

Mikhail Petrakov¹

The Role of the OSCE from a Russian Point of View

The Development of the OSCE

The Organization for Security and Co-operation in Europe (OSCE) has entered a new phase in its development. In the 25 years since the Helsinki Final Act was signed in 1975, it has developed significantly from a forum for negotiations to a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations. Along the way, there have been highs and lows as well as breakthroughs and failures.

In the first 15 years of its existence, the OSCE served primarily as a mechanism that was to guarantee the stability of European post-war order against the background of two confrontational systems. The ten principles in the Helsinki Final Act were implicitly accepted as the "rules of the game" and as the basis for peaceful coexistence. In addition to other measures, *inter alia* in the area of arms control, they "disentangled" the participants in this dangerous game but simultaneously also brought them together by giving them a common basis for co-operation. This approximate parity created in the area of military affairs was meant to ensure a "stalemate".

The year 1990, in which the Charter of Paris was signed, also meant the first significant breakthrough for the OSCE (then still the CSCE) during that period. This, without a doubt, historical document reflects the mood at that time: a period of far-reaching change and historical expectations. The era of confrontation and division in Europe had come to an end. In future our relationships would be based on mutual respect and co-operation. In Europe a new age of democracy, peace and unity would dawn. The CSCE participating States aspired to base their future coexistence on three pillars: democracy founded in human rights and fundamental freedoms, prosperity through economic freedom and social justice, and equal security for all our countries.

The tendencies expressed in the Paris Charter were developed further two years later at the CSCE Helsinki Summit in 1992 and to a degree institutionalized. This Summit focused on the task of "managing the change" within the CSCE. It was especially the CSCE which was assigned the central role in this process as a "forum for dialogue, negotiation and co-operation, providing direction and giving impulse to the shaping of the new Europe". Here the comprehensive security concept was confirmed, which had created a link between ensuring peace and maintaining human rights and fundamental freedoms as well as solidarity and co-operation in the economic and environmental fields and peaceful international relations. Plans were made for CSCE peacekeep-

¹ This article reflects the personal opinion of the author.

ing both in conflicts within as well as between participating States. The institution of the High Commissioner on National Minorities and other institutions were created in Helsinki. At this meeting, a comprehensive mandate was drafted on the basis of which the Organization could have developed into a factor building a European security system.

These CSCE developmental tendencies found expression in the decisions of the Budapest Summit in 1994. A rather symbolic renaming of the CSCE into the OSCE was to provide the Organization with political impetus. Thus the strengthening of the central role of the OSCE as an institution was formally anchored to unite the efforts of all participating States, independent of the alliance they belonged to, towards creating a unified security space on the continent. One of the most important Budapest decisions was the decision based on the Russian initiative to open discussions on a common and comprehensive security model for Europe for the twenty-first century.

However, already in Budapest there were signs of turning away from the OSCE developmental perspective in the sense of the CSCE Helsinki Summit, signs of turning away from a security model in which the OSCE was in fact meant to play the leading role. Now a theory came to the fore that attributed the emergence of crises in the OSCE area as primarily due to domestic social problems as well as social and economic instabilities. This theory later provided the foundation for the intrusive approach that would turn OSCE attention primarily towards inner-state developments in OSCE participating States.

These tendencies continued in the course of the Lisbon Summit, where the documents in some respects contained more modest results than those of the previous Summits. Nevertheless a Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century was adopted, which contributed to the maintenance of a special role for the OSCE in European security. This declaration created the foundation for further development of the Charter for European Security, which from a Russian viewpoint, was to set new standards for the activities of the Organization.

The Istanbul Summit - The Charter for European Security

The three-year preparatory phase for the Istanbul Summit and the Charter reflected all the difficulties and controversies the OSCE is being exposed to in its current development. Two different tendencies, two schools of thought virtually collided.

The first places the comprehensive security concept developed within the OSCE in the foreground. This includes, *inter alia*, the priority of the United Nations Charter, the principles of the Helsinki Final Act as well as international law principles and norms. This school of thought pursues the approach that first the solution to security problems on a general level be dealt with -

that is, the level of safeguarding the common security interests of all states belonging to the Transatlantic area. Only in this context are the specific interests of individual states to be addressed as well. Co-operation and the necessity to make compromises acceptable for all states are thus placed in the foreground. Of course this approach is complicated, but can lead to an optimal balance between individual interests and thus ensure long-term stability. This approach can only be realized within the OSCE framework, which acts as the geographically most representative and substantially most comprehensive forum there is.

