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Is the OSCE Underestimated?

On the Discrepancy between the Effectiveness and Importance of the OSCE and Its Utilization and Treatment by the Participating States

In the 26th year of the existence of the Organization for Security and Co-operation in Europe, one should not undervalue what it - as the only organization that encompasses all the states of Europe, including the successor states of the former Soviet Union, and also the United States and Canada - can contribute to stability throughout Europe and indeed in the whole northern part of our globe.

The signing of the CSCE Final Act in 1975 laid the foundation for the most comprehensive security organization in Europe today. What happened 25 years ago will be regarded, when the history of the twentieth century has been written, as one of the outstanding events of that period. At a time when our continent was most deeply divided, wracked by deep-seated ideological conflicts and plagued by an unprecedented military confrontation, the Heads of State or Government of 35 nations came together in order to reach agreement on the rules that were to govern the way they would live together in the future.

Looking back on the past century, which was characterized by 45 long years of bipolar division between East and West, the question remains, how this division was surmounted.

The initial situation after the end of the Second World War was characterized by a division of the continent. The crushing of the popular uprising on 17 June 1953 in East Berlin and the GDR, the suppression of the Hungarian popular uprising in 1956, the erection of the Berlin Wall on 13 August 1961 and the invasion of Czechoslovakia by the Warsaw Pact in 1968 all made this division ever deeper. The pace of the arms race was constantly accelerating.

In the 1960s the Soviet Union, with its proposal for a pan-European security conference, attempted to permanently consolidate what it had succeeded in obtaining, politically and militarily, in Europe and, by excluding the US and Canada from that conference, to separate Europe from those states. On the other side, in 1967, NATO's so-called Harmel Report set out the conceptual prerequisites for a Western political strategy aimed at overcoming the Wall and the barbed wire in Europe and thereby marked the beginning of the policy of détente in Europe. The Harmel Report rightly described the question of Germany as the main source of tensions in Europe. It placed the East-West conflict in the context of international developments and called for a just and lasting order based on peace for all of Europe as the overriding political objective of the Alliance.

It was important for a development of this kind that the Federal Republic of Germany found a *modus vivendi* vis-à-vis its neighbours to the east. This came about as a result of the treaties with the Soviet Union, Poland, the then Czechoslovakia and the Basis-of-Relations Treaty (*Grundlagenvertrag*) with the GDR. Through this policy the Four-Power Agreement on Berlin between the US, the Soviet Union, France and the United Kingdom became possible. The "Letter on German Unity", which bears the signature of my predecessor, Foreign Minister Walter Scheel, in combination with the Moscow Treaty and the Basis-of-Relations Treaty, reaffirmed the federal government's goal to work for a "state of peace in Europe in which the German nation will recover its unity in free self-determination". This meant that the fate of Germany was henceforth embedded in the fate of Europe.

With the conclusion of the treaties with the countries of Eastern Europe, the way was open for the convening of the Conference on Security and Co-operation in Europe. The signing of the CSCE Helsinki Final Act in 1975 marked the beginning of a fundamentally new, multilateral dialogue of détente in Europe. For the first time, the East and West agreed on common values as the basis for their domestic and foreign policy. With the participation of the United States and Canada in the Conference, the Soviet Union acknowledged once and for all the responsibility of those states in and for Europe. The multilateral structure of the policy of détente ensured that all European states in the East and West, and not only the major powers, would be able to make their influence felt more effectively.

Other factors of fundamental importance were the recognition of the right of each and every European nation to self-determination, respect for human rights and the right of countries to freely select the alliances they wished to join. The agreements regarding economic co-operation reached in basket II of the Final Act opened the way for the kind of practical co-operation that was to exert system-opening effects to an ever greater degree. These agreements marked the way forward to the creation of a pan-European economic area in which democratic freedoms and a market economy are indissolubly linked together. Co-operation between the countries belonging to the different systems in the field of economics, of science and technology and of the environment was placed on the same level as the military aspect of security in the creation of a pan-European economic area. Reducing economic risks is an important prerequisite for more security and stability in the entire OSCE space. Thus, the OSCE's economic dimension must continue in the future to be taken into consideration as an essential factor in European security and stability.

The fact that finding solutions to humanitarian issues was incorporated into the Helsinki Final Act gave the fundamental dictate of the protection of human rights a concrete form. The human individual, in his dignity and with his inalienable rights, was made the measure of European policy as regards the responsibility of governments. The Final Act emphasizes this as well as co-

operation in the economic area, disarmament and arms control for all of Europe. All three baskets of the 1975 Final Act are on par with one another.

