

## The Pact on Stability in Europe - A Diplomatic Episode or a Lasting Success?

During the East-West confrontation the primary task of diplomacy was to keep the bi-polar confrontation stable with the least risk and at the lowest possible cost. Accordingly, stability was defined mainly in military and strategic terms and the means for achieving this goal were security policy along with arms and disarmament policies. Today stability can only be understood as a kind of process, i.e. a social and political evolution with contradictory elements, both cooperative and confrontational, open-ended as to its results and with the goal of strengthening and making more durable the cooperative elements. Stability can only be achieved as the result of the reciprocal relationship between the creation of international structures and internal developments,<sup>1</sup> the latter being of decisive importance.

The West developed various instruments for strengthening its relations to the political East as it was, and for stabilizing that region. Four kinds can be distinguished: *First*, the cooperation between individual Western and Eastern countries as it found expression in hundreds of treaties and in the fundamental reorientation of the Central European countries' international economic relations. *Second*, cooperation between the West as a whole and individual countries in the East. This took the form of membership in the Council of Europe and in the OECD, Association Agreements with the EC/EU, and NATO's Partnership for Peace program. *Third*, cooperation between the West and the East, each acting as a group. The clearest example of this is the North Atlantic Cooperation Council. *Fourth*, the encouragement of sub-regional cooperation between Central and Eastern European countries, ranging from support for the Visegrád group to the Pact on Stability in Europe. The importance of the latter lies in the fact that the countries of Central Europe, in their westward march, tended to neglect their immediate neighbors and especially their former alliance partners. Thus the idea of the Stability Pact filled an important gap in European cooperation.

Based on its ability to integrate economic, social and political issues, the European Union has a unique potential for creating stability which enables it,

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<sup>1</sup> Cf. Uwe Nerlich, Möglichkeiten und Probleme einer Konstellationsanalyse als Grundlage künftiger sicherheitspolitischer Planung [Possibilities and Problems of a Constellation Analysis as the Basis of Future Security Policy Planning], in: Wolfgang Heydrich/Joachim Krause/Uwe Nerlich/Jürgen Nötzold/Reinhardt Rummel (Eds), Sicherheitspolitik Deutschlands, Neue Konstellationen, Risiken, Instrumente [Germany's Security Policy: New Constellations, Risks, Instruments], Baden-Baden 1992, pp. 23-75, here esp. pp. 40-52.

much more than NATO or the OSCE, to establish contact with the domestic political dimension in individual countries. In this context, the Pact on Stability in Europe, which grew out of an initiative of Prime Minister Balladur in April 1993, has double significance: it represents the first major effort, using the methods of preventive diplomacy, to help stabilize the foreign policy relationships of a series of Central European countries, and it is at the same time the first Joint Action of the European Union's Common Foreign and Security Policy (CFSP). With the Concluding Conference in March 1995 and the handover of this project to the OSCE, its first phase has been concluded. The 52 participants adopted a document which contains the same principles and commitments that they had earlier agreed to in the CSCE context, a list of bilateral treaties, all of which were drawn up outside of the Stability Pact with the exception of the one between Slovakia and Hungary, and a package of cooperative measures financed by the EU. That looks like a rather modest result when it is measured against the need for stabilization in Europe. But it would be premature to write the project off as finished. The newness of the task which the EU and the OSCE set themselves in the Stability Pact raises the question whether, over and above the obvious results, it does not hold lessons that could be useful in future stabilization initiatives.

#### *From the Balladur Initiative to the Pact on Stability in Europe*

If one follows the course of the Balladur initiative to the Concluding Conference on the Stability Pact in March 1995<sup>2</sup> the development looks at first glance as though it had been steady: President Mitterrand presented the French initiative to the European Council in Copenhagen in June 1993,<sup>3</sup> the European Union decided in December to adopt the Stability Pact.<sup>4</sup> The Inaugural Conference in May 1994<sup>5</sup> led to discussions at two regional tables, one

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<sup>2</sup> On the development of the Stability Pact see: Hans-Georg Ehrhart, EU, OSZE und der Stabilitätspakt für Europa - Präventive Diplomatie als gemeinsame Aufgabe [EU, OSCE and the Pact on Stability in Europe - Preventive Diplomacy as a Joint Task], in: *Integration* 1/1996, pp. 37-48.

