The Legal Framework of the OSCE

Edited by

MATEJA STEINBRÜCK PLATISE
CAROLYN MOSER
ANNE PETERS

Max Planck Institute for Comparative Public Law and International Law

CAMBRIDGE UNIVERSITY PRESS
Contents

List of Contributors  page viii
Preface  xiii
List of Abbreviations  xv

PART I. INTRODUCTION  1
1 Legal Uncertainty and Indeterminacy: Immutable Characteristics of the OSCE?  3
Carolyn Moser and Anne Peters

PART II. THE QUEST FOR INTERNATIONAL LEGAL PERSONALITY  27
2 Political Dynamics and Institutional Reforms in the OSCE  29
Christian Nünlist and Petri Hakkarainen
3 The Role of the Organisation in Asserting Legal Personality: the Position of the OSCE Secretariat on the OSCE’s Legal Status  48
Lisa Tabassi
4 The Role of the Participating States in Reforming the Legal Framework of the OSCE: Past Developments, Status Quo and Future Ambitions  82
Helmut Tichy
5 ‘It’s Politics, Stupid’: an International Relations Perspective on Strengthening the Legal Framework of the OSCE  95
Tanja A. Börzel and Ingo Peters
6  Domestic Implications of the OSCE’s Legal Personality under Russian Constitutional Law
   Gleb Bogush

PART III. MANIFESTATIONS OF THE LEGAL POSITION UNDER INTERNATIONAL LAW

7  Revisiting Questions of Organisationhood, Legal Personality and Membership in the OSCE: the Interplay Between Law, Politics and Practice
   Niels M. Blokker and Ramses A. Wessel

8  The OSCE’s Domestic Legal Status: an Exploration of Relevant International Law Sources
   Cedric Ryngaert

9  Privileges and Immunities of the OSCE
   Isabelle Pingel

10 The External Relations of the OSCE
    Laurence Boisson de Chazournes and Andrzej Gadkowski

11 The International Legal Responsibility of the OSCE
    Lorenzo Gasbarri

PART IV. THE LEGAL AND INSTITUTIONAL FRAMEWORK AS A GOVERNANCE ISSUE

12 The OSCE as a Case of Informal International Lawmaking?
    Olivia Herman and Jan Wouters

13 Conceptualising Accountability in the Legal and Institutional Framework of the OSCE
    Carolyn Moser

14 Legitimate Governance as a Privilege and Price for the Autonomy of International Organisations
    Mateja Steinbrück Platise