It was of particular significance that a multilateral process of détente emerged from this, which was also maintained in difficult situations. And above all, it was the inclusion of a provision recognizing the legitimacy of the peaceful changing of the borders in Europe that opened up the chance for German unity, but also for the increasing cohesion of the European Union, then still known as the European Community. Any historical review of the CSCE must also reflect that the results of the Helsinki Conference were very controversial particularly in Germany. Just before the beginning of the Conference, the then CDU-CSU opposition demanded in a petition to the German Parliament that the Federal Republic of Germany not sign the treaty. Many saw in those results more than anything else a useless document that, like so many before it, would simply be filed away; others hoped that the results would put the final seal on the division of Europe and Germany and still others saw in the Final Act a consolidation of the status quo in every area. The truth of the matter is that the Final Act did not imply the confirmation of an existing state, i.e., a static concept, but was rather a point of departure for a dynamic process that was to result in overcoming the division of the continent. It was not the status quo that was consolidated, but rather stable framework conditions were put into place to surmount it in a peaceful process of change throughout Europe. Helsinki was at the beginning of a process that brought far-reaching consequences for East-West relations and also for the internal evolution of the countries of Central and Eastern Europe. Respect for human rights and fundamental freedoms had now been expressly elevated into a central element in relations between East and West. Even before the CSCE Final Act, men and women in the Warsaw Pact countries had begun to demand their elementary basic rights. Now, however, following the adoption of the Final Act and other CSCE documents, the civil rights movements had a platform on which they could base their claims and which the Communist governments had themselves approved. Civil rights activists were able to invoke the Final Act everywhere where human rights were not observed. Insistence on the full implementation of the agreements reached regarding the human dimension had a catalytic effect on human and civil rights activists in Central and Eastern Europe. As Vaclav Havel put it, the "power of the powerless" was strengthened. Relaxation of regulations governing reporting by the press, personal contacts in many areas and a steadily increasing volume of travel in both directions had the effect of successfully countering the policy of self-isolation. Today, the fact that the Final Act helped to open up the system during the years of the great *Wende* is undisputed on all sides.

In addition, the CSCE opened the way to a co-operative security policy. It improved the prospects for confidence-building, arms control and disarmament in Europe. The Vienna Document on Confidence- and Security-Building Measures marked an important step towards overcoming the military con-

frontation. The same is true of the Treaty on "Open Skies", which, because of its essentially global approach, could make an important contribution to global stability. Particular mention should also be made of the CFE Treaty, which has now been thoroughly reformed and adapted to present-day realities. Following its ratification by the 30 States Parties, this treaty will also be open to accession by all other European countries.

A direct path leads from all these agreements to the adoption of the OSCE's Charter for European Security in November 1999 in Istanbul. However, further steps of far-reaching scope are now needed in order to strengthen military stability. The OSCE participating States must be aware of the global challenges that face all of them and to which they must find answers together. This requires that in the nuclear area, too, they must preserve what has already been achieved in the way of shared and valuable accomplishments. This applies to the Non-Proliferation Treaty with its commitment to nuclear disarmament, to START II, to the Test Ban Treaty and to the ABM Treaty.

Of course, the world has changed fundamentally during the past ten years. The danger that new nuclear powers will emerge and that existing ones increase armaments further is growing continuously. Therefore, the ABM Treaty should not be undermined by unilateral measures which would cause its stabilizing effect ensuring non-proliferation to be put at stake. The end of the East-West conflict should have been the hour of nuclear disarmament, which the nuclear powers had committed themselves to in the Treaty on the Non-Proliferation of Nuclear Weapons of 1969. Since then drastic measures have not been taken. Europe, once a progressive thinker of political and strategic concepts - examples include CSCE, NATO rearmament, the zero-zero solution and the prevention of a senseless short-range armament still in the spring of 1989 - retired strategically and from arms control policy after the Charter of Paris, the transformation of the CSCE into the OSCE and the introduction of a partnership, at first with the Soviet Union and then with its successor states, all of them important initiatives for pan-European security, were reached.