<sup>3</sup> Cf. French Proposal for a Pact on Stability in Europe, submitted to the summit meeting of the European Council, Copenhagen, 22 June 1993, in: *Stockholm International Peace Research Institute* (Ed.), *SIPRI Yearbook* 1994, pp. 247-249. All subsequent references to the Balladur Plan refer to this text.

<sup>4</sup> Cf. Beschluß des Rates vom 20. Dezember 1993 über die gemeinsame Aktion betreffend die Eröffnungskonferenz für den Stabilitätspakt [Decision of the Council of 20 December 1993 on the Joint Action with regard to the Inaugural Conference on the Stability Pact], in: *Auswärtiges Amt* [Federal Foreign Office] (Publ.), *Gemeinsame Außen- und Sicherheitspolitik der Europäischen Union (GASP)* [Common Foreign and Security Policy of the European Union (CFSP)], *Documentation*, 10th rev. ed., Bonn 1994, pp. 380-382. The relatively long period of time between the presentation of the Balladur Plan and the decision of the Council shows that the EU countries were at first skeptical about the Plan.

<sup>5</sup> Cf. Documents of the Stability Conference in Paris on 26-27 May 1994, in: *Blätter für deutsche und internationale Politik* [Journal for German and International Politics] 8/1994, pp. 1018-1022.

for the Baltic states and the other for the Central European countries, whose results were summarized at the Concluding Conference on 20-21 March 1995 in Paris.<sup>6</sup> In view of this appearance of continuity it is easy to overlook the fact that the political structure of the Stability Pact of 1995 differs in important ways from the Balladur initiative.

In his Government Declaration of 8 April 1993, Balladur put his proposal on a par with the great European efforts of the last two centuries at creating a new order - from the Congress of Vienna in 1815 to the Paris Treaties of 1919/1920 to the Yalta Conference of 1945. The goal of the new initiative was to stabilize the situation in Europe and create a "new balance" from which the entire Continent would profit.<sup>7</sup> Balladur's proposal was in the tradition of Mitterrand's failed Confederation idea of 1991 and did not 'just' aim at the stabilization of Central and Eastern Europe but, of equal importance, strove for a new balancing of the relationship between France, Germany and Central and Eastern Europe, the goal being a joint German-French 'Ostpolitik' (eastern policy).<sup>8</sup> It is only in this context that the reference to a 'new balance' makes sense and, indeed, it was soon dropped, just as the reference to the historic conferences. In the French proposal of June 1993 the Pact was defined more modestly as being aimed at "stabiliz[ing] the Central and Eastern European countries which may eventually be associated to varying degrees with the European Union."<sup>9</sup> It was to deal with problems over borders and minorities in relations between the Central European countries and in their relations with Russia. These goals were retained in later versions of the Stability Pact. The document of the Inaugural Conference names nine "countries which seek admission"<sup>10</sup> (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia). In the French proposal of 1993 the conflict in Yugoslavia was explicitly ruled out as a subject for the Conference, which was to be "clearly an exercise in preventive diplomacy very different in nature from the curative measures required in ex-Yu-

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<sup>6</sup> Cf. Pact on Stability in Europe, adopted on 20 March 1995 by the 52 States of the OSCE at the Concluding Conference on the Stability Pact in Paris.

<sup>7</sup> "C'est la volonté de créer un nouvel exemple français qui nous permettra de rénover notre société tout entière", [Text of the Government Declaration by Balladur on 8 April 1993], in: *Le Monde*, 10 April 1993 (these and all subsequent translations of foreign language sources are our own).

<sup>8</sup> See Ernst Weisenfeld, *Frankreich und Mitteleuropa - Der Plan für einen Europäischen Stabilitäts-Pakt* [France and Central Europe - The Plan for a European Stability Pact], in: Ingo Kolboom/Ernst Weisenfeld (Eds.), *Frankreich in Europa, Ein deutsch-französischer Rückblick* [France in Europe, A Look Back by Germany and France], Bonn 1993, pp. 167-179.

<sup>9</sup> French proposal, 22 June 1993, cited above (Note 3), p. 248.

