created a strong mechanism of harmonizing various aspects of military forces acting jointly. NATO introduced four different forms of standardization: Compatibility requires a smooth functioning of different components of a system. Interoperability requires different components of a system to work together. Interchangeability allows the exchange of different system components. Finally, commonality refers to common provisions that are required in order to command different multinational contingents.⁷⁴ NATO's current standardization priorities include commonality of doctrines and procedures, interoperability of command, control and communications and major weapons systems, and interchangeability of ammunition and primary combat supplies. There are at present over 1,200 agreements and publications that new members are expected to comply with.⁷⁵ Standardization thus has far-reaching consequences for national doctrines, the structure of national armed forces, and even for the production of weapons and related material.

In sum, we can say that belonging to Europe's security architecture requires a state to undertake adaptations with regard to its normative worldview, its political system, its economic policy, and its armed forces. In the words of James Robert Huntley, something new has appeared on the international scene: a union of states adhering to the same democratic principles and willing to exclude those states that do not apply them, thereby giving international organizations a prominent role.⁷⁶

Coordinated or Common Policies?

The distinction between coordinated and common policies refers to the way the EC adopts political strategies. Common policies adopted by the Community are binding on the member states. Asking whether a security organization adopts coordinated or common policies therefore reveals whether and how it encroaches upon state sovereignty.

As will be shown later, the OSCE's decisions and documents are binding only politically. We can therefore not expect it to adopt common policies. Yet it is in a position to influence the normative basis of the participating states' policies due to its comprehensive norms and principles.⁷⁷ The same holds true for the CFSP. Although called "Common", the CFSP cannot be compared to the Common Agricultural Policy or the Common Competition Policy. The search for an EU position on questions of foreign policy thus leads to some kind of coordination reflex requiring member states to adjust their interests to keep the Union's foreign policy workable.⁷⁸

In contrast, NATO's impact on domestic military policy seems in some way comparable to the impact of the EC's common policies. Standardization as one way of influencing its member states' policies has already been mentioned. Another possibility stems from the fact of intensive daily cooperation within NATO's integrated military structure which has been opened to EAPC countries within

⁷³ OECD, *Final Report of the Ad hoc Working Group on Participatory Development and Good Governance*; World Bank, *Governance*.

⁷⁴ Wessels/Winzen, "Interoperabilität und Ausrüstung", pp. 375-418.

⁷⁵ NATO, *Study on NATO Enlargement*, Para. 75-78.

⁷⁶ Huntley, *Pax Democratica*, pp. 84 f.

⁷⁷ Flynn/Farrell, "Piecing Together the Democratic Peace", pp. 505-536.

⁷⁸ Spence/Spence, "The Common Foreign and Security Policy from Maastricht to Amsterdam", pp. 48-58; Dembinski, *Langer Anlauf - kurzer Sprung*, pp. 24?41.

the enhanced PfP.⁷⁹ A third way of influencing national armed forces rests in NATO's force structure. Since 1990, NATO has distinguished among rapid reaction forces, main defense forces, and augmentation forces - a distinction that has been applied by most NATO members. Fourth, multinationalization leads to a harmonization of defense doctrines as well as educational goals. Taken together these processes have effectively blocked the renationalization of defense policies: "Very few European states would now be able, even if they were willing, to fight by themselves. They have the habit of co-operation. They regularly train and exercise together, buy the same equipment and occasionally set up joint units and headquarters."⁸⁰

Majority Voting

Most textbooks dealing with integration list majority voting as one of the clearest signs of supranationality. Do Europe's security organizations decide by majority? Because neither NATO nor WEU have introduced majority voting, I will concentrate on the OSCE and the CFSP.

The OSCE deviates in many ways from the standard procedure of consensus. While the consensus-minus-one and the consensus-minus-two-principle can be regarded as marginal deviations, the Parliamentary Assembly, the Court of Arbitration and Conciliation, and the Conciliation Commission decide by majority.⁸¹ Additionally, the emergency mechanisms provide the most far-reaching digression from consensus. The political emergency mechanism can be activated by thirteen participating states (one state initiating the mechanism with the consent of twelve other states), and the humanitarian emergency mechanism requires the consent of ten participating states. Keeping in mind that the OSCE consists of fifty-four states, these provisions provide a significant departure from consensus voting.

Within the CFSP framework, decisions by the European Council and the Ministerial Council basically require unanimity while providing for constructive abstention. By derogating from this provision, the Ministerial Council may decide by qualified majority when adopting joint actions, common positions, or making any other decision on the basis of a common strategy or when adopting a decision implementing a joint action or a common position.⁸² In the future, this provision could prove useful, because common positions and joint actions are binding on the Union's members. So far, declarations, introduced by the European Political Cooperation (EPC), remain the CFSP's main instrument. While the Council adopted more than 160 declarations in 1998, it adopted only twenty-two common positions and twenty joint actions.⁸³ Declarations dominate because they are non-binding. It is to be hoped that the clarifications brought about by the Treaty of Amsterdam will lead to an increasing adoption of common positions and joint actions.

⁷⁹ Six staff officers from Austria, Bulgaria, Estonia, Finland, Romania, and Slovenia work closely with five staff officers from NATO members to form the Partnership for Peace Staff Element. Similar Partnership for Peace Staff Elements are also being established at seven other NATO military headquarters to support their staffs' work in all PfP efforts, including the development of PfP-related programs and the planning for NATO/PfP exercises and operations. See: NATO IMS Press Release 13.98, Brussels, 4 September 1998.