The second school of thought suggests the opposite approach. It starts with the specific interests of individual institutions and the dominating states in these and projects them to a general level. It is obvious that a system constructed in this manner will be hierarchical and dominated by the more powerful states. In certain respects this type of a scheme can be called NATO-centred given that NATO is assigned the leading role in guaranteeing military-political security. However, it also concedes certain functions to the EU as leading economic institution as well as to the OSCE. In any case, the OSCE is entitled to the narrow niche, the "democratization of the European periphery", which means the states in Eastern and South-eastern Europe as well as Central Asia: the post-Soviet and post-Yugoslavian regions.

It was in response to these conflicting concepts that during the work on the Charter diverse ideas and proposals for the contents and the form of this document were developed and introduced. These ideas and proposals also gave expression to the immense variety in national interests and OSCE perspectives. Just to give one example: The length of the Charter varied from one to one hundred pages depending on the notions of different states. The process of balancing interests moved forward very slowly.

This became particularly difficult during the final stages of its conception in 1999. The NATO military intervention in the Federal Republic of Yugoslavia led to the exacerbation of relations between Russia and the West. At the same time the latter used the situation in Chechnya to apply massive political pressure on Moscow. Not only did all this seem to threaten completing the work on the Charter, but even seemed to threaten the OSCE Istanbul Summit. Fortunately, participants were able to prevent this. The Summit did not take place without complications, but on the whole it was a success.

The high point of the Summit was the adoption of the Charter for European Security and the Summit Declaration as well as other important documents in the military-political area - the adapted CFE Treaty and the modernized Vienna Document (the two latter documents deserve a separate analysis beyond the framework of this article).

The developments in Kosovo and Chechnya were given a great deal of attention at the Summit Meeting. Despite the fact that both these topics were very controversial, discussions led to compromises reflected in the Summit Declaration. Russia, which was the object of very sharp criticism in Istanbul, took a

no less severe counter-position and made no commitments, which would prevent the solution of the Chechnya issue as an internal Russian affair. However, to assert that this Summit Meeting took place "with Chechnya in the foreground" would not be fair. During the preparatory phase of the Summit, the section of the Charter devoted to national minorities and the autonomy issue were regarded as the most controversial part of the document.

The Charter for European Security became the central political document of the Summit. It constitutes the quintessence of how the participating States see collaboration during the twenty-first century and can in this sense be seen as a kind of code of conduct for this period. The Charter represents a complicated, but for the present, optimal compromise and reconciling of interests.

The following points can be considered as the most positive elements of the Charter:

- All OSCE participating States reaffirm their full adherence to the Charter of the United Nations as well as the Helsinki Final Act, the Charter of Paris and all the other OSCE documents that are the foundation for further endeavours (Article 7 of the Charter). The statement in Article 11 that the UN Security Council holds the primary responsibility for maintaining international peace and security and that its contribution to security and stability in the OSCE region is crucial, reaffirms the existing system of international co-operation based on the UN Charter. Accordingly, the key elements of the UN Charter, i.e. respect for the sovereignty of states, the renunciation of the use of force in international relations, non-intervention in internal affairs and other factors must remain valid.
- The affirmation that every participating State has an equal right to security and is obligated not to strengthen its security at the expense of the security of other states (Article 8), however, limits the political right of states to be free to choose or change their security arrangements, including treaties of alliance, as they evolve.
- The Platform for Co-operative Security attached to the Charter sets the rules for co-operation between international organizations in the OSCE region based on the Charter of the United Nations and the Helsinki Final Act as well as in accordance with the principles of transparency and predictability. A key Platform guideline is the commitment of participating States to work within the relevant organizations and institutions of which they are members towards making these actively involved in the Platform. It becomes all the more important in view of those provisions of the Platform, which reaffirm the adherence to the principles of the United Nations Charter and the OSCE principles and commitments, *inter alia* those of the Helsinki Final Act as well as other OSCE documents. Special emphasis should be given to the provision that the OSCE will work co-operatively with those organizations and institutions, which ac-