<sup>10</sup> Inaugural Conference, 26/27 May 1994, cited above (Note 5), p. 1018.

goslavia."<sup>11</sup> The various conflicts in CIS countries were initially excluded as were problems between members of the European Union and their neighbors, e.g. between Italy and Slovenia or Greece and Macedonia. Conflicts involving minorities in Western Europe were not mentioned at all. As long as the Pact was an EU initiative this selection of countries was understandable as one aimed at future members. But the limitation of participants could never be justified with this argument - neither at the beginning, in the first phase of the Balladur initiative, nor later after the Stability Pact had been turned over to the OSCE. Because the objective was to practice preventive diplomacy, the warring successor states in Yugoslavia really did have to be excluded, but this did not apply to a number of successor states to the Soviet Union, e.g. the Ukraine or Belarus. The fact that no member of the EU was regarded as an 'object' of stabilization creates the impression that those countries harbor no risks to stability. This may be true of most of them but the problems of Northern Ireland, say, or Greece's territorial claims should nevertheless not be forgotten. The impression arises that the 'target area' of the Stability Pact was defined by those foreign countries where the Union had the most external influence - the Central European states which were already relatively stable. The focus on minority and border issues is interesting for the way in which it was justified and also for the way its content was originally described and later changed. The French proposal explained its choice of issues by the experience in Yugoslavia. All Central European countries rejected this parallel. For example, the former Hungarian Foreign Minister, Jeszenszky, said: "The former Yugoslavia is an exception and not a rule."<sup>12</sup> In a narrow sense Jeszenszky was right: in Yugoslavia a state made up of many peoples disintegrated into ethnic national states in which the minorities were so substantial that they in turn claimed their right of self-determination and secession. There is no comparable situation anywhere in Central Europe. At the same time, Jeszenszky himself underlined the central argument of the Balladur initiative: "The whole Yugoslav conflict (...) erupted on account of the Serbian minority in Croatia." And: "Just because, there is no immediate threat of an armed conflict, does not mean that it does not exist."<sup>13</sup> Despite the contradictory statements of the Hungarian Foreign Minister it is clear that it was the tragic events in Yugoslavia which determined the thinking of Western and Hungarian politicians alike.

Although the French proposal of June 1993 appealed to CSCE principles it significantly changed the normative basis of its two main themes.

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<sup>11</sup> French proposal, 22 June 1993, cited above (Note 3), p. 249.

<sup>12</sup> Géza Jeszenszky, Speech in the Council of Europe, 8/9 October 1993, in: Foreign Ministry of the Republic of Hungary (Publ.), Current Policy 26/1993, p. 2 (henceforth cited as Current Policy).

<sup>13</sup> Géza Jeszenszky, Interview with Magyar Nemzet, 25 September 1993, in: Current Policy 24/1993, pp. 7-8.

Most astonishing was that a French draft, of all things, talked about "the collective rights of a minority".<sup>14</sup> This problem, according to Montbrial, "seems not to have occurred to the authors of the Balladur Plan, at least not at the beginning. The *démarche* commits France, and with it the Community, to a logic of 'minority rights' which is largely opposed to French tradition".<sup>15</sup> With regard to borders the French proposal deviated in two ways from the political standard. First: "minor rectifications of borders"<sup>16</sup> were said to be acceptable. This position stays within the framework of the CSCE Decalogue, according to which borders in Europe are 'inviolable', thus ruling out any change by force but leaving open the possibility of peaceful change. What departed from political convention in the French proposal was that this was openly stated and went against a widely accepted informal consensus according to which borders in Europe are not only inviolable but unchangeable. Second: the Stability Pact was to make the borders 'sacrosanct', i.e. unchangeable by any means whatever, and this does indeed go beyond the CSCE/OSCE standard. The proposals for collective minority rights and for the possibility of 'border rectifications' aroused extremely contrary reactions, as one would expect. Jeszenszky stressed that the Balladur Plan did not seek to redraw borders but that it was the first international effort since World War II to improve the state of minorities.<sup>17</sup> And the Hungarian government was, at least at the beginning, the only one of the target countries to support the Stability Pact without reservation. By contrast, the Slovak Prime Minister, Meciar, emphasized at the Council of Europe summit in 1993: "[B]ut we cannot, in any case, accept the part of the plan which addresses the possibility of preventive border changes in the interest of satisfying requests of nationalities."<sup>18</sup> Romania shared this position and also opposed collective minority rights. Neither of these changes in the normative basis has been retained; in the Document of the Inaugural Conference there is already nothing more to be found on 'rectifications of borders' or 'collective minority rights'. The Central European countries criticized the fact that only their minority problems and not the ones in Western Europe were to be addressed. Poland and the Czech Republic claimed that they had neither unsolved border issues nor minority problems.<sup>19</sup> In the Czech Republic there were, moreover, serious reservations about introducing the sensitive subject matter of the

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<sup>14</sup> French proposal, 22 June 1993, cited above (Note 3), p. 247.