⁸⁰ Freedman/Menon, "Conclusion: Defence, states and integration", p. 168.

⁸¹ The Assembly's decisions are not binding for other OSCE bodies, and the Court and the Conciliation Commission have so far not been appealed to.

⁸² CTEU, Article 23:2.

⁸³ Report on the role of the Union in the world: Implementation of the common foreign and security policy for 1998, PE 299.885/fin, 23 April 1999, p. 21.

Decisions and Documents: Politically and/or Judicially Binding

The doctrine of direct effect developed by the ECJ was praised as a cornerstone of successful European integration. It will be interesting to analyze the binding effects of the documents and decisions adopted by Europe's security organizations.

It has already been mentioned that all decisions and documents adopted by the OSCE are merely politically binding. Exceptions to this rule are the CFE treaty and the Open Skies treaty, both negotiated within the OSCE, as well as the OSCE's provisions on arbitration and conciliation. These documents are legally binding. The discussion on granting the OSCE legal status is as old as the organization. Different proposals have been put forward. Although most participating states oppose granting the OSCE legal status, the Austrian chairman in office has declared its intention to shade new light on the pros and cons of such a step.⁸⁴

Due to the complex structure of the EU, various differentiations are required in order to analyze the binding effects of CFSP instruments:⁸⁵

1. Starting with the principles and guidelines, we can say that *principles* should not be considered as legally relevant acts but as a basis for guidelines. Concerning the tasks to be achieved, *guidelines* are legally binding for the Council that will decide about their implementation by adopting common positions and joint actions. Therefore, we can assume that the Council must be given some leeway.
2. *Common strategies* are to be implemented by the Union in areas where the member states share important interests.⁸⁶ Because common strategies are required to set out their objectives, duration, and means, they can be assumed to have the same legally binding effect as guidelines, but they restrict the authority of the Council even more.
3. *Common positions* are meant to define the approach of the Union to a particular matter of a geographical or thematic nature.⁸⁷ Their binding effects are contested. Some experts see them as only politically binding while others consider them to be legally binding.
4. *Joint actions* address specific situations where operational action by the EU is deemed to be required.⁸⁸ Although adopted by the Council, joint actions are legally binding for the member states, thereby requiring them to adopt the necessary domestic measures.
5. *Economic sanctions* have a hybrid character. They are adopted within the framework of the EU, but are implemented within the EC. Concerning the question of whether to impose sanctions, the EC will be bound by secondary Community law. However, the Union's decision to impose economic sanctions may not prejudice the way in which the Community implements the decision. If the Community adopts a regulation that is directly applicable, the Community institutions as well as the member states will be legally bound.
6. Finally, the EU has access to *military forces* by availing itself of the WEU. This raises the question of the legal relationship between the EU, which has no legal personality, and the WEU, which is a subject of international law. While Christoph Thun-Hohenstein denies a legal subordination of the WEU to the EU, he contends that one might assume member states

⁸⁴ Statement by an Austrian representative at an OSCE workshop organized by the Center for OSCE Research in Hamburg, 6 January 2000.

⁸⁵ Pechstein/Koenig, *Die Europäische Union*, pp. 106-122, 125-132, 145-152, 168-169, 174-176; Thun-Hohenstein, *Der Vertrag von Amsterdam*, pp. 62-77.

⁸⁶ CTEU, Article 13:2.

⁸⁷ CTEU, Article 15.

⁸⁸ CTEU, Article 14:1.

to be indirectly bound according to the *estoppel* principle.⁸⁹ By contrast, Matthias Pechstein and Christian Koenig and Jochen A. Frowein assume a tacit modification of the Brussels Treaty by its member states, which are at the same time members of the EU, thereby legitimating the EU's recourse on the WEU in advance.⁹⁰

When analyzing the binding effects within NATO and the WEU, two points should be kept separate: documents and decisions on the one hand, and the relation between state sovereignty and the chain of command on the other.

NATO and WEU members join the alliances as sovereign states, thereby retaining the right to decide whether and how to contribute to alliance missions. It is argued that Article 5 of the modified Brussels Treaty implies a higher degree of automatism in case of an attack against a member than Article 5 of the Washington Treaty. However, it seems fair to assume that this formalistic interpretation will be more than compensated by the high degree of integration within NATO's military structures. Furthermore, we have to distinguish between politically and judicially binding documents. Within NATO the Washington Treaty, the Status of Forces Agreement, and the accession protocols for new member states are legally binding. The same holds true for WEU's modified Brussels Treaty and the four protocols attached thereto. NATO's study on enlargement, the PfP program, the NATO-Russia Act, the NATO-Ukraine Charter, and WEU's Petersberg and Kirchberg declarations, in contrast, are politically binding. In so far as these documents are merely politically binding, NATO and WEU face the same problem as the OSCE: It is up to the member states to behave according to the rules established in these documents to safeguard the organizations' credibility.

