

The OSCE in the European Concert

25 years ago, after years of tough negotiations, the founding document of the CSCE, the "Helsinki Final Act" was signed. In retrospect, this act represented the political zenith of the policy of détente and was a milestone on the way to the end of the Cold War. It was achieved through a combination of diplomatic flexibility, on the one hand, and maintaining the principles in defence of Western fundamental convictions on human rights, democracy and the rule of law, on the other. As the long tug-of-war in advance showed, the participating States were fully aware that the Final Act would not be empty rhetoric: Even a political document not binding under international law would have an effect. Needless to say the intentions of the participants were by no means identical: For the former Soviet Union and its allies, Helsinki 1975 was to legitimize definitively the status quo of its sphere of influence in power politics. For the West, in contrast, human rights and the development of co-operation between the systems were in the forefront despite contradictory military and power politics. The antagonism between the systems was not eliminated, but the growth of stabilizing common features across systems had liberating and influential consequences also in domestic policy matters.

In the signed documents, civil rights campaigners and reformers discovered a foundation to call for human rights, democracy and system transformation. There was no "concluding directive" formulated in Helsinki. On the contrary: A process began, which developed its own dynamics. For a few years this helped civil rights activists only to a limited degree, many remained lock up in prisons and were tortured. With time however human rights developed an inexorable force. Even the Soviet Union under Mikhail Gorbachev opened up to the "new thinking" in the perestroika programme, a transformation in consciousness that had already been expressed in the Helsinki Final Act.

The radical changes in Europe during the years 1989/1990 in no way made the CSCE superfluous. On the contrary: High-flying expectations were now being directed towards the CSCE that Europe would rediscover its common inheritance of a tradition for freedom and set up a stabile and long-lasting peaceful order in an all-European project. An "era of democracy, peace and unity" seemed to have broken out as was quoted in 1990 in the "Charter of Paris for a New Europe", the CSCE document with the farthest-reaching statements ever made on human rights and fundamental freedoms, democracy and the rule of law. After the adoption of the Paris Charter, it was only logical to test its common normative basis in practice. Since then, the *implementation* of the commonly recognized norms of European "*ordre public*", which today we see as the essence of the documents from Helsinki and Paris, has been the *bona fide* key task of the OSCE. It took on an increasingly active

role in particular in managing conflicts and crises that reoccurred as a result of the political earthquake in Europe during 1989/90. In contrast to the UN, which was moulded from a conceptional cast after the Second World War, in the years following the Paris Charter, the CSCE went through a step-by-step transformation in that it reacted to new political challenges by developing its instruments and especially through the deployment of numerous missions in conflict areas. In this manner it gained a new profile as a functioning regional organization for prevention and crisis management - for the first time in 1992 in the former Yugoslavia, and then increasingly in the area of the former Soviet Union. With good reason, the Organization was finally in 1994 also given an apt new name. In addition, the number of instruments available has also increased: the Warsaw Office for Democratic Institutions and Human Rights (1992), the High Commissioner on National Minorities (1994), the Representative on Freedom of the Media (1997) as well as a total of 20 long-term missions in various conflict areas since 1990. OSCE leadership structure has essentially proved its worth: While maintaining the consensus principle, it nevertheless gives a lot of flexibility to the country holding the OSCE Chairmanship. In the OSCE, the culture of prevention has become a reality to such a degree already that it could be used as a model for other regions of the world. This is not to say that the principles of political conflict prevention are so strongly anchored in European security policy as could be hoped. On the contrary: One of the most important lessons of the Kosovo conflict was that we will have to use preventive measures much earlier and more intensively, that is as soon as the first signs of an impending storm are visible.

The balance sheet of this OSCE decade of transformation is on the whole noteworthy: A larger number of potential conflicts have been defused through outstanding OSCE work, the inner stability of certain countries has been strengthened, elections have through OSCE support and monitoring become more representative and less subject to doubt, the OSCE has ensured that state and non-state institutions of developed civil society and states based on the rule of law have been able to gain a proper foothold in certain countries, the rights of human beings and minorities have been made more secure by the OSCE where they were most endangered. There have also been setbacks and there are extensive deficits remaining, however these are being dealt with continually on the OSCE agenda. This substantial progress, which has made Europe more secure and civilized, should be taken into account when making an assessment of the OSCE. It must be admitted that these processes do not radiate the same dynamics that marked the first phases of the CSCE process. On the contrary they are as attractive as the unspectacular process of drilling through thick wooden boards. The call for "revitalizing" the OSCE, recently made by Hans-Dietrich Genscher, is certainly not unjustified. What future path should the OSCE now take after 25 successful years? As I see it there are three goals, which that we must pursue:

1. The OSCE will have to continue monitoring participating States to ensure compliance with their commitments. As far as human rights are concerned the OSCE, can and must intervene! In this respect, I have an especially high regard for the active involvement of NGOs. Real or assumed shortcomings can be openly presented and a critical public will be able to demand explanations from governments.