- tively support the OSCE's concept of common, comprehensive and indivisible security and a common security space free of dividing lines.
- The ascertainment that all OSCE commitments apply equally to each participating State without exception and that these commitments are to be considered as "matters of immediate and legitimate concern to all participating States" (Article 7) requires that the OSCE observes the implementation of commitments equally throughout the entire region without differentiating between "regions of concern" and regions "above all criticism".
 - In the Charter, compromises have been reached on the controversial and long-debated issue of fulfilling OSCE commitments, as well as the issue of possible measures in the case of non-compliance. The "punishment" approach has been successfully avoided and relevant provisions have been steered in a co-operative direction. A regulation was set up to "offer" assistance to participating States to enhance their compliance with OSCE commitments (Article 14). However, this in turn means that the participating States can decide unconditionally whether they want to accept this assistance or not. They cannot be forced to accept assistance. In addition, the participating States reaffirm their willingness to comply fully and completely with their commitments as well as co-operating within the OSCE and with its institutions and representatives and making use of OSCE instruments and mechanisms.
 - The Charter gives equal representation to all areas of OSCE activity and reflects two key organizational functions in a balanced manner: the norm-setting and the operational.
 - The Charter emphasizes current and intensifying problems like international terrorism, violent extremism, organized crime and drug trafficking.
 - It was decided that consensus remain the basis for OSCE decision-making. This was a reaffirmation of the democratic character of the Organization.
 - OSCE operational capacities were further developed.

In our opinion, such agreements as well as the successful course of the Istanbul Summit reflect the central elements of current realities in Europe, i.e. the common interest of participating States in long-term sustainable stability and at the same time avoiding increasing contradictions and critical developments in the current situation. This Summit Meeting contributed to stabilizing the European situation.

This was made possible through the long years of experience the OSCE has had in the area of co-operation and through compromise solutions.

OSCE Problem Areas

Flanking the positive results of the Summit Meeting, serious developments occurred within the OSCE during the year 2000.

- In opposition to the compromise solutions reached in the Charter, the above-mentioned development towards a limitation on OSCE activities to the areas of strengthening democracy and respect for human rights in "selected" post-Soviet and post-Yugoslavian areas has continued. In the long-term, this could not only detract from the Organization, but also generally from the security situation in the OSCE region.
This development weakens the OSCE's capacity to expose problems in the entire Euro-Atlantic space in an effective and timely manner, which could reduce security. This impairs the OSCE preventive function.
If the OSCE continues to limit its activities to the Eastern states and overlooks problems in Western states, the debate on the issue of "double standards" growing slowly but surely throughout the Organization will flare up again.
Of course this does not mean there are no serious problems in the "Eastern part of the OSCE region". They do exist. However, there are also problems in the Western part, which deserve the OSCE's attention: solving the conflicts in Northern Ireland, the Basque region, in Corsica etc. Nonetheless, these questions are seldom raised. With reference to a vast variety of reasons, the Western states have repeatedly refused to use the Organization in solving these problems. In discussions within the Organization it has become clear that certain states, within whose territories OSCE missions have been deployed, consider this as "stigmatizing", which can only complicate the future activity of missions. If Western policies change to allow OSCE representatives in their countries, this would certainly contribute to restoring health to the situation.
- The voices within the OSCE for strengthening the intrusive character of its activities, predominantly the activities of the missions and other field offices, have become audible. Of course, well-meaning motives have been presented, primarily humanitarian aid and the protection of human rights. However, especially through these kinds of measures the OSCE could quickly become an instrument for external intervention and a means of exerting pressure serving the specific interests of individual states. Moreover, this is easily achieved, for example, by appointing active Heads of Mission, seconding a mission with employees from interested states, or through activities that are above and beyond a mission's mandate. In addition, excessive autonomy of various structures and institutions in the Organization (the Chairman-in-Office, the ODIHR or the missions) can also have an effect. All these bodies must act with discretion, their activities demand profound knowledge of the realities in the

field and, in particular, they must have an objective, impartial approach. Up to now there have been no control mechanisms in the OSCE that could prevent conflicts in this area.

The Future

The OSCE is facing a crucial decision. The most important question is where the further development of the Organization will lead. One option would be further restrictions on the operational area of the Organization. The other would be the realization of the OSCE as a comprehensive universal organization responsible for solving security questions in the Euro-Atlantic space.

The first option would mean a further degrading of the OSCE in the European security order. Devaluing the Organization, which has been the moving force and the guarantee of the principles of the Helsinki Final Act, would mean devaluing the principles themselves and holds the danger they could be abandoned. This also increases the danger of reverting to violence to solve problems in Europe and that international law is abandoned. As the events in 1999 showed, this development holds the danger that international conflicts may escalate and European and international stability become impaired. Moreover these are not always predictable. If this is the case the intrusive character of OSCE activities will increase, it will become a "democratizer" of the Eastern and South-eastern European parts of the OSCE region. The effects of this are obvious: New dividing lines and zones with imbalanced security situations will emerge followed by instability and uncertainty.