With regard to assigning national armed forces to NATO and WEU, it is interesting to ask whether this act constitutes a transfer of sovereignty. In 1994, the German Constitutional Court (Bundesverfassungsgericht) had to decide on complaints filed by the Social Democrats (SPD) and the Free Democrats (FDP) arguing that the German constitution (Grundgesetz) does not authorize out-of-area missions by the Bundeswehr and that, at least, parliament would have to give its consent.⁹¹ In essence the Court freed Germany from military abstention by declaring that the Grundgesetz allows participation in a system of mutual and collective security, thereby using the Bundeswehr for actions within such a system. Assigning national armed forces to multinational armed forces requires the transfer of operational command or control. The Bundesverfassungsgericht argued that this act does not constitute a transfer of sovereignty, because Parliament retains the right to withdraw German armed forces from such missions. However, the German government assents to a "limitation" of its sovereignty by accepting decisions of international organizations as binding.⁹² The Court's ruling makes clear that military cooperation within NATO, WEU, and within multinational contingents raises fundamental legal questions. Commanding such units is a very demanding task, because in many cases the legal provisions differ with respect to the authority of command, the disciplinary law, the basic rights of military personnel, the right of appeal, and provisions on the safety and stationing of the troops abroad.⁹³

⁸⁹ Thun-Hohenstein, *Der Vertrag von Amsterdam*, p. 68 and Declaration No. 3 ("Declaration of Western European Union on the Role of Western European Union and its relations with the European Union and with the Atlantic Alliance"), 22 July 1997, Para. 6.

⁹⁰ Pechstein/Koenig, *Die Europäische Union*, p. 176; Frowein, "Auf dem Weg zu einer gemeinsamen Sicherheits- und Verteidigungspolitik", pp. 13 f.

⁹¹ Zöckeler, "Germany in Collective Security Systems - Anything Goes?", pp. 274-286. The Court's ruling (BVerfGE 90, 286) may be accessed at: <http://www.uni-wuerzburg.de/glaw/bv090286.html>.

⁹² BVerfGE 90, 286 (346 f.).

⁹³ Gertz, "Plädoyer für eine fortschrittliche Wehrverfassung in Europa", pp. 464-476; Klein, *Probleme in multinationalen militärischen Verbänden am Beispiel der deutsch-französischen Brigade*, pp. 68; Stein, "Rechtsfragen des Eurokorps und der deutsch-französischen Brigade", pp. 60-64; Wassenberg, *Das Euro-*

Discussing the relationship between sovereignty and military cooperation yields three conclusions: First, working day-to-day within highly integrated military structures raises fundamental legal questions that have to be solved in order to keep multinational contingents operable. Second, not every decision that is legally justifiable is politically feasible. Withdrawing national armed forces from multinational contingents risks paralyzing them. Third, military cooperation leads to a silent transfer of sovereignty resulting from the need to keep multinational contingents functioning.

What Role for the Courts?

When looking at the important role the ECJ played in developing the law of European integration, it follows naturally to ask what role the ECJ and other international courts play with regard to questions of foreign and security policy.

The peaceful settlement of disputes was one of the basic provisions adopted in the 1975 Helsinki Charter of the then CSCE. In 1992, participating states adopted a decision on peaceful settlement of disputes, including the convention on conciliation and arbitration.⁹⁴ Among other things the decision foresees provisions for the establishment of a Court of Arbitration and Conciliation (established in Geneva in 1995), the establishment of a Conciliation Commission, and the possibility of a directed conciliation. Although the document can be regarded as an important step towards the peaceful settlement of disputes within the OSCE area, it has a major flaw: neither of the institutions provided for by the document has so far been activated.

In the CFSP, the ECJ shares a similar fate. Although of major importance within the confines of the Treaty establishing the European Community, the ECJ has only limited jurisdiction competence in the Treaty on European Union. There are a small number of cases where litigants could appeal to the ECJ: Basically, CFSP decisions must be interpreted as international, not supranational law. Hence they bind only member states, but not legal or natural persons. However, if for instance the Ministerial Council implements a decision to impose economic sanctions by adopting a directly applicable legal act that binds natural and legal persons, they seem to have the possibility to appeal to the ECJ if this act violates individual rights. This suggests that appealing to the ECJ is theoretically possible if a CFSP decision violates the principle of Community loyalty or the principle of the inviolability of the Community Treaties.⁹⁵ Such conflicts might occur in case of foreign-trade agreements, trade in arms, dual use products and strategic goods, derogation from the common market on the ground of protection of national security, and diplomatic protection.⁹⁶

Finally, NATO and WEU have not established their own courts. In 1956, NATO adopted a resolution on the peaceful settlement of disputes and differences, thereby referring to the Secretary General's good offices.⁹⁷ In contrast, the WEU wants its member states to appeal to the International Court of Justice (ICJ) in order to settle disputes. However, this provision is subject to a declaration by the member states to recognize as compulsory the jurisdiction of the ICJ.⁹⁸

korps, pp. 203-214; Wieland, "Ausländische Vorgesetzte deutscher Soldaten in ausländischen Verbänden", pp. 133-142.

⁹⁴ Reprinted in: INTERNATIONAL LEGAL MATERIALS, 32 (2), 1993, p. 551-571.

⁹⁵ Consolidated Treaty establishing the European Community, Article 10; CTEU Article 47.

⁹⁶ Canor, *The Limits of Judicial Discretion in the European Court of Justice*, pp. 111-130.

⁹⁷ <http://www.nato.int/docu/comm/c/561214b.htm>.

⁹⁸ Statute of the International Court of Justice, Article 36:2 (<http://www.icj-cij.org/icjwww/ibasicdocuments/ibasicstext/ibasicstatute.htm>).