From the example of Chechnya, it becomes clear that OSCE consensus on values is not a static condition. On the contrary, to realize this there must be an energetic and determined posture by the OSCE community against states that fall behind on the commitment to these values. Thus not least in view of Chechnya, the fact that commitments were immediate and legitimate concerns to all participating States was anchored in the Charter for European Security at the OSCE Summit in Istanbul 1999. Russia should therefore recognize and use the role of the OSCE in political conflict management as they did after the first Chechen war.

2. The continuation of various field activities will be the political focal point of OSCE work. In the forefront there are currently missions in South-eastern Europe, in particular in the area of former Yugoslavia. The OSCE long-term Missions to Bosnia and Herzegovina and to Croatia play an indispensable role in the implementation of the Dayton Peace Agreement. Both Missions perform important tasks in the area of the protection of human rights and minorities, the return of refugees and democratization. With their widely diversified presence in-country, they have a unique knowledge of the local conditions and corresponding opportunities to make an effect. A good example of this was when the OSCE took over United Nations police monitoring in Eastern Slavonia in their Croatia Mission in October 1998. Since then the OSCE has acquired expertise in the area of post-crisis reconstruction, which will most likely gain even more importance in the future. An equally positive mention should be given to OSCE Mission implementation and monitoring of the five elections at various levels in Bosnia and Herzegovina, which despite all difficulties have proved that the OSCE is capable of acting as an organization.

The current OSCE Mission in Kosovo is less in the floodlights of public interest than its predecessor, the "Kosovo Verification Mission", which was set up by the OSCE in October 1998 within a period of a few months as a result of the negotiations between Richard Holbrooke and Slobodan Milošević and had to be evacuated before it had reached its full potential. Even during this short period they were able to intervene successfully in many cases, recover hostages and prevent outbreaks of violence. This mission was an offer that could have had a pronounced effect if Milošević had really accepted it. One cannot blame the OSCE that the readiness for violence on both sides put a speedy end to this mission. Directly after the end of the Kosovo war, the OSCE was - along side the KFOR - present at the location and since then has done effective work in constructing democratic and rule-of-law institutions.

In particular, OSCE-managed police schools have been able to boast several hundred successful graduates, who will make up the core of the future Kosovo police. The UN is also making increasing use of the OSCE when this is geographically convenient or practical.

It also appears to me that if one takes a look at the situation of the Russian-speaking minority in the Baltic states, the success of the OSCE and its instruments is significant. Since the dissolution of the Soviet empire and the withdrawal of Russian troops, the OSCE has, through its High Commissioner on National Minorities and its Missions to Estonia and Latvia, contributed decisively to the fact that a situation potentially laden with conflict has never escalated to violent clashes. In both states - with OSCE support - there has been significant progress towards the integration of Russian minorities, so that it will not be long before the OSCE Missions will no longer be required there.

These examples show that the OSCE is focused in the right direction: early warning and conflict prevention as well as social reconstruction after periods of violent fighting. These are the areas in which the OSCE has shown the best-developed capabilities to act and make decisions. During the past ten years the OSCE has developed sophisticated exemplary procedures for constructive solutions to problems especially in this area. It is along this path that they should proceed and extend the corresponding executive capacities involved. In addition to this, the OSCE Secretary General should be equipped with the necessary instruments. One should not be in the position that there is sufficient political capacity for "early warning" but not enough for "early action". The decision at the Summit Meeting in Istanbul to set up an instrument for the rapid deployment of civilian and police expert teams to crisis areas under the acronym REACT was reached because the OSCE learned the lesson during the Kosovo Verification Mission that under certain circumstances the necessity to send large missions occurs very quickly and very often involves the same questions: What kind of specialists do we require? Which language, professional and social capabilities are generally necessary? Which countries could make them available? Above all this involves optimizing the capability to act on practical issues, which the OSCE has already been confronted with. Primarily we would like to achieve faster and more effective OSCE co-ordination of the services provided by the participating States. The focus should be on the creation of a personnel reserve that has been agreed upon by the participating States, which is easy to call forth and appropriately prepared for their particular mission. The German federal government has since 1999 made great efforts to institutionalize permanent preparatory courses for international missions. In this manner a civilian personnel reserve is being purposefully constructed, prepared for their missions and therefore gaining the diverse and specialized knowledge required for these in advance. Since 1999 already 200 people have gone through this training programme; before the end of the year 2000 the courses will be opened to participants