<sup>15</sup> Thierry de Montbrial, *L'Europe et les minorités nationales*, in: *Le Figaro*, 30 March 1995.

<sup>16</sup> French proposal, 22 June 1993, cited above (Note 3), p. 247.

<sup>17</sup> Cf. Jeszenszky, 25 September 1993, cited above (Note 13), p. 7.

<sup>18</sup> Vladimir Meciar, Excerpt from the address of the Slovak Prime Minister V. Meciar at the first Council of Europe summit on human rights and national minorities, Vienna, 9 October 1993, in: Ministry of Foreign Affairs of the Slovak Republic (Publ.), *Documents, Foreign Policy of the Slovak Republic 1993*, p. 105.

<sup>19</sup> Cf. Adam Daniel Rotfeld, *Europe: the multilateral security process*, in: Stockholm International Peace Research Institute (Ed.), *SIPRI Yearbook 1995*, p. 284.

German-Czech Treaty into something that was being worked out under EU auspices.

As a way of achieving its goals the French proposal provided for bilateral treaties between the affected countries which would then be assembled into a Pact on Stability in Europe at a Concluding Conference. The absence of any ratification provisions in the French action plan of 1993 shows that there was no intention of giving the Pact a legally binding character.<sup>20</sup> Rather, the participants in this conference were to "serve as guarantors of these bilateral agreements".<sup>21</sup> Later, however, there was never any more talk of such guarantees. The arrangements were to be supplemented by flanking measures and by both positive and negative incentives: the prospect of EU membership, of associate membership in the WEU, of economic assistance - or the denial of all these things. These sanctions, however, suffered in the event from their own modest potential or from having already been used or not being fully usable. The nine Central European states, for example, had already been made "Associate Partners of the WEU"<sup>22</sup> in May 1994, before the Inaugural Conference of the Stability Pact; the volume of projects to promote good-neighborly relations which the EU supports is, at 200 million ECU<sup>23</sup>, very limited and these resources are in any case covered by the projected PHARE program for Central Europe. Its most effective weapon, the prospect of membership, was one the EU could only use indirectly at that time because its internal decision-making on the timing and extent of enlargement had not been completed.

The negotiating format provided for in the French proposal of 1993 for a Stability Pact was appropriate to its character as a Joint Action of the EU's Common Foreign and Security Policy (CFSP). Along with the member states of the Union (12 at that time), participants were to be the countries of Northern and Central Europe (with the exception of Albania and the successor states of Yugoslavia), the United States, Canada, Russia, Belarus, the Ukraine and Moldova. The participation of the CSCE was not foreseen nor indeed was that of any other international organization. This represented a remarkable change in French CSCE policy because at the CSCE Summit in Helsinki in July 1992 Foreign Minister Dumas had proposed a security pact for all of the then 52 participating States.<sup>24</sup> The initiative's focus on the EU raised a question about the future role of the CSCE in European stability policy.

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<sup>20</sup> But this is what Jeszenszky hoped for: "The Balladur Plan is supposed to be a convention with international legal force." (Jeszenszky, 25 September 1993, cited above [Note 13], p. 7).

<sup>21</sup> French proposal, 22 June 1993, cited above (Note 3), p. 247.

<sup>22</sup> Kirchberg Declaration of the Western European Union (WEU) of 9 May 1994, in: [gopher://marvin.nc3a.NATO.int:70/00/Other\\_International/weu/COM/com0905.94](http://gopher://marvin.nc3a.NATO.int:70/00/Other_International/weu/COM/com0905.94).

<sup>23</sup> Cf. Ehrhart, cited above (Note 2), p. 41.

<sup>24</sup> Cf. Walter Schütze, *The Stability Pact for Europe: New Avenue or Dead End?*, in: *Peace and the Sciences*, Vol. XXVI (June 1995), p. 1.