Therefore no one would be well advised today to react one-sidedly to the challenges in the area of nuclear armament. During the second half of the 20th century, the Europeans have made positive experience in co-operating on an equal basis sharing equal rights rather than striving for supremacy and one-sided advantage. The latter would be old thinking. The multipolar world order has long since become reality. It must be founded on equal rights and equality and it should take over many of the basic ideas of the CSCE, which after all helped in surmounting the East-West conflict peacefully. Global transparency is imperative and the OSCE can contribute to this essentially as a framework for disarmament and arms control.

The dialogue between the governments of the participating States within the framework of the CSCE, a dialogue that transcended their allegiance to different systems, was - as the follow-up meetings in Belgrade, Madrid and Vi-

enna demonstrated - frequently difficult. It was a dialogue that had to withstand severe stresses and strains. Still, there gradually emerged a climate of co-operation and mutual trust. The process was continued and ushered in new prospects.

In the 1980s, it became increasingly evident just how great the changes in the Eastern camp, brought about by the policy of détente, actually were. Mikhail Gorbachev's call for fresh thinking, perestroika and glasnost would have been virtually inconceivable without the CSCE process; the continuation of the Cold War would have left no chance for this. At the beginning of 1989 at the CSCE Conference in Vienna, Soviet Foreign Minister Eduard Shevardnadze declared: "The Iron Curtain is rusting". The principle adopted by the CSCE of linking together complex issues, as evidenced by the three baskets of the Final Act, and the resolve to keep in mind mutual advantage, proved a successful formula. For that reason, the CSCE process was always properly understood as a means of helping to bring about a breakthrough for citizens in exercising their rights. The agreement reached on the Charter of Paris in 1990 demonstrates that the CSCE process involved and continues to involve successful outcomes for human beings and for Europe. The real winners in the CSCE process are the citizens of Europe and the indivisible continent itself, and not one group of states over another. It is important that in the future as well we avoid thinking in categories of winners and losers and that we keep our eye fixed on common advantages.

The evolution of the CSCE since 1990 gives rise to ambiguous feelings. Without question, the establishment of the CSCE as a regional arrangement under Chapter VIII of the United Nations Charter represents an important step forward. Still, it must be noted that inadequate use has been made of the possibilities inherent in that institution. The proposals by the European Union to the effect that, in the event of conflicts between its participating States, it should be possible to refer the matter to the Security Council of the United Nations even without the consent of the parties to the conflict could represent a further important advance. Of particular significance was the decision adopted at the 1994 Budapest Summit to transform the CSCE into the OSCE, i.e., to further develop the CSCE conference series into the Organization for Security and Co-operation in Europe. The OSCE missions, *inter alia* those in South-eastern Europe and in the Caucasus region, are among the positive achievements of the OSCE, as is the establishment of the office of the High Commissioner on National Minorities and that of the OSCE Representative on Freedom of the Media. The success story of the CSCE/OSCE naturally includes the 1990 Copenhagen Document on the Human Dimension and the 1994 OSCE Code of Conduct on Politico-Military Aspects of Security.

Still, there is no room for complacency. The treaty of 5 December 1994 on the establishment of the OSCE Court of Conciliation and Arbitration has still not been signed and ratified by all the participating States. For this reason the Court has no claim to universality in the OSCE area; this has meant that, de-

spite many unresolved disputes, an appeal has not yet been referred to it. However, it is precisely this Court of Conciliation and Arbitration that could perform a vital function bringing about that "culture of prevention" that has been called for by Secretary-General of the United Nations Kofi Annan.

Conflict prevention and civil crisis management are among the core tasks of the OSCE. The strengthening of the OSCE's capacity to act will also be of decisive importance. This requires, among other things, that the Organization should be better funded and more adequately staffed. In the final analysis, participating States will have to face the question whether they are prepared to undertake a repoliticization of the OSCE. An understanding of the OSCE as a kind of service organization for the implementation of political decisions taken within other organizations would lead to an impoverishment of the OSCE. This in turn would mean the abandonment of the great opportunities afforded by the Organization with its principle of universality in the North American-European region.