from all countries to be able to provide them with well-directed preparation of their personnel.

The focal points described on conflict prevention and crisis management are typical tasks of a "regional arrangement" in the sense of Chapter VIII of the UN Charter. The OSCE participating States had already strengthened this self-conception in 1992 and it has been further supported through OSCE missions past and present. With this the OSCE took a step, which - if one thinks it through to its consistent conclusion - also implies a readiness to implement peacekeeping measures through the armed forces (whereby they cannot go beyond the threshold of coercive measures, which are under UN jurisdiction). The perspective of OSCE peacekeeping measures through the deployment of armed forces (like ceasefire monitoring, border monitoring etc.) was also again reaffirmed in Istanbul in 1999. I would welcome the opportunity for the OSCE to take a further step in this direction to be able to become the "key instrument" for preventive diplomacy, conflict prevention and crisis management in their region, just as they offered in Budapest in 1994. Thus first steps in this direction should be considered now - e.g. one could consider cooperatively tackling certain international law issues in OSCE peacekeeping missions even today. Up to now there is no international law foundation for this special task area and from a German perspective its creation remains a current concern. In its coalition agreement of October 1998 the German federal government declared its intention to strengthen the legal basis of the OSCE.

3. I also argue that we do not lose sight of the all-European political role for the OSCE while considering the focus mentioned above. The OSCE should not become a service agency for the political decisions of others. Even in the future the OSCE could play a key role in the multilateral European concert. There are two reasons that speak for this: One of these is the comprehensive security concept inherent in the OSCE and which allows problems in the economic and human dimension to be approached early before they grow into acute crises with effects on political security. These connections are essential for a truly preventive stability policy. There is no other institution, which exhibits such decisive advantages as the OSCE - regional proximity, flexibility and speed.

The other is: The OSCE has a special potential as the only all-European organization in which Russia and the North American democracies co-operate on an equal basis, a potential, which will become all the more important, the more countries join the European Union. In the coming years the historical reorganization of the EU will strengthen the all-European character of the OSCE. In the next few years the EU will open its doors to the East and develop new foreign policy capabilities. The countries like Russia and the Ukraine, who have no perspectives in the near future of taking part in these developments from inside the EU, and unlike the US and Canada are not in permanent alliances with Europe, will need a real forum where they enjoy the

right to share in decisions as equal partners. One of the remaining tasks of European foreign policy is to gain Russia as a stable and predictable neighbour and have it participate in common policies. The constructive orientation of Russian foreign policy presupposes recognition as an equal partner. In this constellation, the OSCE will be the only European institution in which three large political centres of gravity will work together: the European Union, the US and Russia. Stability and security in Europe will depend on how these forces combine into the distant future. Any realistic European answer to critical political developments in the OSCE area presupposes US agreement and Russian inclusion. The Russians have an interest in the OSCE because it offers a platform where they have an equal voice in European affairs and this interest should be maintained and utilized.

The opportunity for the OSCE to take on formative tasks in the concert of European institutions lies in its all-European legitimacy, i.e. to place the potential of the various institutions in a general common political context. It would be illusory for the OSCE to claim a superordinate role among the European security policy institutions. The OSCE cannot want to provide guidelines for the EU or NATO; each institution must continue to maintain the right to make decisions according to its own *raison d'être* and its own rules. All participating States came to a consensus on this point in Istanbul. Bringing together the various strands in the network of institutions is however a realistic task, from which everyone would profit. There can be no suspicion that the OSCE would exhibit national egoisms. Thus it is clearly the institution that offers the best forum to discuss which direction the collective approach will take. This is the central and continuing potential of the OSCE, which we would like to foster and cultivate.