The inclusion of Russia in the Stability Pact, which was an objective necessity owing to its conflicts with the Baltic states, further aggravated this problem. A stability pact outside of the CSCE would inevitably have led to a far-reaching weakening of the CSCE's standing. But because virtually all of the participating States were unwilling to agree to that, the CSCE/OSCE was gradually drawn into the project. It was already represented at the Inaugural Conference<sup>25</sup>, in which 39 countries participated. The Conference also decided on a new two-stage structure: the project as a whole was in future to be dealt with in the 52-country framework and, following completion, be handed over to the OSCE; the original goal of a focus on Central Europe was retained by the creation of the two regional tables.

Beginning in September 1994 the two regional tables met three and four times respectively. At the Baltic Table, in addition to Estonia, Latvia, Lithuania and the EU, were Poland, Russia, the United States, the Council of Europe, the CSCE Troika and the Baltic Council, and since the second session Iceland and the United Nations Development Program (UNDP) joined in as observers. Present at the Central European Table were Bulgaria, the Czech Republic, Hungary, Poland, Romania, Slovakia and, in addition, Austria, Switzerland, Canada, the United States, the HCNM (High Commissioner on National Minorities) of the OSCE and a representative of the Council of Europe; Turkey joined for the final phase. The EU approached the conversations with care, wanting to avoid the impression that any pressure was being applied. EU representatives explained the various support programs of the Union and the participating countries presented their interests and wishes. Finally, the bilaterally negotiated treaties were discussed. The fact that the political terms and the design of the Pact had been changed substantially since mid-1993 contributed to the good atmosphere. A point of central importance for the Baltic countries was that Russian troops had in the meantime been withdrawn; that had been a condition of those three countries' participation. Russia did not at first want to participate at the Baltic Table (where it subsequently took quite moderate positions) because it feared its relations with the Baltic countries would be put under EU supervision. This concern was greatly lessened when the project was put into the OSCE context. On the other hand, the Baltic states were hesitant to agree to Russia's participation and, in this case, viewed the presence of the United States as an indispensable counter-weight. The planned transfer of the Pact to the OSCE, with its consensus rule, lessened the fear at the Central European Table that

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<sup>25</sup> The Council's decision of December 1993, with the addition of Malta, Cyprus, Slovenia and the Holy See, mentions the same countries as the French proposal of 22 June 1993 had done and, further, the CSCE, the Council of Europe, WEU, NATO and the United Nations as additional conference participants (cf. Decision of the Council, 20 December 1993, cited above [Note 4], pp. 380-381).

the European Union might exercise excessive influence over bilateral relationships.

While the regional tables, in accordance with the instructions of the Inaugural Conference, were first to discuss problems of economic cooperation and the treatment of minorities, the question of how projects initiated under the Stability Pact were to be financed quickly assumed importance. Various countries criticized the EU's lack of generosity and Poland, in particular, asked for special resources going beyond PHARE. Another subject was the relationship between the Stability Pact and CSCE norms. The Union took the position that CSCE commitments should be regarded as the 'upper limit' and that nothing should be agreed to which went beyond them. Slovakia favored commitments on the basis of the Council of Europe's Framework Convention for the Protection of National Minorities; other countries took a more flexible position. Another controversial issue was what kinds of agreements should be attached to the Stability Pact. The Czech Republic held the view that only documents which came into existence after the Inaugural Conference should be accepted. The fact that this was the only approach which would permit the effects of the Pact to be measured argued for this position. But Romania wanted to have all relevant documents included, irrespective of when they had been adopted. Another aspect of this problem was the question whether only so-called basic treaties should be on the list or whether it could include other relevant documents. In this connection, the Hungarian delegation insisted on the inclusion of agreements dealing with minorities, a concern which could hardly be rejected in view of the importance of this issue for the whole Stability Pact.

