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From the OSCE Cluster of Competence to the Focus on the OSCE

“Professor Ghebali was Mr. OSCE. His unparalleled memory, understanding and analysis of the Organization’s evolution, mechanisms, institutions and decisions made him a walking encyclopaedia of knowledge that was tapped by officials and researchers alike”,¹ remembers Dr Walter Kemp. He was one of the few serious researchers who set out to study and observe the OSCE and record its evolution. His knowledge and his inclination for provocation and debate have been shared through his teaching and publications, but also through the creation of a forum designed to stimulate discussion among academics, diplomats, and policymakers on the OSCE within the international environment of the Graduate Institute and the city of Geneva.

As a distinguished expert on the OSCE, over the past fifteen years Victor-Yves Ghebali paid special attention to developing and expanding a broad professional international network of experts, diplomats, and policy makers dedicated to the objectives of the Organization, who could openly discuss problems encountered in the field of European security and cooperation and explore ways in which the OSCE could be strengthened to appropriately address multiple challenges. We owe to him the idea of holding regular meetings at which these issues could be discussed. This idea was institutionalized in the annual conferences held in early autumn at the Graduate Institute of International Studies (Institut de hautes études internationales, HEI; since 2008 Graduate Institute of International and Development Studies/Institut de hautes études internationales et du développement, HEID) in Geneva. This annual conference was originally entitled the *OSCE Cluster of Competence* within the Programme for the Study of International Organization(s) (PSIO) and continues today as the *Focus on the OSCE* within the Centre for International Governance (CIG). This made the Institute one of the few centres of excellence on the OSCE in Europe.

From 1997 to 2003, with the support of the Swiss Federal Department of Defence, Civil Protection and Sport (DDPS), the PSIO managed the OSCE Cluster of Competence, which met once a year to review the activities of the OSCE, and published occasional studies on the Organization. In 1999, the annual meeting was held in Brussels on the issue of regional stability in the Balkans. In 2001, with the support of the Swiss Federal Department of Foreign Affairs (FDFA), the PSIO launched the *OSCE Networking* website, dedicated to OSCE-related documentation, in collaboration with the Centre

¹ Appreciation, Victor-Yves Ghebali, “Mr. OSCE” 1942-2009, in: *OSCE Magazine*, March-April 2009, pp. 24-25.

for OSCE Research (CORE) at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH).

From 2004, the PSIO developed a *Focus on the OSCE* programme with the support of the Swiss Federal Administration as a flexible instrument for reflection on and analysis of the OSCE. In September 2004, the programme held a conference in Geneva on the topic of “The Politico-Military Dimension of the OSCE: Arms Control and Conflict Management Issues”, in close collaboration with the DDPS. In the context of the Slovenian Chairmanship of the OSCE, in September 2005 the conference took place outside Geneva for the second time. The PSIO co-organized with the Faculty of Social Sciences at the University of Ljubljana a conference in Slovenia with the title “The Reform of the OSCE 15 Years After the Charter of Paris for a New Europe: Problems, Challenges and Risks”.

Professor Ghebali’s longstanding research interest had found a platform, and his work had a new home at the heart of the project. The forum covered all the dimensions of the OSCE and involved government officials, experts in international organizations, and members of the Graduate Institute’s faculty in the organization of an annual conference at the Institute. Professor Ghebali contributed to bring to Geneva high-ranking diplomats and experts from Vienna whom he liked to provoke intentionally in his opening session.

Finally, in 2008, the PSIO underwent new changes. The Centre for International Governance (CIG) replaced the PSIO. It remains based at the HEID. The CIG has been created by the fusion of the PSIO and the Programme of Diplomatic Studies, as well as the Centre for Applied Studies in International Negotiations. The CIG’s *Focus on the OSCE* project continues in this new context as a tool for governance facilitation. The Centre acts as a secretariat, convening meetings and issuing policy briefs with the aim of preparing, facilitating, and improving multi-stakeholder negotiation processes. It also functions as an interactive exchange platform, seeking to enhance best practices and innovative ideas for new solutions to governance issues through meetings, workshops, and conferences.

In 2009, the conference was entitled “The OSCE and a New Security Governance”. It brought together 35 participants, including, for the first time, the OSCE Secretary General, as well as the OSCE High Commissioner on National Minorities, the OSCE Conflict Prevention Centre Director, the Head of the Greek OSCE Chairmanship Task Force, and other high ranking diplomats and experts.