Summary

The concept of integration should be used cautiously when talking about security and foreign policy. In coming years, there will be no direct transfer of sovereignty comparable to the process of integration taking place within the EC. Nevertheless, there are some clear but faint signs of possible change. First, the most promising finding is that Europe's security organizations tend to work on the basis of the same fundamental values, thereby leading to an increased harmonization of their members' policies, while at the same time making admission contingent upon respect of these values. Second, in order to keep multinational military contingents operable, governments are prepared to cede sovereignty silently. Third, even highly political organizations, such as the OSCE and the CFSP, can encroach upon sovereignty, for example, by the possibility of directed conciliation within the OSCE or the possibility to adopt joint actions or common positions within the CFSP that bind member states.

Despite these positive facts, governments remain reluctant to have international organizations influence their sovereignty on matters of foreign and security policy. First, because joint actions and common positions are binding on EU members, they prefer adopting nonbinding declarations. Second, military personnel and infrastructure assigned to NATO, WEU, or multinational units remain subject to national jurisdiction. Third, majority decisions are still the exception. Fourth, international jurisdiction plays a negligible role in matters of foreign and security policy. Although disappointing, this is not surprising. Based on the political question doctrine established by the U.S. Supreme Court, most national courts exercise judicial self-restraint in matters of foreign policy.⁹⁹

The Road Ahead

The above analysis shows that Europe's current security architecture is extremely complex. Although a lot has been accomplished in recent years, many problems remain unsolved. One of the most fundamental issues is the attitude of governments towards Europe's security organizations. Paraphrasing Clausewitz, we can say that these organizations are still regarded as politics by other means; hence, most governments see them as mere instruments toward achieving their own foreign policy goals. This must change. In the following I present four concrete measures to improve the situation. Contacts between Europe's security organizations should be enhanced, and cooperation should be augmented. Rule orientation should be improved. Peacebuilding should be managed more effectively. Lastly, Europe's Security and Defense Identity (ESDI) should be strengthened.

Enhancing Contacts, Augmenting Cooperation

Europe's security organizations consult each other and cooperate, but in most cases they do so on the basis of ad hoc agreements. At least three steps are necessary to remedy this situation: improve the flow of information, start joint training and exchange employees, and put problems before organizations.

First, information is one of tomorrow's decisive factors. Hence, it is vital to reorient the flow of information between Europe's security organizations in order to satisfy the organization's true needs. Let me give a few examples. The stability of a political system is a precondition for successful economic transformation. Situation reports drafted by OSCE and UN missions should therefore be made available to the EU and international financial organizations and vice versa. The EU could, for instance, contact the HNCM when its own reports show that minorities are systematically discriminated against with respect to jobs, financial support, or unemployment benefits. The HCNM would then have to contact government officials in order to clarify these problems. Similarly, satellites do

⁹⁹ For an extensive overview see: Giegerich, "Verfassungsrechtliche Kontrolle der auswärtigen Gewalt im europäisch-atlantischen Verfassungsstaat," pp. 409-564.

not only serve military ends. They also perform the tasks of monitoring crises, providing advance warning of aggression, monitoring the application of disarmament treaties, supervising humanitarian peace missions, and gathering strategic and tactical data.¹⁰⁰ Hence, satellite information should be made available not only to NATO and the WEU but also to the OSCE. The same holds true for the EU, which has substantially raised the demand for information by deciding to incorporate the Petersberg tasks into the new Treaty of Amsterdam. Conducting peacekeeping, peace enforcement, and crisis management, even if directed by the WEU, requires more information than the Union has received so far. Even NATO officials agree that the growing importance of non-Article 5 operations increases the Alliance's need for information to a degree formerly required only in times of warfare.¹⁰¹

Second, in addition to reorienting the flow of information, Europe's security organizations should start exchanging employees and training them jointly. The enhanced PfP foresees the possibility of assigning military personnel to NATO's integrated military structure in order to improve cooperation. The same could be done with the civilian employees of Europe's security organizations, thereby improving the understanding of these organizations, the restrictions they face, and the possibilities they offer. Training employees jointly serves the same purpose. Training programs for military personnel from all EAPC countries have become a standard procedure, but it happens rarely with civilians. The OSCE Summer School is a good example of how things can be done. However, such programs should no longer be restricted to one organization. By including all organizations, a comprehensive understanding of the problems ahead can be promoted. Seminars could advance the exchange of information by focusing on lessons learned. Simulation exercises, again standard procedure in the training of military personnel, would give civilian employees a real chance to practice cooperation among their organizations. Such exchange and joint training programs will promote the creation of truly committed elites at the international level.

Third, these proposals assume that form follows function or, put differently, that organizations must serve the problems they are meant to solve. Hence, Europe's security organizations should establish joint working groups to work out action plans in advance, thereby helping to use scarce resources more efficiently. Again some examples can illustrate this. Integrating minorities and guaranteeing their rights is not only a political, but also a judicial, an economic, and even a psychological issue. Employees of the OSCE, the CoE, the UNHCR, and the EU could form a joint working group to deal with strategies of handling these issues. The same holds true for programs facilitating economic recovery. Granting financial and technical assistance is one problem. As experience in different countries teaches, building up robust, small and medium-sized companies does not only require capital, but also managerial skills. While capital can be raised either via ordinary capital or venture capital markets, getting the necessary know-how is another problem that is much more difficult to solve. Therefore the EU, international financial organizations, and consulting firms could set up plans to improve the diffusion of knowledge, to form business alliances (e.g., joint ventures in research and development), and to exchange employees.¹⁰²

Improving Rule Orientation

I have argued that regulative institutions facilitate playing by the rules because they allow participants to calculate the costs of deviation. Normative and cognitive institutions, in contrast, force actors to

¹⁰⁰ Assembly of WEU, *A European intelligence policy*, Document 1517, 13 May 1996, Para. 35.

