

Book Reviews

Rick Fawn, *International organizations and internal conditionality: making norms matter*, Basingstoke: Palgrave Macmillan, 2013, xiii + 335pp.

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Internal Conditionality

Especially since the collapse of the Soviet Union, the European Union has used the benefits of membership – access to the internal market, subsidies – as an incentive for States, including some post-Soviet States, to embrace certain values. A broader category of States were invited to conclude specific agreements with the Union, allowing them to join an area of prosperity and good neighbourliness. All they had to do was to embrace the values of the Union. The values of the Union are neatly defined in the Treaty on European Union. They include respect for human dignity and rights, democracy, and the rule of law.

Once admitted to the club, new EU Member States have the opportunity to contest and question the Union's values, and/or to point out inconsistencies in their interpretation and application. They have become full members of the club, with a part to play in the further evolution of the EU's value language. This is a healthy process, up to the point where these new member States begin to contest and attack the core values they once subscribed to, and begin to undermine the Union from within. How must the Union respond to such recalcitrance?

We see this happening also in other international organizations, and in itself it is a healthy process. The United Nations once started out as a club of like-minded States, i.e. the victors of the Second World War, many of them colonial powers. But then the UN began to strive for universal participation, and like-mindedness became less and less of an entry requirement. As soon as the new members were admitted to the club, these new members began to challenge the rules, including the UN's most fundamental values. What about the self-determination of peoples? What about sustainable development, economic redistribution? What about applying the rule of law to the organization itself, by introducing some form of judicial control over the Security Council? etc. So far, so good. But what if some UN Member States begin to reject the UN's core values, and use all means available to obstruct and sabotage the work of the UN from the inside? How is the UN to respond to this?

Fawn's book is not about the EU or the UN. The cases of the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe (CoE) are much more intriguing than those of the EU, says Rick Fawn, because these two organizations cannot offer the type of tangible benefits that the EU has to offer. All they have is the attractiveness of the shared values themselves. What they do, in essence, is to encourage States in their evolution towards democratic governance, human rights promotion, and respect for the rule of law. According to Fawn, the OSCE and the CoE equally lack coercive measures or sanctions to ensure that members, once admitted to the club, keep their promises, and continue to uphold and defend the values they subscribed to when joining the organization. Lacking any hard power, the two organizations' methods of promoting democracy, human rights and the rule of law are thus necessarily much more subtle. (Of course, being an international lawyer myself, I would say that the sanctions imposed by the CoE's European Court of Human Rights are pretty compelling, but let us leave that aside for the moment.)

The central question in Fawn's book is thus as follows: what should international organizations do when they have admitted States to the club, and these States turn out not to believe in the club's own values, or have a radically different interpretation of these values? Such members might even obstruct the organization's work.

The book uses "internal conditionality" as its central concept. So what does that mean? Conditionality is described as linking perceived benefits to the fulfilment of certain conditions. Internal conditionality essentially looks at how this process operates among States that are already within an international

organization. What kind of benefits does the organization have to ensure that its members continue to uphold and live by the organization's values? Fawn identifies six stages or dimensions: first, the core values of the organization need to be determined. This is done by engaging in a kind of legal genealogy, i.e. an examination of the organization's foundational documents. Case studies are used to examine the application of the rather abstract values discourse to a particular issue. It is also when the values discourse is applied in a concrete case that the discourse, and its application, is most vigorously contested. We then need to look seriously at these contestations, and the importance thereof for the contesting State. Then we need to examine the seriousness of the threat posed by the contestation to the organization and its values discourse. There is nothing wrong with a healthy discussion, but what if the core beliefs of the organization are contested from within, by one of its own member States? We need to examine the possibilities available to the organization to respond. What carrots and sticks are available to the organization to compel or induce the recalcitrant States back into compliance? The OSCE and the CoE do not have a strong sanctions regime, says Fawn, so they must use softer tools of persuasion and incentives, such as naming and shaming. Finally, an evaluation of the outcome of this process must be made. What has the contestation done to the credibility of the organization?

In the book, the workings of internal conditionality are examined through a number of case studies. These are: the OSCE's international election observers; the abolition of the death penalty by the Council of Europe; the war in Chechnya and the CoE's efforts to affect Russia's behaviour; Tajikistan's relations with the OSCE; and Kazakhstan's bid for the Chairmanship of the OSCE. This analysis leads to a series of fourteen (!!) lessons learned. Let us look here at some of the more interesting of the fourteen. The first lesson is that, in order to induce a State to live up to certain values, it is better to have the recalcitrant States inside the organization than to leave them outside of it. Second, some States easily subscribe to a set of values, but then ignore those in practice. But it may very well turn out that a commitment once made on paper may turn out to "haunt" a State in the future. This is especially the case if a commitment to uphold and defend values is repeatedly made at the highest level, even if only in words. Compare this with the adoption of the Universal Declaration of Human Rights by the UN General Assembly in 1948. No State at the time lived up to these lofty obligations, but look at the importance of the declaration nowadays! Organizations must also strive to remain multifaceted in content and structure: they must address multiple issues, and provide different types of fora for debate, and different kinds of instruments for compliance. Another lesson is that the more loyal member States should accept the challenge of the recalcitrant State, and openly defend the organization's core values. And the loyal States should invite the organization to critically examine their own track record. After all, even the "good guys" make mistakes. But the challenge, of course, comes from the deliberately recalcitrant States, those that seek to corrupt or destroy the organization's values and operational capacity.

The book's focus is on post-Soviet States, i.e. States that were once part of the Union of Soviet Socialist Republics. These are Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Had the book been written today, Fawn might have chosen to select the current dispute in the Ukraine, with the active involvement of the OSCE, as a sixth case study.

The methodology of the book is worth drawing attention to. Fawn has interviewed many people – over 200 including individuals working for the two organizations, but also politicians from the recalcitrant States themselves.

A theme running through the book is the relationship and cooperation between international organizations,


transnational civil society – internationally active NGOs and civil society of the State. It is suggested that the former two look for promising developments within the State, and cling on to those.

Rick Fawn, a Senior Lecturer at the School of International Relations of the University of St. Andrews (UK), has written an important book. His expertise in security and democratization processes in Central and Eastern Europe is demonstrated on each and every page. He started his academic studies as a student of history, and this shows as well. The book evidences a sound comprehension of the historical context in which these organizations operate, and there is plenty of attention to what other scholars of international law and international relations might view as minor details.

About the Author

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Security and Human Rights (formerly Helsinki Monitor) is a journal devoted to issues inspired by the work and principles of the Organization for Security and Cooperation in Europe (OSCE). It looks at the challenge of building security through cooperation across the northern hemisphere, from Vancouver to Vladivostok, as well as how this experience can be applied to other parts of the world. It aims to stimulate thinking on the question of protecting and promoting human rights in a world faced with serious threats to security.

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