The PSIO has published 16 *Occasional Papers* to disseminate further the results of the annual conference and four books on the OSCE. Since 1997, from the Cluster of Competence to the Centre for International Governance, the project has continuously managed to gather a significant number of ambassadors in Vienna, experts, and academics in regular annual meetings focusing on key topics related to the tremendous changes that have occurred within the OSCE area. The *Focus on the OSCE* has contributed to framing

debates, exchanges, and new thinking on disputed issues, and to making Geneva a fixed date on the OSCE calendar.

The project is now missing its initiator, as well as his critical and passionate insights. The OSCE is missing one of its closest followers. As Ambassador Marc Perrin de Brichambaut, Secretary General of the OSCE, acknowledged: "The OSCE has lost a great friend, one whose eyes were always wide open and always among the most perceptive. We shall all be the poorer for no longer being able to rely on his insights."²

Victor-Yves Ghebali and the OSCE

It was a fortunate coincidence that Victor-Yves Ghebali started to teach at the HEI at the time when negotiations among experts within the Conference on Security and Co-operation in Europe (CSCE, today the OSCE) were launched not far from the premises of the Geneva-based Institute (1973-1975). For the first time, all the states of Europe, together with the USA and Canada, sat at the same table to elaborate a common document on security, economic, and human rights issues that became the Helsinki Final Act, signed in 1975 by the Heads of State or Government of all participating States in the Finnish capital.

Thus, Victor-Yves Ghebali, a specialist in security policy and international co-operation, was from the outset close to this new forum, in which East-West relations, which had, on the whole, previously been managed bilaterally by Washington and Moscow, became, in Ghebali's words, "Europeanized" in a multilateral pan-European dialogue and, by integrating the European neutral and non-aligned states (N+N) on an equal footing with NATO and Warsaw Pact members, "democratized". The N+N group did indeed play an active role in the negotiations, often assisting the two alliances by introducing compromise proposals and facilitating solutions.

While following these negotiations closely and establishing personal contacts with various delegations, particularly the Swiss, Victor-Yves Ghebali realized early on that the CSCE process would change the whole of Europe. Even though the decade between 1975 and 1985 saw periods of tension and détente, these changes came earlier than many politicians and diplomats had imagined in 1975. We can also confirm retrospectively that the CSCE played an important role in these positive developments, particularly since the participating States decided to continue the dialogue after Helsinki on the basis of follow-up meetings, expert seminars, etc., and, in 1983, to launch the CSCE Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE), which took place in Stockholm from 1984-1986. The CDE was superseded by the Vienna Negotiations on

2 Ibid.

Confidence- and Security-Building Measures (CSBMs). Although mounting East-West tensions often made progress appear almost impossible, particularly in the early 1980s, the negotiations finally resulted in the adoption of an ambitious set of CSBMs, known as the Vienna Document 1990 and amended in 1992. In parallel to the negotiations on CSBM, a further set of talks were held on Conventional Armed Forces in Europe (CFE), which resulted in the adoption of the CFE Treaty in 1990. Although the latter was elaborated and signed by only the NATO and Warsaw Treaty member states, it was negotiated in the CSCE “framework”.

The Helsinki Final Act also gave rise to the emergence and the development of various private initiatives in participating States, especially in the field of human rights. The Vienna Follow-up Meeting concluded in January 1989 finally contained clear signals that these constant endeavours were to be rewarded and a new chapter of European history was about to start.

As one of the first scholars of the CSCE, Victor-Yves Ghebali developed a special interest in the Helsinki process. He followed the ups and downs of the CSCE as a researcher and as a teacher with a great number of faithful students. By staying in close contact with the relevant players in the CSCE and the team responsible in Bern, he remained as close as possible to the political reality. His accurate and thorough analysis of the CSCE is set down in his first comprehensive book on the topic, “La Diplomatie de la Détente: la CSCE, 1973-1989”, which was published in 1989 in Brussels and remains one of the most important scholarly publications on this period of transition in European history, documenting it in great detail and with outstanding competence. It was typical of Ghebali, who felt that the Vienna Meeting concluded the first part of East-West rapprochement and that a new era was dawning in European politics, to wait until the adoption of the 1989 Vienna Document before publishing this work.

While he joined those who paid great tribute to the CSCE for its important contribution to bringing about dramatic changes that resulted in the tearing down of real and ideological walls in Europe, he was at that crucial moment no less persuasive in asserting that the Conference could play an equally significant role in shaping the next chapter of European history. Not words, but deeds were now expected.