¹⁰¹ van Rensen, *Informationsbedarf der Gemeinsamen Aussen- und Sicherheitspolitik der Europäischen Union*, pp. 19-40.

¹⁰² By the way, such a strategy would greatly improve transnational relations, leading to "grass roots" movements in the business sector. See: Weiss, "A Marshall Plan We Can Afford", pp. 94-109.

behave properly either on the basis of common norms and values or social interaction, thereby decreasing the possibility of diversion. One way of improving rule orientation is to enhance cooperation in the legal dimension of security.

It has been said that the ECJ and the OSCE's Court of Conciliation and Arbitration are almost irrelevant when it comes to judicially monitoring the application of norms. States are reluctant to appeal to an international court in order to solve political problems. As long as there is no mandatory supranational jurisdiction, the idea of a community of law depends in large part on national courts.¹⁰³ It is understandable that the European Commission evaluates the judicial and administrative systems of the CEE countries, but I think it will not suffice. Following the concept of a community of law, these states should be included more strongly into the European legal cooperation scheme. I therefore propose that national judges be assigned to the ECJ and the ECHR in order to accustom them to European law and to the courts' legal culture. In addition, the EU should think about creating the position of an ombudsperson for European law. Such an ombudsperson would work together with the UN or OSCE missions active in those countries that are potential EU candidates. The ombudsperson would be asked to follow national legislation closely, to support and consult in cases of problems, and to report on the development of national legislation. Such an ombudsperson could hint at possible conflicts between national and European law, thereby helping to reduce such conflicts to an absolute minimum.

Managing Peacbuilding More Effectively

The idea of improving coordination between Europe's security organizations can be developed further. Our analysis has made clear that due to a lack of coordination there is a danger of interlocking instead of interlocking institutions. This holds especially true in the field of peacbuilding. Peacbuilding must be regarded as the first step in successful conflict prevention. It therefore has to be managed more professionally.¹⁰⁴ Again, two different approaches are possible. In the case of smaller international missions, Europe's security organizations should establish joint International Peacbuilding Bureaus, assigned to coordinate all activities in the field, similar to the mandate given to the Office of the High Representative under the Dayton Accords. Each organization would assign representatives to this bureau, thereby contributing to the establishment of a center of competence in the field. Resources could be shared, and cooperation with NGOs and local authorities could be greatly facilitated.

In the case of large and demanding missions such as the ones operated in Bosnia-Herzegovina or in Kosovo, Europe's security organizations should no longer launch individual missions. Instead they should form an International Peacbuilding Mission.¹⁰⁵ While Europe's security organizations provide the necessary input, the mission will no longer be organized along organizations, but along the problems that have to be solved (see Figure 2).

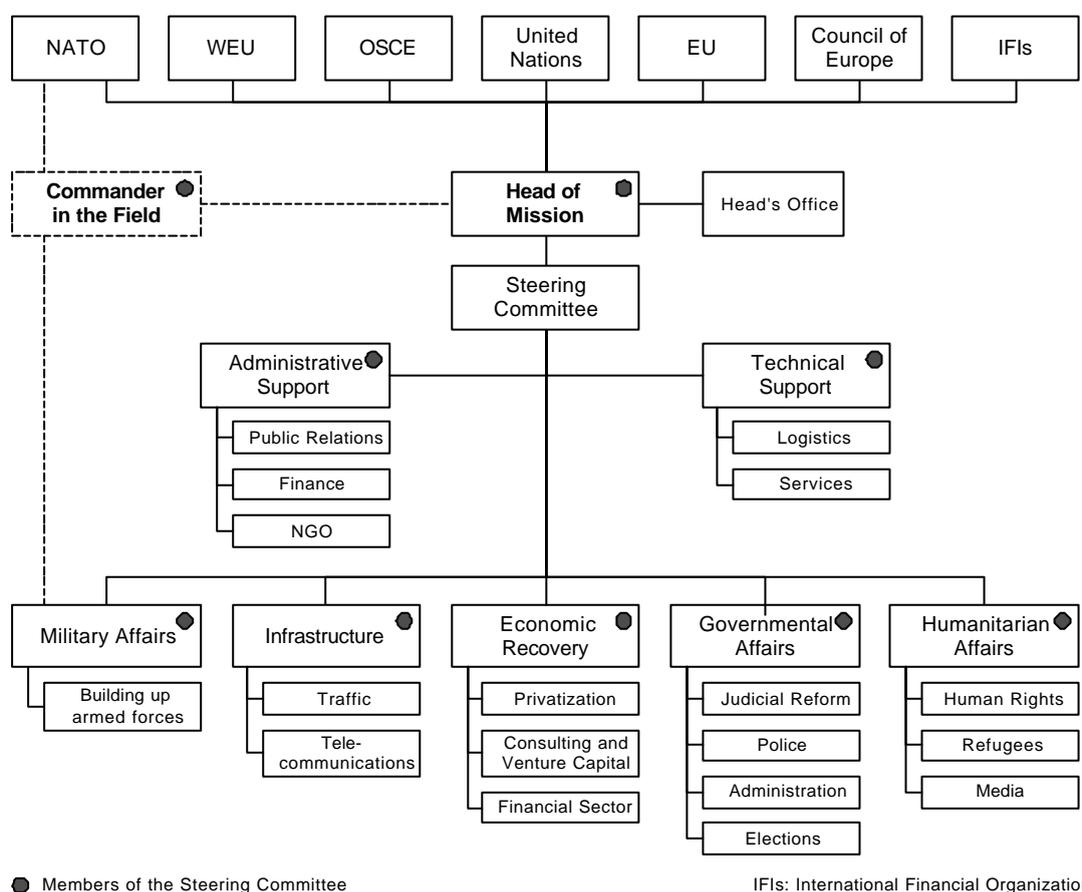
¹⁰³ Laurence Helfer and Anne-Marie Slaughter define a community of law as a "partially insulated sphere in which legal actors interact based on common interests and values, protected from direct political interference". Helfer/Slaughter, "Toward a Theory of Effective Supranational Adjudication", pp. 277, 367-370.

