

Introduction

OSCE Activities and the International Community

The Situation

On 27 May 1997 at the summit meeting in Paris the "Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation" was signed in Paris. Unexpectedly for outsiders, the text of the Founding Act refers several times to the OSCE, ascribes to it - but not to NATO - a key role in Europe and suggests that it should be strengthened:

"NATO and Russia will help to *strengthen the Organisation for Security and Cooperation in Europe*, including developing further its role as a primary instrument in preventive diplomacy, conflict prevention, crisis management, post-conflict rehabilitation and regional security cooperation, as well as in enhancing its operational capabilities to carry out these tasks. The OSCE, as the only pan-European security organisation, has a *key role in European peace and stability*. In *strengthening the OSCE*, NATO and Russia will cooperate to prevent any possibility of returning to a Europe of division and confrontation, or the isolation of any state." (Emphasis by DSL)¹

Hollow words? A diplomatic exercise? Or will the announcement this time be followed by deeds? Will the OSCE - strengthened by the international community - in the future play a role, maybe even *the* decisive role, on behalf of undivided and comprehensive security in and for Europe?

Scepticism is called for in light of the experience of past years. For example, Curt Gasteyger of The Graduate Institute of International Studies in Geneva writes in the present volume: "Every country and every sensible government will of course (...) claim that they have a right to 'security' and that 'security' is thus a good shared equally by all. What that means in daily practice is, however, an entirely different matter."² And the former Mayor of Amsterdam, Ed van Thijn, drawing on his experience as Co-ordinator for International Monitoring of the elections in Bosnia and Herzegovina, adds: "The international community

1 Founding Act on Mutual Relations, Cooperation and Security between the NATO and the Russian Federation, issued in Paris, France, on 27 May 1997, in: NATO review 4/1997, Documentation, p. 7-10, p. 7.

2 Curt Gasteyger, The OSCE in a New Environment, in the present volume, p. 37.

does not exist (...) It is a summation of countries, all of which have their own agendas - short-term agendas (...) It is a marvellous thing to work for the international community but at the same time it is small town behaviour. The little bunch of 'internationals' who are sitting together here would be hard to distinguish from any gentlemen's club in a provincial city."³ "(T)he particular interests of individual states", according to Walter Jürgen Schmid and Michael Klepsch of the German Foreign Office, "are increasingly being given priority over the common interests of the OSCE community of states."⁴

One has the impression that this last point also holds true for the United States which, although not a European country, still seems to be indispensable for the security of Europe.⁵ Problems in establishing the institution of arbitration,⁶ in pursuing arms control,⁷ in the discussion of the OSCE's legal status⁸ and in connection with other matters, among them aspects of dealing with the Bosnian conflict which frequently recur,⁹ provide evidence for this statement. If one agrees with the former US Ambassador Jonathan Dean, the relationship of the United States to the OSCE is still a morganatic one of the second rank. Contrary to the statements quoted above from the Founding Act in "the case of the US, of course", the "priority organization is NATO (...) in their unspoken thoughts, American officials see the ideal OSCE of the twenty-first century as precisely the same as they see the OSCE of today: a low profile, low-cost, workaday way of organizing intergovernmental co-operation in Europe".¹⁰

