

Strengthening the OSCE - An Indispensable Condition for a Just and Lasting Peaceful Order from Vancouver to Vladivostok

In NATO's 1967 Harmel Report, the Atlantic Alliance stated that overcoming the division of Germany and Europe and creating a "just and lasting peaceful order" for all of Europe were its highest goals. The great changes of 1989/90 achieved the first part of this goal - overcoming the division of Germany and Europe. The CSCE made a decisive contribution to this. Its Final Act of 1975, along with other CSCE documents that followed, provided an essential foundation for the peaceful freedom-seeking revolutions in Central and Eastern Europe. With the signing of the Helsinki Final Act, observance of human rights had become a central element of West-East relations. For the first time in European history, the observance of human rights was no longer a question of the "internal affairs" of states. Beginning in 1975, the civil rights movements in the countries of Central, Southeastern and Eastern Europe had a basis to refer to that had been acknowledged by their communist leaders themselves. If the peaceful freedom-seeking revolution of 1989/90 owed its success to the courageous desire for freedom of the people in the countries of Central, Southeastern and Eastern Europe, its peaceful course and its result are nevertheless unthinkable without the conditions created by the CSCE process. For the first time in the history of the Cold War, the CSCE established a forum for dialogue between governments in East and West, including the US and Canada, which spanned and opened the systems. At the same time, the CSCE opened the way for a cooperative security policy, for confidence-building and disarmament.

The CSCE's central role in European security and stability also made itself evident in the establishment of German unity. Unified Germany's demand that it be able to choose which alliance it wished to belong to rested to a significant degree on the CSCE Final Act, according to which every State has the right to join or not to join an alliance. The CSCE also eased the establishment of German unity by fundamentally improving conditions for all of Europe. The "Charter of Paris for a New Europe", signed by the Heads of State or Government of the CSCE States in 1990, not only embedded German unity in a pan-European framework but also formulated guidelines for a lasting and just peace order resting on respect for human rights, free democracy, prosperity through economic liberty and social justice, and the principle of indivisible security for all countries. Zones of varying security and spheres of influence are no longer to be permitted in Europe.

Six years after the signing of the Charter of Paris the situation in Europe has in many respects undergone fundamental change. The objectives of the Charter have taken root in many countries of the former Warsaw Pact or in their successors. The relevant CSCE documents were an important guidepost in this transition from communism to democracy. To that extent, the Charter signatories' call for a "new beginning" in a now undivided and free Europe has been fulfilled. And yet, even after overcoming the division of Germany and Europe we are still far from achieving the Harmel Report's second objective - a just and lasting peaceful order for all of Europe. It is true that the great changes of recent years have largely nullified the risk of a "big" war in Europe; at the same time, however, the bloody conflict in former Yugoslavia has demonstrated in a horrifying way that armed struggles emerging from aggressive nationalism and intolerance are still possible in Europe. In addition, there are new risks to stability stemming from unsolved minority problems, endangerment of the natural bases of life, the proliferation of weapons of mass destruction, unsettled border issues, and migration problems as well as border-crossing crime and terrorism. Following the end of the Cold War, stability has to be defined more and more in economic, social and also ecological terms.

To ward off these dangers and to realize the principles of the Charter of Paris for a New Europe, there must be an effective order of security and stability from Vancouver to Vladivostok. The NATO Summit in Rome in November 1991 observed in this connection: "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 tying together the countries of Europe and North America." Thus a new order of security and stability in the aftermath of the Cold War must be underpinned by:

- NATO, which remains the indispensable heart of the trans-Atlantic partnership and expression of the community of values and responsibility between Europe, the United States and Canada;
- the EU, as the furthest developed form of integrated political and economic cooperation between European states - fifteen of them at present but there will be significantly more in the future;
- the WEU, as the EU's future representative in defense policy and the European pillar of NATO;
- the Council of Europe as the community of European states which have committed themselves to maintaining high standards in democracy and human rights;
- the North Atlantic Cooperation Council, as the framework for cooperation between NATO and the states of the former Warsaw Pact or their successors;

- new forms of European-Atlantic cooperation such as the Partnership for Peace.

In the framework of this new European-Atlantic structure, which is based on confidence and transparency, the OSCE is indispensable. Its "comparative advantage" in comparison with all other European-Atlantic institutions lies in its being the only institution which includes the North American democracies and Russia as well as the other successor states of the Soviet Union and makes it possible for them to cooperate on an equal basis. Another fundamental advantage of the OSCE lies in its importance for crisis prevention and management. For that reason, and also because of its comprehensive view of security, the OSCE has an independent significance and function which cannot be assumed by any of the other European-Atlantic institutions.