The CSCE was a political forum for discussion and negotiation without any legal basis or mandate for operational action. Discussions on the future role of the CSCE in managing change in Europe took place within the Conference itself as well as within the participating States. Similar debates were also initiated within and with regard to the future role of other organizations and institutions, such as NATO, the Council of Europe, and the European Union. The principal decision was finally taken to lay down a vision for a new order of security and co-operation in the whole of Europe and North America by drafting the CSCE Charter for a New Europe, which was ultim-

ately signed by the Heads of State or Government of all participating States in November 1990 at the CSCE Summit Meeting in Paris.

The Charter of Paris was conceived as a follow-up document to the Helsinki Final Act and to guide a uniting Europe in the years to come. The Charter itself reflected enthusiasm for a new vision of Europe that recognized common values such as democracy, rule of law, and human rights for all states and citizens on the continent. However, it largely failed to achieve its objective of creating solid institutions and instruments that would enable the CSCE to live up to the challenges identified in the Charter. Only three small permanent CSCE institutions were established in three different capitals: the Conflict Prevention Centre in Vienna, the Office for Free Elections in Warsaw which, from 1992, evolved to become the Office for Democratic Institutions and Human Rights (ODIHR), and a tiny Secretariat in Prague.

In addition, a Committee of Senior Officials was supposed to meet in Prague on a regular basis and in crisis situations. There were various reasons for this lack of solid institutionalization of the Conference. In the euphoria of those days for a common, prosperous, and peaceful future for all, there was no chance of reaching consensus on a view that warned of the danger that the end of the Cold War might reactivate local and regional conflicts, to which the CSCE should be prepared to react effectively. Furthermore, some participating States considered that NATO and the European Union were the European institutions best suited to give Europe a greater sense of security in the future, and sought to expand the competencies of the Council of Europe in the human dimension, ignoring the potential strength, flexibility, and creativity of the single pan-European forum of those times. Today, the Charter appears as a document reflecting an optimistic or even idealistic vision of a future Europe that was predominant at a crucial moment of decisive political change in 1989 and 1990. However, the “softness” of the institutions created, in particular, did little to grant the CSCE either the authority or the instruments necessary to develop as a relevant organization capable of taking appropriate action whenever needed.

Like other scholars, Victor-Yves Ghebali spoke quite critically of an “identity crisis” of the CSCE after the 1990 Summit Meeting in Paris. For him, a chance was lost to transform the CSCE into a “normal” international organization based on an international treaty, and he regretted the lack of courage of the European states to do so at such a key turning point in European history. But he did not give up his interest in the CSCE matters and pursued the institutional issue in the years to come. The CSCE was transformed into an organization – the OSCE – five years later and has slowly enlarged its institutional framework according to its needs. In its traditional pragmatic way, the OSCE has strengthened existing institutions and created new ones to enable it to fulfil its operational tasks, but has so far never been put on a solid basis of international law.

In Ghebali's judgment, the 1992 Summit Meeting in Helsinki brought the CSCE closer to its proper operational role by adopting some additional instruments that would enable it to undertake specific activities in Europe's emerging conflict zones. He welcomed the guidelines for long term field missions, the institution of a High Commissioner on National Minorities, and the drafting of terms of reference for CSCE peacekeeping missions. In addition, he appreciated the decision to grant the CSCE the status of a "regional arrangement" in the sense of Chapter VIII of the United Nations Charter.

The institutionalization of the CSCE/OSCE continued in the following years, but in a rather unsystematic manner. Thus, the question of the Organization's legal personality has not been solved, but still comes up in today's reform discussions. Ghebali would have preferred to put some order into the growing network of ad hoc solutions, and he believed that the OSCE would benefit as part of network of European institutions and international organizations if put on an equal legal footing with those institutions.

However, he also acknowledged that pragmatism and flexibility have served the OSCE well, especially when new situations have needed new responses. In the 1990s, the Organization demonstrated its innovativeness by dispatching long-term missions to crisis and conflict zones. In South-eastern Europe, under the Dayton Agreement, the Swiss Chairmanship tasked the OSCE in 1996 to deploy a mission in Bosnia and Herzegovina – the largest it had ever deployed. Soon thereafter, in 1999, the OSCE deployed an even larger mission in Kosovo, which became later an important part of the UN Mission in Kosovo, UNMIK.