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- 3 Ed van Thijn, *The Moods of Sarajevo*. Excerpts from the Diary of an Observer, in the present volume, p. 187; see also pp. 175f., 189; but cf. *ibid.* also Rüdiger Hartmann, *Regional Arms Control in Europe: The Arms Control Agreements under the Dayton Agreement (Mid-1996 until Mid-1997)*, p. 273, who with respect to arms control speaks of a "heavy involvement of the international community".
 - 4 Walter Jürgen Schmid/Michael Klepsch, *On the Path to a European Security Architecture - The Contribution of the Forum for Security Co-operation*, in the present volume, p. 303; cf. *ibid.* also Herbert Honsowitz, *The Vienna Review Conference and the Lisbon Summit of 2 and 3 December 1996*, p. 336f.
 - 5 On the other hand, see also in the present volume: Tim Guldemann, *Supporting the Doves against the Hawks. Experiences of the OSCE Assistance Group in Chechnya*, p. 143, who emphasizes the "unified position of the United States, the European Union and of other individual European countries towards the conflict" in Chechnya.
 - 6 Cf. Lucius Cafilisch/Laurence Cuny, *The OSCE Court of Conciliation and Arbitration: Current Problems*, in the present volume, p. 354.
 - 7 Cf. Schmid/Klepsch, cited above (Note 4), p. 303.
 - 8 Cf. Marcus Wenig, *The Status of the OSCE under International Law - Current Status and Outlook*, in the present volume, p. 373, 374.
 - 9 Cf. Marie-Janine Calic, *The OSCE's Contribution to the Democratization of Bosnia and Herzegovina*, in the present volume, esp. pp. 149, 157; cf. also van Thijn, cited above (Note 2), pp. 161f., 164, 170, 172.
 - 10 Jonathan Dean, *The USA and the OSCE: Still a Morganatic Union*, in the present volume, pp. 39 and 40.

Taken all together, however, the articles in this book demonstrate that the OSCE, despite everything, pursues with astonishing success a great variety of activities,¹¹ accomplishes its tasks and carries out missions. For 1997, along with the regional emphasis on South-eastern Europe and the Balkans,¹² it is the turn of the OSCE Missions to provide the focal point.

Among the countries and regions where the OSCE has carried out missions in recent months are Estonia and Latvia, Georgia, Nagorno-Karabakh, Moldova, Tajikistan and Ukraine, Bosnia and Herzegovina and Croatia, Albania and Chechnya.¹³ Among the other activities of the OSCE are the discussions on European security architecture,¹⁴ specifically the "Security Model for the 21st Century",¹⁵ implementation of regional arms control following the Dayton Agreement¹⁶ along with negotiations on the adaptation of the CFE Treaty,¹⁷ working out the mandate for the OSCE Representative on Freedom of the Media¹⁸ as well as of the Co-ordinator of OSCE Economic and Environmental Activities (including the work on an OSCE Economic Charter),¹⁹ and much more, including - not to be forgotten - the beneficent work of the High Commissioner

11 The US has also noted this: "To say that the OSCE plays a secondary role in US policy does not at all mean that the role is an inactive one. Even more than in the past, the US has joined others in energetically heaping new functions and responsibilities on the OSCE, this time in Bosnia and most recently in Albania." Dean, cited above (Note 10), p. 41.

12 Cf. in the present volume: Faruk Sen/Çigdem Akkaya/Hayrettin Aydin, Turkey and the OSCE, pp. 55ff.; Kostas Ifantis, European Security and the OSCE - A Greek View, pp. 63ff.; Alice Ackermann, The Republic of Macedonia and the OSCE, pp. 69ff.; Predrag Simic, The OSCE and the Federal Republic of Yugoslavia, pp. 77ff.; Anda Filip/Martin Stanescu, Romania and the OSCE, pp. 87ff.; Emil Mintchev, Bulgaria and the OSCE, pp. 97ff.

13 Cf. in the present volume: Falk Lange, The OSCE Missions to the Baltic States, pp. 115ff.; Rolf Welberts, The OSCE Missions to the Successor States of the Former Soviet Union, pp. 123ff.; Guldemann, cited above (Note 5), pp. 135ff.; Calic, cited above (Note 9), pp. 145ff.; Thijn, cited above (Note 3), pp. 159ff.; Joachim Eicher, The OSCE Mission to Croatia, pp. 191ff.; Norbert Mappes-Niediek, Albania and the Efforts of the OSCE in 1997, pp. 199ff.

14 Cf. Schmid/Klepsch, cited above (Note 4), p. 299ff.

15 Cf. in the present volume: Heinrich Schneider, The "European Security Model for the 21st Century" - A Story Without an Ending?, pp. 235ff.; Shannon Kile/Adam Daniel Rotfeld, A Future Security Agenda for Europe: The Work of the SIPRI Independent Working Group, pp. 257ff.