In view of the fundamental changes in Europe, there have been efforts since 1990 to strengthen the CSCE as the guardian of pan-European security and stability. It seemed particularly important, in this connection, to equip the CSCE with a more effective range of instruments in preventive diplomacy in order better to uphold and implement its principles in the area between Vancouver and Vladivostok. The creation in 1992 of the position of High Commissioner on National Minorities, the establishment of numerous OSCE long-term missions in crisis areas of Central, Southeastern and Eastern Europe as well as Central Asia, and the creation of the Office for Democratic Institutions and Human Rights in Warsaw have contributed in an important way to building and strengthening democratic structures and the rule of law. The establishment of the Forum for Security Cooperation (FSC) in Vienna represented an important step forward in the areas of disarmament, confidence-building and arms control. Important documents such as the "Code of Conduct on Politico-Military Aspects of Security" were negotiated in the FSC. The CSCE was strengthened by the establishment of the Senior Council as well as the Permanent Council and the Secretary General. Finally, the CSCE's growing importance was manifested when at the CSCE Summit in Helsinki it declared itself to be a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations. This made it possible to carry out peacekeeping measures in the area between Vancouver and Vladivostok on the basis of an appropriate mandate from the UN Security Council. The CSCE's enhanced position was made evident when at the CSCE Summit in Budapest in 1994 it was transformed from the "Conference on Security and Cooperation in Europe" into the "Organization for Security and Cooperation in Europe" (OSCE). There, the Heads of State or Government agreed to continue developing the OSCE in three particular areas in order "to move towards a genuine partnership in a new era":

- the development of civil societies through the realization of democracy, human rights and the rule of law;
- the strengthening of preventive diplomacy for conflict prevention and settlement;
- the deepening of cooperative security structures and the creation of a "European Security Space".

Despite this noteworthy progress it is clear that the OSCE's possibilities have by no means been exhausted. Rather, the debate in recent years has been focused more on the so-called "NATO enlargement", while the opportunities for a pan-European stability policy which are inherent in the OSCE have for the most part been neglected. This is a mistake. The OSCE remains the only Euro-Atlantic institution in which the North American democracies and Russia as well as the other successor states of the Soviet Union all work together. It would be a fatal error to think that security and stability in Europe could be ensured without Russia or even against Russia and the other successor states of the Soviet Union. Thus it is urgently necessary to continue developing the OSCE as an effective pan-European institution with an emphasis on conflict prevention and crisis management. Persistent efforts toward this pan-European approach in the framework of the OSCE are all the more important because Russia and the other successor states of the Soviet Union do not enjoy the prospect of NATO membership and have also not concluded association agreements with the EU providing an option of joining. Strengthening the OSCE along these lines does, however, depend on a number of additional initiatives which should be undertaken now.

1. Hitherto, the OSCE's extensive regulations have only been politically binding but do not bind the participating States in a legal sense. In order to make the OSCE regulations more effective and to strengthen the OSCE within the framework of Euro-Atlantic institutions, the regulations should gradually be given the status of law. One could begin, for example, by concluding legally binding agreements between the OSCE participating States with regard to carrying out peacekeeping measures in the OSCE area. For the medium term, we should consider the conclusion of a legally binding Treaty of Establishment for the OSCE.
2. The experience of past years has shown that the United Nations is overburdened by the need to deal with a growing number of conflicts in all parts of the world. It needs relief from regional institutions for the maintenance of peace under the terms of Chapter VIII of the UN Charter. For that reason, it was an important step forward when at the Helsinki Summit in 1992 the CSCE declared itself to be a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations.

The possibilities that this opens up should henceforth be used more frequently than in the past. Thus the OSCE, acting on the principle of "OSCE first", should generally be the first to deal with a crisis in the OSCE area. An important first step on the road to greater responsibility for the OSCE was the decision of the CSCE Summit in Budapest that the CSCE participating States may in exceptional circumstances jointly decide that a dispute will be referred to the United Nations Security Council on behalf of the CSCE. But that alone is not enough. The proposal, based on an initiative of Foreign Minister Kinkel and his then Dutch colleague, Koojmans, that the OSCE must be enabled to recommend coercive measures to the UN Security Council, even without the agreement of the parties to the conflict, should be put into effect quickly. But the effectiveness of such decisions depends heavily on whether the OSCE has the instruments to carry them out. This includes the dispatch of peacekeeping troops if other measures do not lead to the desired result.

3. The decision-making ability of the OSCE must be strengthened. For this purpose, the OSCE's option of deciding on measures without the agreement of the affected states ("consensus minus one") when OSCE principles have been clearly and seriously violated - an option created at my instance when I was Foreign Minister - should be used in determined fashion.
4. Past experience has shown that the large number of participating States in the OSCE occasionally makes it difficult to reach decisions quickly and act decisively. For that reason, OSCE institutions must be made more efficient and capable of action. One requirement in this connection is to expand the opportunities of the Chairman-in-Office and the Secretary General to act. The responsibilities of the Secretary General should not be limited to the administrative area. On the contrary, he should be given the option of bringing before the Ministerial Council, the Senior Council or the Permanent Council any matters which in his view represent a threat to peace and security in the OSCE area.