Through his various publications and, in particular, his second major book "L'OSCE dans l'Europe post-communiste, 1990-1996", Victor-Yves Ghebali became appreciated as a distinguished expert on OSCE matters. During the 1996 Swiss Chairmanship, Federal Councillor Flavio Cotti appointed him an adviser. From then on, he also became an ever more frequent visitor to the OSCE, called upon to lend his expertise in security issues or human dimension problems in the OSCE area. His thorough analysis and considered, future-oriented judgments were highly esteemed. In addition, he was a regular speaker at meetings within the OSCE with representatives of non-participating Mediterranean States and at seminars on topics relating to Mediterranean security and co-operation. He had even at times also reflected on the idea of a Conference in the Middle East on the example of the CSCE. Ghebali was not only appreciated as an outstanding scholar and excellent speaker, he was also highly esteemed for his personal qualities. He became a good friend of many OSCE diplomats who appreciated his openness and his kindness. He was a real member of the OSCE family.

Until the end, Victor-Yves Ghebali believed in the OSCE as a relevant player in European security and co-operation. But this was always a critical and alert belief. One of the political problems he observed in later years was the growing adherence of new members to NATO and the EU and, conse-

quently, a decreasing interest in the OSCE and its capacities, and hence also in its reform. He repeatedly spoke out against competition among European organizations, and called for the establishment of better co-ordination and use of synergy, but he also demonstrated on various occasions that the OSCE could improve its position in international “competition” by reforming its structures and financing system.

Victor-Yves Ghebali was not only the observer and critic of everyday OSCE business. He saw the Organization as a factor in European politics that will always have its role to play in Europe and in creating new ways and means to serve the international community.

Unfinished Business

Despite the dramatic changes to the European landscape, and particularly the growing number of the EU and NATO member states within the OSCE area, Victor-Yves Ghebali was convinced that there was still much room for specific roles to be performed by the OSCE as a home for pan-European security dialogue, standard-setting, and monitoring of the commitments, in the provision of technical assistance to the participating States, and in the conflict management.

For the OSCE to live up to its promises, however, he emphasized the urgency for deep reform of the Organization that would improve its efficiency and relevance in the common interest of all its participating States. He also warned that such a reform should not undermine the flexibility and creativity of the OSCE by introducing excessive procedures that would act as a strait-jacket on the Organization. One thing it should certainly do is provide the OSCE with legal capacity, as this would make its operations easier in many regards.

Based on those and other conclusions and criteria, Victor-Yves Ghebali identified an agenda for changes to be made in and around the OSCE. Much of the work to implement this agenda still lies ahead of us, including the following:

- Increase the internal and external visibility of the Organization: Draft a clear mission stating document – a basic OSCE Charter.
- Consolidate the OSCE’s status vis-à-vis partner organizations; to enable this, grant the OSCE an international legal capacity and revisit the debate on the Organization’s role in peacekeeping.
- Revise the OSCE’s approach to frozen conflicts; start by clearly stating that the deployment of foreign troops on the territory of any participating State against its sovereign will constitutes a clear breach of OSCE commitments.

- Provide sufficient human and financial resources to the economic and environmental dimension of the OSCE in order to effectively strengthen it; enlarge the competencies of the OSCE Economic Forum and expand the autonomy enjoyed by the OSCE institutions that deal with the economic dimension.
- Develop an OSCE capacity for peacekeeping operations to strengthen the politico-military dimension, and let all participating States join the CFE Treaty.
- Endow each of the three OSCE dimensions with a central body, which, under the authority of the Permanent Council, would provide guidance and oversight.
- Defuse the perception of double standards allegedly practiced by the OSCE via the updating of election standards, and a more systematic application of equitable geographic representation in the staffing of OSCE institutions and field operations; adopt consolidated Rules of Procedure and revise the scale of budgetary contributions.
- By no means soften existing OSCE commitments or downgrade monitoring standards; do not straitjacket OSCE institutions and field missions.

At the same time, recent developments were increasing Victor-Yves Ghebali's concerns regarding the extent to which this agenda could be pursued. The suspension of the 1990 CFE Treaty by the Russian Federation later in 2007, the war in Georgia in 2008, and the increasing challenges to election observation by ODIHR in a number of participating States, in particular, contributed to his warning that the very foundation of the Helsinki process laid down at its outset – co-operation on relevant security issues and the promotion of the human dimension – was being eroded, thus seriously challenging not only the relevance of the OSCE itself but, also, the prospects for further increasing convergence in the whole of the OSCE area.

In the last years of his life, Victor-Yves Ghebali was working on his third fundamental book addressing the contemporary challenges to security and co-operation in Europe, and to the OSCE. The responses he envisioned and set down in detail can provide all of us with nourishing food for thought, precisely at a moment when European security dialogue may – or may not – give a new lease of life to the OSCE.