16 Cf. Hartmann, cited above (Note 3), pp. 273ff.

17 Cf. Wolfgang Zellner/Pál Dunay, When the Past Meets the Future - Adapting the CFE Treaty, in the present volume, pp. 281ff.

18 Cf. Freimut Duve, The OSCE Is History and Has a History, in the present volume, pp. 227ff.

19 Cf. Rita Süßmuth, Security Through Co-operation, in the present volume, pp. 309ff.

on National Minorities²⁰ and that of the Office for Democratic Institutions and Human Rights.²¹

Criticism of the OSCE

Even a positive appraisal such as the one which, on the whole, the contributions to the present Yearbook once again present should not cause us to close our eyes to legitimate criticisms of the OSCE. On the contrary, the articles that follow, just as in the last Yearbook, contain a number of critical thoughts; some of them are new, some repeat points that were listed in the 1995/1996 OSCE Yearbook.²²

Among the criticisms offered by the authors of the present volume are:

- lack of or inadequacy of co-operation between the OSCE and large non-governmental organizations such as the Red Cross Movement²³ and the trade unions;²⁴
- the still-existing competition and rivalry within the so-called network of interlocking and allegedly mutually reinforcing security institutions in and for Europe;²⁵
- the continuing one-sidedness of the Organization's exclusive preoccupation with conflicts in Central and Eastern European countries, but not in Western Europe;²⁶
- the still limited financial support for the OSCE and its activities;²⁷
- the strengthening of the competencies of the Secretary General²⁸ and better integration of the ODIHR,²⁹ neither of which has so far been done;

20 Cf. Max van der Stoep, Democracy and Human Rights. On the Work of the High Commissioner on National Minorities of the OSCE, in the present volume, pp. 105ff.

21 Cf. Audrey F. Glover, The Office for Democratic Institutions and Human Rights 1994-1997, in the present volume, pp. 327ff.

22 Cf. Dieter S. Lutz, Introduction: The OSCE - Foundation of the European Security Structure, Basis of the European Security Space, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 21-43, esp. pp. 37-39.

23 Cf. Knut Ipsen, The OSCE and the Red Cross Movement, in the present volume, pp. 397ff.

24 Cf. Tom Etty/Kurt P. Tudyka, No Room for the Trade Unions in the Economic and Human Dimensions of the OSCE?, in the present volume, pp. 317ff.

25 Cf. van Thijn, cited above (Note 3), p. 189; Kile/Rotfeld, cited above (Note 15), p. 271f.

26 Cf. in the present volume: Andrei V. Zagorski, Russia's OSCE Policy in the Context of Pan-European Developments, p. 49.

27 Cf. van Thijn, cited above (Note 3), pp. 160, 161, 178; Kile/Rotfeld, cited above (Note 15), p. 270; Glover, cited above (Note 21), p. 334.

28 Cf. Michael Klor-Berchtold, More Competencies and Functions for the Secretary General? In the present volume, p. 357ff.

29 Cf. Glover, cited above (Note 21), esp. pp. 330 and 333.

- the ambivalence of the Organization's status under international law³⁰ and the unattractiveness of the OSCE Court (of Arbitration).³¹

The chapter contributed by Takako Ueta of Tokyo³² shows how much interest there is in the OSCE, even outside of Europe. But interest alone is not enough - any more than are declarations like the one in the Founding Act cited at the beginning of this chapter. Rather, what is of decisive importance is the political will of the international community to support the OSCE - not just with words but with deeds - in the key role it plays on behalf of peace and security in Europe and to make use of it as a strong and effective organization. What the Swiss scholars Lucius Caflisch and Laurence Cuny point out with respect to the OSCE Court applies *a fortiori* to the OSCE as a whole: "The best tool in the world will start to rust if it is not used."³³

30 Cf. Wenig, cited above (Note 8), p. 367ff.

31 Cf. Caflisch/Cuny, cited above (Note 6), p. 347ff., 354.

32 Cf. Takako Ueta, Japan and the OSCE, in the present volume, pp. 387ff.

33 Caflisch/Cuny, cited above (Note 6), p. 355.