Even before the Inaugural Conference a certain disenchantment could be noticed in Hungary. The conservative Hungarian government was of the opinion that there was a close connection between border issues and minority questions. The Foreign Minister at that time, Jeszenszky, referred in his speech at the Inaugural Conference to the peace treaties after the First World War: "These borders defined independent states in place of empires (...) But the new borders also cut sizeable communities off from the majority of their nation that formed a state, so creating national minorities that differ from the majority in their language, culture and historical tradition (...) One indispensable requirement for stability and good-neighbourly relations in the case of many Central and Eastern European countries is to reach a settlement of the situation of the national minorities based on applying absolutely the principles of democracy, of participation in public affairs by those who are governed, and of subsidiarity and decentralization."<sup>26</sup> There were two reasons why the Hungarian government of that time was dissatisfied with the draft document

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<sup>26</sup> Géza Jeszenszky, Statement at the Conference for a European Stability Pact, 26 May 1994, in: *Current Policy* 8/1994, pp. 1-2.

for the Inaugural Conference. First, the possibility of minor rectifications of borders originally provided for in the Balladur initiative was no longer there, apart from a brief reference to "questions regarding borders". Second, the conversations following the Inaugural Conference were conducted in a way which made clear their inter-state character, which was perfectly natural under international law. But the conservative Hungarian government felt compelled to make a long interpretative statement on this matter: "The Hungarian government cannot formally represent the citizens of other countries who belong to a Hungarian national minority, but it considers it an essential requirement that the representatives of the minorities concerned should be able to present their views during the process and on the agreements reached. This is in accordance with the interests of the minorities, of the governments concerned as well as of all participants in the Conference since only an agreement that is accepted by the minorities themselves can establish permanent stability."<sup>27</sup> Nor does the new socialist-liberal Horn government, which made the conclusion of basic treaties with Romania and Slovakia the centerpiece of its foreign policy program, have especially great hopes for the effectiveness of the Stability Pact. That Pact, the Horn government argues, talks only about borders and that is the position of Romania and Slovakia; one has to be skeptical about the Stability Pact, partly because it has become an end in itself for France but also because no basic treaties can be concluded without bilateral agreement.<sup>28</sup> Prime Ministers Horn and Meciar had agreed in January 1995 to conclude a basic treaty by the time of the Concluding Conference on the Stability Pact on 20 March 1995 but it was very unclear at the time whether this would succeed.<sup>29</sup> That the treaty did in fact come about, with Recommendation 1201 of the Council of Europe's Parliamentary Assembly included<sup>30</sup>, shows that in the end Slovakia was prepared to enter into commitments going beyond the Framework Convention of the Council of Europe. With the conclusion of the Slovak-Hungarian basic treaty the Stability Pact had for practical purposes reached its objective, but this was the only case in which a new treaty could be concluded.

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<sup>27</sup> Interpretative statement on the concluding document of the Inaugural Conference on a Pact on Stability in Europe. This statement was not printed in any collection of the Conference documents (cf. Inaugural Conference, 26/27 May 1994, cited above [Note 5] and Agence Europe, 31 May 1994, Europe Document No. 1887).

<sup>28</sup> Conversations with staff members of the Office for Hungarians Abroad and the Hungarian Foreign Office, 24 November 1994 and 16 November 1994.

<sup>29</sup> On the Slovak-Hungarian basic treaty, cf. Wolfgang Zellner/Pál Dunay, *Die Außenpolitik Ungarns im ersten Jahr der Regierung Horn* [Hungary's Foreign Policy in the First Year of the Horn Government], in: *Südosteuropa* 11-12/1995, pp. 664-671.

<sup>30</sup> Cf. Recommendation 1201 (1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights, in: Council of Europe, Parliamentary Assembly, Forty-Forth Ordinary Session (Fourth Part), 1-5 February 1993, Texts Adopted by the Assembly, Recommendations 1198 to 1209, Strasbourg 1993, pp. 1-7.

The Concluding Conference on the Pact on Stability in Europe adopted a document consisting of three parts: a political declaration on the principles of good-neighboring cooperation; a list of about 130 agreements between the nine countries and members of the EU, as well as among the nine and between them and other neighboring states; an annex listing the assistance projects proposed by the nine at the regional tables and those financed by the EU as a part of PHARE.<sup>31</sup> The political declaration stresses "our efforts to ensure stability in Europe" but in its concrete portions concerns itself mainly with those countries "to which the European Council has offered the prospect of accession."<sup>32</sup> The declaration mentions as a normative basis commitments undertaken in the United Nations, the OSCE and the Council of Europe, lists the most important relevant documents and once again cites the CSCE Decalogue of Helsinki 1975.<sup>33</sup> The Conference transferred responsibility for the further implementation of the Stability Pact to the OSCE.