The second option seems the more rational. The OSCE must prevail over the shift of its focus to operational activities, it must receive a truly comprehensive, universal character and become a fully adequate regional arrangement in the sense of Chapter VIII of the Charter of the United Nations. Only if the OSCE can find its way to a real balance between its operational and norm-building functions as well as with respect to its geographical orientation, can it become an important forum for co-operation between states and organizations able to solve complicated international problems. Of course, this requires the political will of all participating States. One can assume that even if in the near future the first option gains acceptance, in the end, objective requirements of European security will allow the second option to gain the upper hand. Moreover, this is more in accordance with the provisions of the Charter for European Security.

The acceleration of this development calls for a series of practical measures:

- The implementation of the Istanbul agreements, especially the provisions established in the Charter for European Security, - without exception and equally carried out by all participating States - has to play the key role. Through this a unified network of European security as well as

favourable conditions for guaranteeing equal security for all participating States is to be created.

- It is important that the OSCE gives attention to security problems in the entire region without geographical exceptions. In view of this, Russia has proposed the creation of the institution of an OSCE Co-ordinator for the States of Western Europe and North America.
- The OSCE must concentrate on those tasks that may present the greatest security challenges in its region. Primarily these are international terrorism and the danger of the revival of fascism.
- The Platform for Co-operative Security should be given special attention in the implementation of the Charter. Its fulfilment could create the basis for regulated and effective co-operation between the organizations and institutions in Euro-Atlantic space and contribute to strengthening the OSCE. Of course co-operation of this kind should be conducted on an equal and non-hierarchical basis.
- A series of questions related to OSCE operational activities must be solved. In this respect the situation in Austria after the Austrian Freedom Party (AFP/FPÖ) came to power in 2000 is revealing. The measures taken by the EU to boycott Austria not only influenced the situation in Europe in general, but also gave rise to the danger that the OSCE could become paralysed because Austria in 2000 held the position of the OSCE Chairmanship. In this case, paralysis was avoided, but there is no guarantee that a similar situation may not be repeated. There is no prescription against this kind of susceptibility to the system; however a prescription is necessary. Otherwise there is a risk that in future similar solutions will be strived for. It would be prudent to regulate the authority and the duties of the Chairman-in-Office and the Troika, grant the Permanent Council a control function over them and state more precisely the manner in which the Secretary General and the Chairman-in-Office should collaborate together. Another dimension of this issue is the activity of the missions and their supervision by the Permanent Council and the Chairman-in-Office, personnel policies in the OSCE Secretariat, further training for personnel etc.
To be able to solve all these problems, rules of procedure should be developed and adopted for all OSCE structures and institutions, including the missions. The leading role of the collective bodies of the Organization and predominantly that of the Permanent Council should be maintained. Moreover the accountability of the operational and executive institutions to these should also be upheld.
- An indispensable prerequisite for any OSCE operational activity in the territory of a participating State is the close co-operation with the government of this state as well as the consent of the state in question to allow OSCE institutions to carry out relevant activities.

- REACT (the OSCE programme to deploy Rapid Expert Assistance and Co-operation Teams) could prove to be an important instrument to increase OSCE effectivity. This concept was introduced by the US during the preparations for the Istanbul Summit. In our analysis, the concrete activities performed by REACT will basically differ little from the activities of the OSCE missions. Therefore it would be logical to develop them - taking account of Article 42 of the Security Charter, which deals with the creation of REACT - predominantly as a mechanism for the recruitment of personnel, which would contribute to the regulation of personnel recruitment for OSCE missions and institutions as well as the operational deployment of representatives of the Organization in the field. If it is rationally implemented, it could remedy many of the deficiencies that are currently very conspicuous in this area.
- The necessity of increasing the effectivity of the OSCE makes the question of becoming a subject of international law all the more acute. The issue of joining the Vienna Convention of 1986 is on the OSCE agenda.
- It is also necessary to continue the active dialogue within the OSCE on its activities and role in the European security system. The OSCE's operational tasks should not push its role as a norm-setting institution as well as a forum for dialogue, co-operation and solving key questions on European security in all its manifestations and dimensions into the background.

The Permanent Council, the Forum for Security Co-operation, and the Security Model Committee must keep an eye on all these problems, whereby the activities of the last must be improved. Undoubtedly, all these questions should be included in the debates at meetings of the Ministerial Council and OSCE Summit Meetings.