There are, moreover, strong arguments for supplementing the existing structures by creating a small body analogous to the UN Security Council which would act as a catalyst in the OSCE decision-making process. The establishment of a "security council" in the OSCE, along with the question of how it would be organized in concrete terms, should be put up now for serious discussion within the organization. The composition and competences of this OSCE Security Council would be of great significance. With regard to composition, it would have to be such as to enable the OSCE to act decisively and quickly while at the same time taking appropriate account of the interests of the small and medium-sized States. The objective in establishing an OSCE Security Council would not be to set up a directorate of the "great powers" but, rather, to strengthen the op-

erational options of the OSCE.

5. The OSCE's Court of Conciliation and Arbitration has now been established as a new instrument for the peaceful settlement of disputes. The Convention on this Court, which was reached at the meeting of OSCE Foreign Ministers in Stockholm in 1992 and signed initially by 32 and now by 33 States, came about as the result of a German-French initiative and entered into force on 5 December 1994. The Court is tasked with the responsibility of reaching peaceful settlement of disputes between participating States of the OSCE by means of conciliation and, if appropriate, of arbitration. In this way, the OSCE has substantially enlarged its opportunities for peaceful settlement of conflicts. However, the Court will only be able to carry out its task when all States, or as many as possible, have signed and ratified the Convention. It is regrettable that only 21 States have ratified so far. Of the permanent members of the UN Security Council, France is unfortunately the only one to have done so.
6. In the past, the CSCE has played a decisive role in confidence-building, arms control and disarmament in Europe. This must continue to be the case in the future. It is true that the OSCE is not in a position, as are military alliances, to provide security guarantees to its participating States. Nevertheless, the dialogue in the OSCE on security issues and on standards for disarmament and arms control makes an indispensable contribution to strengthening cooperative security structures. Thus participating States of the OSCE declared at the CSCE Summit in Budapest in 1994 their willingness to establish a genuine security partnership between all participating States, regardless of whatever membership they might have in other security organizations. The "Code of Conduct on Politico-Military Aspects of Security", agreed to at the Budapest CSCE Summit, provides for this purpose an important basis which now must be further developed. In accordance with the charge of the Budapest CSCE Summit, the OSCE should in the future also devote more attention to regional cooperation in security matters in order to counter regional threats to stability. This would be an important contribution to preventive diplomacy and to strengthening stability in the area between Vancouver and Vladivostok. Southeastern Europe and the Baltic area merit particular attention with regard to regional arms control. At the same time, it is important to continue pushing for conventional arms control on the basis of existing agreements such as the CFE Treaty and the "Code of Conduct".
7. Regional cooperation in the OSCE should not be limited to disarmament and arms control but should be extended, in accordance with the OSCE's comprehensive approach to security, to include other areas such as cooperation across borders and minority questions. The "Pact on Stability in

Europe" adopted on 20/21 March 1995 by the Foreign Ministers of OSCE participating States should provide the starting point for such an effort. This Pact, and hence its objective of making vital issues such as minorities and cooperation across borders the subject of regional "round table" discussions, has been turned over to the OSCE for further development. We now need to examine which regional round tables should once again be convoked. The Baltic area and Southeastern Europe are particularly important in this regard. The French initiative for starting a process of stability and good-neighborliness in Southeastern Europe which might at some point develop into a "Balkan Regional Round Table", also merits support.

8. At Russian initiative the CSCE Summit in Budapest decided to begin discussing a "Common and Comprehensive Security Model for Europe for the 21st Century" based on CSCE principles and documents. A model of this kind is to be presented at the impending OSCE Summit in Lisbon toward the end of 1996. We should make good use of this discussion to strengthen the OSCE. It should culminate in a forceful and politically binding document which reaffirms and develops further the principles of Helsinki. At the same time, this "Model" should contain the basic elements of a pan-European order of security and stability resting on an effective combining of Euro-Atlantic structures but not on a hierarchical relationship between them, say, in the sense of a priority of the OSCE over NATO.

There is still much conceptual work to be done in this regard. The focus on so-called NATO enlargement which has prevailed until now has contributed little. Even the concept of "NATO enlargement" is misleading. What is really at issue is not NATO enlargement but the right of every State, affirmed in CSCE documents, to decide on its own affiliation with an alliance. Thus the real need is for a new overall concept along the lines of a Harmel II Report which would point the way to a durable order of security and stability from Vancouver to Vladivostok. NATO and the European Union, in the framework of the EU's Common Foreign and Security Policy, should present such a concept. This would have to be discussed thoroughly with Russia and the other successor states. If we are able to reach agreement on the basic structures of European security and on the role of Russia and the other successor states, the question of new memberships in the Atlantic Alliance will lose its polarizing character. Instead, within a durable security structure, the right of every state to join an alliance will be attainable without any further rifts or cleavages.

The OSCE offers the appropriate framework for the discussion of a just and lasting peaceful order for all of Europe - a discussion which is needed now.

The more determinedly the reform of the OSCE is carried through, the better it will be able to play this role. It is high time that this be done!