¹⁰⁴ This section draws on: Borchert, "The Kosovo Conflict and the Swiss Contribution", pp.171-176; Borchert, "Den Friedensaufbau professionalisieren", pp. 459-472.

¹⁰⁵ At least on paper, the United Nations Mission in Kosovo (UNMIK) established in June 1999 comes quite close to this proposal. UNMIK is headed by a Special Representative of the Secretary General who has overall authority to manage the Mission and to coordinate the activities of all UN agencies and other international organizations operating as part of UNMIK. Under the coordination of the UN, four international organizations should take the lead in their respective fields of activity: The UN is responsible for interim civil administration, the UNHCR deals with humanitarian affairs, the OSCE is responsible for institution building, and the EU manages reconstruction.

At the top, such a mission would be run like the Office of the High Representative, with the head of mission responsible for communication with the international organizations as well as with the states. If necessary, he should be given the authority to impose decisions as long as the conflicting parties do not agree on measures. The steering committee would consist of the head of mission, the heads of the different units, and the military commander in the field.¹⁰⁶ The steering committee would be responsible for managing the mission and adopting the necessary strategies. Working groups organized according to different problem areas would have to implement the strategies adopted by the steering committee. There could be a working group dealing with military issues, such as the democratic control of armed forces. Other groups could deal with questions of infrastructure, rebuilding the economy, supporting the government, and handling humanitarian affairs. Of course many problems do not fit into these categories. Working groups would therefore have to coordinate the repatriation of refugees, the establishment of minority laws, the rebuilding of the infrastructure, or the organization and supervision of elections.

Figure 2: International Peacebuilding Mission



Establishing an International Peacebuilding Mission has many advantages: By working together coordination will be greatly facilitated, personal communication will be easier, and the sharing of resources will improve efficiency. Situation analysis will be facilitated, because information flows will come together in the Steering Committee, which could also be given the right to rely on satellite in-

¹⁰⁶ Experience in Bosnia-Herzegovina has shown that the military chain of command should not be split. However, in order to guarantee tight coordination between the military and civilian sides, the Commander in the field should be part of the Steering Committee.

formation provided by NATO and the WEU. A mission of this kind would be organized jointly, thereby handling difficulties in logistics or the provision of additional resources more easily. Finally, there should be no doubt that the image of an international community acting coherently will influence the parties of conflict.

Strengthening ESDI

It has become fashionable to demand the establishment of a European Security and Defense Identity. However, there is neither a clear-cut definition of what ESDI stands for nor have adequate strategies been presented to translate the concept into action. NATO's Berlin Council decision to implement the concept of CJTFs made clear that ESDI should be set up within NATO. Although this decision is to be welcomed, conceptual problems remain, because establishing the ESDI concept means many different things. First, it requires strengthening the European pillar of NATO. Second, it presupposes the readiness of European states to conduct non-Article 5 operations within the WEU or the EU. Third, conducting such operations requires a necessary agreement within the CFSP. Finally, establishing ESDI entails various transformation processes that are necessary in order to reorient national forces and improve their compatibility and interoperability.

In order to make the ESDI concept reality, several questions must be answered. European states have to first define their interests. Without defining the aims of the CFSP there will be no ESDI. This also requires countries to clarify operational procedures between EU, WEU, and NATO.¹⁰⁷ Second, military cooperation raises some fundamental legal questions that must be resolved in order to guarantee the operability of multinational contingents. This requires harmonization with regard to the authority of command, disciplinary law, basic rights of military personnel, the right of appeal, and provisions for the safety and the stationing of the troops abroad. The discussion of harmonizing European military law should not exclude the United States nor the CEE countries nor neutral states. Therefore a binding document on military cooperation should be put on the agenda of the EAPC or the OSCE.