Today's imperative requirements also include the strengthening of the position of the Organization's Secretary General by entrusting him with a larger political role, something that would also enhance the ability of the Chairmanship to act. The OSCE as a political organization and as an indispensable factor in the development of a "culture of prevention" means that there should be an analysis unit within the Secretariat to support the Chairmanship. As an organization, the OSCE should work towards the gradual acquisition of a legal personality of its own. This process should result in an OSCE treaty setting out the Organization's rights and duties and creating institutions with the power to take action. If the understanding of the OSCE as a regional arrangement under Chapter VIII of the UN Charter is to lead to lasting practical consequences, the demand that has been heard since the beginning of the 1990s for the establishment of an OSCE Security Council must be pursued with determination. The OSCE has made use of the opportunities offered by the UN statute - namely to create regional organizations. An OSCE Security Council would have capacities in European affairs, which otherwise would only belong to the UN Security Council. However, an OSCE Security Council would be able to get much closer to the problems and make much more concrete decisions as well as complementing negotiations. This all requires active initiatives. It would be conceivable and desirable that the European Union - as a part of its Common Foreign and Security Policy - understands itself as an advocate of the OSCE, just as the Federal Republic of Germany understood itself as an advocate of the CSCE during the Cold War period and was able to book success in overcoming the Cold War. This could have an exemplary effect on other parts of the world as well.

The decision in favour of launching the CSCE process, and with it the understanding reached regarding the Helsinki Final Act was as courageous as it was far-sighted. The secret behind the success of that decision was the will to accord the CSCE process political priority as a multilateral process of under-

standing and co-operation. Today, at the beginning of a new century, the same courage, the same far-sightedness and the same priorities are required in the face of the global challenges confronting us. There is no question that the OSCE area bears a particular responsibility for global stability. It will be able to fulfil this responsibility only if it brings about stability and co-operation in its own territorial region. The history of the 19th century and the first half of the 20th century in Europe has shown where the quest for hegemony, national egoism and nationalism can lead. However, in the second half of the 20th century Europe has shown that the equality of states and their enjoyment of equal rights, regardless of their size, the realization of human rights and the right to self-determination, the will to seek co-operation and mutual advantage, and the renunciation of confrontation can create a new culture of co-existence. Without this thinking, the success story of the European Union would not have been written. Without these basic principles, the vitality of the Western Alliance would not be explainable and the Alliance itself would long since have suffered the fate of earlier military alliances.

It will be important for stability in Europe, to use the OSCE in the future as a comprehensive organization, with all its potential. The OSCE has a key role to play in maintaining peace and stability in the geographical area for which it is responsible. It must provide the framework for a pan-European security architecture. It is in fact a component part of that pan-European security architecture and enjoys equal standing with the collective defence organizations. An organization's weight and its ability to act always depend on the will of its member states. An organization can be no better than its members wish it to be. This also means that all member states must unreservedly fulfil the commitments they have assumed. For that reason, the call for a strengthening of the OSCE and making more comprehensive use of this organization is above all an appeal to its participating States. That appeal includes the premise that no new borders should be created in Europe and that a pan-European peace order, as espoused as early as 1967 in the Harmel Report, should be implemented in a way that encompasses politics, security policy, the economy and the environment, to the advantage of all. The underlying philosophy of the CSCE made it possible to achieve something that many people had previously regarded as impossible: namely to overcome the division of Germany and Europe. This succeeded because responsibility and far-sightedness, not pusillanimity and thinking in categories of rivalry, carried the day.

Therefore, also after the OSCE Ministerial Council in Vienna in November of 2000, our dictum must read: A successful concept must be continued and not abandoned. One ought not to neglect it either, which unfortunately does happen these days. The possibilities of the OSCE are underestimated in the participating States. In addition, the understanding of the OSCE as an institution that wants to create trust and promote co-operation must again be strengthened because the OSCE must not become the implementing body for

political decisions made within the framework of other organizations. Another danger to the OSCE process is its instrumentalization for international conflicts. The success of the CSCE process was based precisely on the fact that it was a balanced concept considering the interests of all participants.

On the whole one can say: The OSCE has neither failed nor is it in a state of crisis. This is at most true for the policies that certain states try occasionally to implement in and with the Organization. If the participating States of the OSCE wish to face up to their responsibility for stability in a new world order, they must resolutely seize the unique chance offered them by the OSCE. We are indebted to the great English scholar Arnold Toynbee for the insight that the survival of cultures depends on their ability to find appropriate responses to new challenges. The response to the challenge of globalization must involve a pan-European policy of responsibility and global co-operation and not a return to the nationalist aberrations of the 19th and first half of the 20th century. We must not throw away the chances that lie within the grasp of the OSCE as the organization that embraces the US and Canada just as it does the new Russia and the other successor states of the former Soviet Union. History does not usually repeat its offers, and the opportunities that it holds out to us today will not always be there for the taking.