### *The Pact on Stability in the Hand of the OSCE*

On 25 July 1995 the Permanent Council of the OSCE decided on guidelines for the further implementation of the Stability Pact,<sup>34</sup> among them the continuation of the existing regional tables and the creation of new ones. French Prime Minister Balladur, at the Concluding Conference, had suggested that there be round tables for the southern part of the Balkans, where to date there had been no open conflicts, and for the Caucasus.<sup>35</sup> In view of the cooperation agreement between the EU and the CIS and of the TACIS Program, there are efforts, especially on the part of Finland, which is co-chairman of the Minsk Group, to use the Stability Pact to solve the Nagorno-Karabakh conflict. The conclusion of the Dayton Agreement on 21 November 1995<sup>36</sup> created a new basis for a Balkan Table. Shortly before Dayton the Foreign Ministers of 29 countries<sup>37</sup> met on the initiative of the EU, particularly France, to establish a special version of a Southern Slavic Table.

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<sup>31</sup> The focal point of these projects were measures for cooperation across borders and for expanding border-crossings; in addition there were projects for economic and cultural cooperation, the environment and minorities (cf. Annex 1 - Part [b], PHARE Projects Supporting the Pact on Stability in Europe).

<sup>32</sup> Concluding Conference on the Stability Pact, 20/21 March 1995, cited above (Note 6), p. 487.

<sup>33</sup> Cf. *ibid.*

<sup>34</sup> Cf. Ehrhart, cited above (Note 2), p. 43.

<sup>35</sup> Cf. Archiv der Gegenwart, 21 March 1995, p. 39854.

<sup>36</sup> Cf. Framework Agreement on Peace in Bosnia and Herzegovina, initialed on 21 November 1995 in Dayton, Ohio, in: <http://www.state.gov/www/current/bosnia/bosagree.html>.

<sup>37</sup> Participants were among others the Foreign Ministers of the EU countries, the Yugoslav successor states, the United States, Russia, Turkey, and Switzerland as well as representatives of the OSCE and the Council of Europe.

The objective was not negotiations between governments but paving the way for a renewal of dialogue between the elite elements of society in Serbia, Croatia and Bosnia and Herzegovina. There turned out to be very little interest in those countries with the exception of Serbia, which would like to find fora in which it can appear on a basis of equality; a meeting in Vienna in April 1996, which was intended to identify concrete projects, had no success. The already established tables for Central Europe and the Baltic countries each held two informal meetings. At the Central European one there was some interest in carrying on; they at least did not want to let the table fall by the wayside. As subjects for discussion, transportation, trade, the environment and the fight against drugs were mentioned. There was no longer any talk about border and minority issues. Romania did not want to deal with them and even Hungary did not argue on their behalf. The Central European Table no longer played any role in connection with the open issues in the Romanian-Hungarian basic treaty. There was hardly any concrete discussion of problems or proposals for action. Nor did the discussions at the Baltic Table produce any new ideas; on the contrary, it was clear that there were certain questions which the Baltic states preferred to discuss in the Baltic Sea Council. Now, a full year after its transfer to the OSCE, the steam seems for the time being to have gone out of the Stability Pact. Only for the Southern Slavic Table do there seem to be a few possibilities which are dependent on the implementation of the Dayton Agreement. This does not, however, exclude the possibility that the newly acquired instrument of regional negotiations might, if needed, be used again in the OSCE framework.

#### *Experience with the Pact on Stability in Europe*

The heart of stabilization in Europe lies in evening out the socio-economic and cultural-political differences in the level of development on the continent. This, if it ever succeeds, will be a task of many decades. Viewed in this light the Stability Pact appears to be an episode. Still, far-reaching processes often begin with small steps of mainly symbolic significance. The Stability Pact represents - this is perhaps its most important aspect - a political will, born of the experience of the catastrophe in Yugoslavia, to tackle stability problems in Central Europe before being forced to do so by a manifest crisis. It has done this with modest resources and it is thus perhaps trite to note that the results have also been modest. This was a condition of its coming into existence at all, since no one was willing and/or able to make a substantial gamble with its attendant risks. What is important in any evaluation of the Pact is not alone and even not primarily its direct successes but the experience which participants have garnered as a result of it.