Third, there is no doubt that the political goal of setting up multinational contingents and the requirements for standardization influence defense-related industries. But Europe still lacks the dramatic changes the U.S. defense industry has undergone in recent years. It is only too obvious that Europe's defense industry suffers from too many actors competing with each other, from governments still adhering to the idea of nationally independent defense companies and from the absence of a common defense market. Several steps appear necessary. First, European governments will have to encourage international cooperation by establishing an adequate framework within the EU, by privatizing state-owned companies, and by encouraging transnational mergers and acquisitions. Second, experts warn that a growing technology gap between the United States and the European defense industries could lead to problems in integrating their armies. Cooperation across the Atlantic and with CEE defense companies should therefore be strongly encouraged. Third, new methods have to be found to integrate the industry. The maintenance and modification of existing equipment is still a predominantly national concern that has a huge potential for increasing cooperation and cutting costs. Although outsourcing may ease the pressure on national defense budgets, there are fears of industrial dependency.¹⁰⁸ These fears might block the decisions needed to Europeanize defense-related industries. In order to envisage common solutions, enduring political support will therefore be indispensable.

Finally, new risks - such as the proliferation of weapons of mass destruction, the technological vulnerability of the information society, or the problem of selling dual-use technologies to rogue states

¹⁰⁷ Assembly of WEU, *WEU: a European instrument for crisis-management - reply to the annual report of the Council*, Document 1647, 18 May 1999, Appendix.

¹⁰⁸ Rohde, *The Roles of Arms Industries in Supporting Military Operations*.

- have to be interpreted as questions that demand common European answers. The European Coal and Steel Community rested on the assumption that war can be avoided by supranationalizing coal and steel and by inducing cooperation between former enemies. Following this principle, the establishment of a common European armaments market is a logical step long overdue. However, it may not be enough. The new risks demand the establishment of cooperative frameworks to deal with the questions of biotechnology and genetics, microelectronics and micro-technology, and nuclear and information technology.¹⁰⁹ These industries have the potential to initiate cooperation between the committed elites, not only in Western Europe, but also in the United States and the CEE countries. This would extend the neofunctional logic into the twenty-first century and beyond the EU.

Conclusions

I have argued that multilateralism based on a liberal worldview, corresponding international rules, democratic principles, and the rule of law form the core of Europe's security architecture. Such a structure can be established by following four different paths: Democratic peace increases the probability that states will solve disputes peacefully; institutions create order by providing basic rules for the conduct of international relations; leadership initiates cooperation; and integration helps to overcome renationalization tendencies. Against this background the contributions of Europe's security organizations can be summarized in three points: First, Europe's security organizations tend to work on the basis of identical core values, thereby paving the ground for Europe's security architecture in the twenty-first century. Second, Europe's security organizations strengthen the four pillars of my concept and influence member states' policies in economic, military, and political matters. While the process of transferring sovereignty to supranational bodies is most advanced in economics, military and political issues are still solved by intergovernmentalism. However, military cooperation begins to encroach upon sovereignty. Third, coordination between these three issue areas must be substantially improved. In essence this means shifting interests from the national to the international level. Let me elaborate on all three points.

Finding No. 1

By applying a set of common norms that potential member states have to respect, Europe's security organizations tend to frame the normative foundation of Europe's security architecture.

Being part of a democratic union requires governments to fulfill certain criteria, to which the OSCE, the EU, NATO, and the WEU subscribe:

1. Democratic principles, the rule of law, separation of powers, organizing free elections, and guaranteeing human rights;
2. Liberal economic constitutions that guarantee free trade, competition, and social justice;
3. Efficient political, judicial, and administrative structures that are indispensable for supranational rules to become effective;
4. Standardized military doctrines, equipment, and training of military personnel facilitates the establishment of multinational contingents;
5. Democratic control of armed forces ensuring that they are constitutionally governed and do not form a state within the state.

¹⁰⁹ For a similar proposal see: Long, "The CFSP and Beyond", p. 179.

According to the theory of democratic peace, these principles guide a democracy's foreign policy. We can therefore define a set of norms that form the core of Europe's multilateral security architecture:

1. Existence of democratic domestic structures;
2. Openness with regard to all political processes, especially the enlargement of Europe's security organizations;
3. Transparency and predictability with regard to all political plans and as a condition of the way governments and organizations should behave;
4. Reciprocity as a condition applicable to all international agreements;
5. Flexibility as the basic principle that structures cooperation between states and organizations;
6. Abstention from the use of force to conduct foreign relations;
7. Sufficiency as a principle in the forming of defensive, not offensive armed forces;
8. Cooperation in order to resolve the challenges ahead.

Finding No. 2

Europe's security organizations strengthen the four pillars of my concept and influence member states' policies in economic, military, and political matters.

Apart from the economic integration taking place within the EC, there is no sovereignty transfer to supranational bodies such as the European Commission or the ECJ. Since they are endowed with certain powers, they can act as institutional leaders. By setting up specific standards of admission to the Union and its common market, these institutions contribute to the harmonization of the policies set by the member states. Whatever the positive effects of that process, we must not forget that the CEE countries find themselves in an economic, societal, and political transformation process. Because these countries are more prone to the negative effects of economic integration and worldwide competition, their political parties face heavy turbulence on the way to the common market. This requires the international community to coordinate its aid programs more effectively thereby giving special emphasis to eliminating contradicting economic and political expectations. From a political point of view, higher inflation may seem a tolerable way to reduce unemployment and to boost the economy. From an economic point of view, however, rising prices increase interest rates, put pressure on the exchange rate, and worsen a country's economic performance in the long run.¹¹⁰ Hence it is time to form special working groups consisting of experts from all organizations involved in the rebuilding of the former communist countries.

Normally, one would not refer to military issues as an example of the transfer of sovereignty. I have shown that military cooperation is beginning to encroach upon sovereignty. In order to guarantee the operability of multinational units, governments cede sovereignty silently. Military cooperation therefore constitutes a large portion of Europe's stability and security. This is due to common procedures of standardization, the harmonization of defense planning, the adjustment of doctrines, and the structure of armed forces, day-to-day workings in NATO's integrated military structure and in multinational military contingents, cooperation in PfP, and the military verification and security building regimes that increase transparency and augment predictability.

With regard to politics, the last of our three security dimensions, there is no doubt that intergovernmentalism still reigns over supranationalism, particularly in defense and security policy. In contrast to the EC and NATO, the OSCE and the CFSP still face collaboration problems, which is an indication of a relatively high degree of disagreement among the member states. As long as collaboration is the dominant problem, political progress will be slow.

¹¹⁰ For a similar argument see: Paris, "Peacebuilding and the Limits of Liberal Internationalism", pp. 73-88.

Despite the supremacy of intergovernmentalism, there are clear but faint signs of a departure from the status quo. These include the OSCE's decision to treat aspects of its human dimension not as exclusive issues in the participating states, but rather as a matter of legitimate interest of all OSCE states, the possibility of conciliation directed by the Senior Council or the Ministerial Council; and the possibility of imposing political and economic sanctions in the case of enduring violations of the principles in the human dimension. There are also signs of a growing willingness to act jointly in the case of non-compliance with basic norms and principles. Furthermore, the OSCE has developed some highly innovative instruments of preventive diplomacy (HCNM, long-term missions, Representative on Freedom of the Media) that have a great potential for influencing local parties. Although successful, their leadership potential and their coordination with other international organizations can be improved. One promising example is the Pact on Stability initiated by former French Premier Eduard Balladur, organized by the EU as a joint action and now administrated by the OSCE. Along these lines I suggested establishing the position of an ombudsperson for European law, active in states that are to join the EU and where the OSCE has already deployed long-term missions.

Similarly, the CFSP would benefit greatly by increased application of community procedures. This not only means more majority voting. When talking about the Union's core competence, I showed that one of its greatest assets is its possibility to adopt package deals. As an example I referred to the Europeanization of defense-related industries and argued that future security challenges, such as the proliferation of weapons of mass destruction or dual use technology, should be regarded as questions requiring joint action at a European level. In order to make substantial progress in the field of the CFSP, European governments should change their attitudes. Instead of waiting for external crises to test the functioning of CFSP mechanisms, they should create more economic incentives that will increase pressure and require political action.

Aside from sovereignty transfer and leadership, I have also argued that institutions create rules and influence the behavior of governments. Rule orientation depends on the institutional structure underlying each of the above mentioned three dimensions: Economic integration in the EC and defense in NATO follow the logic of rational cost-benefit-thinking. Because the costs of rule transgression can be calculated more or less clearly (e.g., lawsuits against a government for non-action before the ECJ) governments tend to play by the rules. Where collaboration problems predominate, such as in the CFSP, the OSCE, and the WEU, governments act on the grounds of normative-cognitive institutions. In these cases playing by the rules depends either on expectations of behavior or learning processes. When it comes to common goals, these organizations are much more demanding, because realizing common goals demands that collaboration problems be overcome. Hence, it is no surprise that political progress is slower and deviation is higher than in cases where regulative institutions reign. Furthermore, it should be added that both the OSCE and the CFSP are not supranational, i.e. their norms are solely applicable to the participating states or to the Community's bodies, but not to legal or natural persons. Therefore, the ECJ and the Court of Arbitration and Conciliation in Geneva play a subordinate role in monitoring norm compliance. As long as this is the case, the promotion of a community of law requires that national courts interact closely with international or supranational courts.

Finding No. 3

The greatest challenge lies in increasing the coordination of activities taking place within the political, economic, and military dimension of security.

The ultimate strategy of transferring sovereignty to the Union in order to step up its efforts in the CFSP will be blocked for years to come. However, different instruments developed by the OSCE since 1990 and the multinationalization of armed forces have begun to encroach upon sovereignty. This is exactly the reason why adapting and enlarging NATO was the right strategy. Engaging the

former communist armed forces in joint defense planning, training, and field operations, working with them in integrated command structures, and increasing common understanding will extend the habit of cooperation to these countries. This will lead to committed elites in the military sector, acting according to democratic principles all across Europe.

Professionalizing peacebuilding and improving institutional serve various purposes. Strengthening Europe's security organizations is necessary, first of all, because only strong institutions can support governments effectively and efficiently. Second, organizations may act as leaders. So far their leadership has been subordinated to their members' interests. Since stability and security are collective goods that tend to be in short supply, strengthening Europe's institutional network is a necessary first step. Because institutions facilitate the shaping of common strategies and positions, they are indispensable to the defining of international interests. Thus, they should be strengthened and given more independence. But as long as governments do not change their attitudes towards international politics, every institutional effort will remain limited. In the coming years, there must be a fundamental shift in the way problems are addressed. While we have already begun to see that transnational risks and problems can only be addressed multilaterally, national interests still remain the common standard for evaluating international actions. This will no longer suffice. We need more than international instruments - we also need international interests!

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