*First*, during its whole course, the project was accompanied by a kind of tension emerging from the contrast between its pan-European claims and the actual concentration on Central Europe. This limitation, occasionally criticized, was right; extending it to the CIS area would have overburdened its limited resources even more. This remains true regardless of any ideas for applying the Pact's 'carrot and stick' approach to the CIS area in the future. It was also necessary to tie the Pact to the OSCE; not to have done so would have supported a tendency to deal separately, in institutional and normative terms, with stability problems in Central Europe and in the CIS area. Trying to resolve this tension simply by moving more to one side or the other will not be possible in the future either, if the goal of a pan-European order is to be sustained.

*Second*, it became evident that the European Union's potential for promoting stabilization depends on the intensity of its cooperative relations, mainly with regard to enlargement, and is thus limited in its extent. The EU's stabilizing influence on its nearer and more distant neighbors decreases as the intensity of its cooperative relationships - ranging from membership aspirations to association to simple cooperation - goes down. The reason why the Central European countries went along with this project even though almost all of them viewed it skeptically at the beginning is because they want to join the EU and regarded work on the Stability Pact as a condition for that. The fact that Slovakia has concluded a treaty with Hungary while Romania has not yet done so<sup>38</sup> can be interpreted as a consequence of lesser or greater distance to the goal of EU membership and, therefore, greater or lesser influence on the part of the Union. This highlights once again the fundamental importance of the Union's enlargement process; it is only against this background that the Stability Pact was possible.

*Third*, one can note over the course of the project a certain shift of emphasis from classical problems of sovereignty and security (borders, minorities) to cooperative economic and social issues. This shift reflects not only the direct political interests of certain participants but also the strengths and weaknesses of the Union and, ultimately, the changing nature of stability.

*Fourth*, the Stability Pact proved that the often-cited 'interlocking institutions' really can interlock in a useful way and do not have to stymie each other through institutional egoism. At the regional tables, in particular, all of the organizations with an interest in the problem worked together for the first time. This was made possible by the relatively loose procedural structure and probably also by the relative modesty of the project's goals. What is important is that we have learned that this kind of cooperation is possible when there is a political will for it.

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<sup>38</sup> The Romanian-Hungarian basic treaty was signed on 16 September 1996 and entered into force later that year.

*Fifth*, the relationship between the European Union and the OSCE in connection with the Stability Pact, which in this specific form was only achieved as the result of a long process, represents an innovation that may have substantial promise for the future. For one thing, it has become clear that the European Union, apart from association and enlargement aspects, cannot *alone* produce stability and ought not to try. On the other hand, we have seen that it is indispensable as an initiator and active supporter. This last point concerns not only financing but also and especially the political dimension. The Union is not better equipped to deal with issues of 'pure' foreign and security policy than other international organizations are; in some respects its position may be worse. Moreover, the fundamentally equal character of relations within the OSCE would be harder to maintain in the EU's relations with third parties, which are characterized by the distinction between 'internal' and 'external'. Finally, the rapid collapse of the EU's norm-setting effort with respect to borders and minorities, embodied in the French initiative of June 1993, shows that the Union is no better prepared to deal with such issues than others are. On the other hand, the OSCE is dependent on EU initiatives, as the gradual fading away of the Stability Pact since March 1995 shows. The political/institutional model of an 'EU initiative in the OSCE framework' could be of importance for the future, particularly in relations between the Union and Russia.

*Sixth*, the Stability Pact once again makes clear that the current legally binding rules on the protection of minorities are inadequate; while politically binding commitments go significantly farther, they are subject to differing interpretations and are not sufficiently implemented. This deficit in norm creation and implementation can be attributed both to the reinvigoration of ethnic nationalism in Central and Eastern Europe and also to the unwillingness of a number of Western European states to create binding minority rights. The resulting signal to Central European governments can only be that the subject of minority rights does not need to be taken too seriously.

As a result of the forthcoming enlargement of the EU and NATO a number of the former target countries of the Stability Pact will become a part of the Western 'interior' and thus no longer the object of stabilization initiatives directed *toward the outside*. This means that stabilization efforts directed toward the outside ought to be concentrated on those countries which are not, or not yet, ready to become members of the EU or NATO. This refers, first and foremost, to the Baltic states, but also to (a part of) the successor states of Yugoslavia. The main importance of stabilization, then, would be to avoid letting the borderlines which any incomplete integration leaves behind become lines of confrontation but, rather, to bridge them in the most cooper-

ative way possible. The Pact on Stability in Europe has provided important experience for this purpose.