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## France and the OSCE: The OSCE in Today's Europe

The political and strategic situation, which has changed since the Berlin Wall fell, must inevitably lead to the working out of a new security order for Europe. This order is not just a simple matter of construction. It is, first and foremost, a question of behavior. This was the thought underlying the "Charter of Paris for a New Europe" in November 1990. That document laid the cornerstone for a new era of democracy, peace and unity. At the same time, it recommended the transformation of the CSCE into an organization in order to stress the new orientation emerging from the changed international context.

France, which had promoted the pan-European dialogue from the beginning, viewed the CSCE before 1989 as an extraordinary political instrument for promoting a dialogue between the blocs. We participated actively - and continue to do so - in its further development through the provisions of the Charter of Paris and of the Helsinki Document of 1992 (mainly related to the maintenance of peace) as well as the Budapest Document (1994), which hastened and ultimately completed the transformation of the Conference into an Organization.

### *Mobilizing All Capabilities and Possibilities of the OSCE*

We expressly favor developing all of the instruments available to the OSCE for contributing to the security and stability of the European continent: the (traditional) instrument of *disarmament and arms control*, that of *preventive diplomacy*, which is of growing importance and, finally, that of *post-conflict rehabilitation*, as is currently being tried out for the first time in Bosnia.

Negotiations on disarmament and arms control accompanied the CSCE dialogue from the beginning and made its forward movement possible. As a result, a number of Confidence- and Security-Building Measures (CSBM) were agreed upon in past years. The negotiations led, moreover, to the conclusion of the Treaty on Conventional Armed Forces in Europe (CFE) between the member states of the Atlantic Alliance and the Warsaw Pact, which entered into force in June 1992. The Forum for Security Cooperation (FSC) is, in a sense, taking over the inheritance of the "Vienna Negotiations" which made these accomplishments possible. Anyway, the CFE Treaty, which was negotiated according the logic of blocs, requires certain modifications to adapt it to the new strategic realities. We should recall, in this connection, the

necessary harmonization process through which the provisions of the Treaty are to be extended to all CSCE participating States. France took an active part in those negotiations and is one of the countries which strongly favor substantial progress in the work of the Forum for Security Cooperation. In addition, we, together with Germany, introduced the "Code of Conduct on Politico-Military Aspects of Security" which was adopted at the Budapest Summit in 1994 and, among other things, regulates the employment of armed forces in peacetime.

The advent of new states in Europe and the democratization of their political systems, along with the occurrence of crises and even open conflicts, have resulted in significant further development of the OSCE's *preventive diplomacy*. Preventive diplomacy aims at the future permanent dialogue between the participating States in Vienna. That dialogue will be given its political thrust by the reactions of capitals to information and reports they receive, especially those from the High Commissioner on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR), and the missions in the field. The interest of individual states, direct or indirect, in certain situations and events will likewise determine this dialogue.

Although the political dialogue in Vienna is of fundamental importance it by no means constitutes the whole of the OSCE's field of activity. Indeed, with the assistance of the instruments mentioned above, the OSCE operates directly in certain countries. It does so through recommendations from the HCNM to affected governments, through expert advice from the ODIHR on drafting laws and regulations, especially those dealing with elections, and frequently also through the good offices and mediation of the missions in the field, etc.

We regard preventive diplomacy as one of the most important of the OSCE's activities: the organization's structure and methods of operation, the means at its disposal, but also the results already achieved argue in our view for expanding its capabilities in this field. Such expansion could begin by making more frequent use of the early warning function as it can be seen in the work of the HCNM, and by strengthening the role of the Chairman-in-Office and the Secretary General.

Along these lines, our country worked out an initial draft of the Convention which led to the establishment of the OSCE Court of Conciliation and Arbitration. Today we note with satisfaction that 21 states have adhered to this Convention and we call on the other participating States quickly to join this instrument for the peaceful settlement of disputes, the importance of which will undoubtedly grow as it acquires more members.

In the question of *post-conflict rehabilitation* the OSCE is entering a field which for the most part still needs to be plowed. Some view the responsibili-

ties assigned to the OSCE by the Paris Peace Agreement for Bosnia and Herzegovina as a kind of acid test, a test of its credibility. We prefer to speak of a threefold challenge: with regard to methods, organization and cooperation with other international organizations or offices concerned (the High Representative, the United Nations, IFOR and NATO). Apart from the heavy political responsibility given to the OSCE or more precisely, to the Chairman-in-Office - to decide whether the social conditions in the country will permit elections within the time period foreseen in the Peace Accords - and apart from what the OSCE can contribute to rehabilitation in general, Bosnia and Herzegovina represents for the Organization a critical test case under real conditions and on a large scale. It is, to be sure, too early to draw any conclusions. That will be the task of the Lisbon Summit.

In any event, the OSCE is likely to play a central role in Bosnia and Herzegovina after the elections, through its Mission in Sarajevo and also as the initiator of concerted action, especially with the Council of Europe in the areas of human rights and the establishment of democratic institutions.

Despite those activities either of widely non-mediating nature because they are too technical (as in the case of arms control) or those which are in essence unquantifiable (like preventive diplomacy) the OSCE has taken its place as an indispensable provider of security and stability on the European continent.

#### *For a Major OSCE Role among European Security Institutions*

The following principle guides the French approach: the OSCE is the only European security institution offering a multilateral framework in which Russia can carry on a direct dialogue with all other European countries, the United States and Canada. Indeed, the OSCE plays a substantial role in the European integration of Russia - without acknowledging special privileges (such as the right of control over the so-called near abroad) but also without insuperable obstacles.

Our view of the OSCE's place in the European security architecture is of course not only determined by considerations about Russia. Rather, one must look at all of the special characteristics of this Organization:

- It is the largest pan-European and trans-Atlantic forum for cooperation and dialogue on common security interests and hence embodies the concept of comprehensiveness.
- It is an important organization for defining norms and principles in the realm of security. These are the basis for a collective and continuous contribution to the creation of a common security space and are at the same

time consistent with the principle of the indivisibility of security and the idea of cooperative security.

- It has flexible voting arrangements in which every participant is represented equally and within which the consensus principle in decision-making (the decisions of the OSCE are not legally binding, by the way) represents for the Organization a far-reaching resource for the exercise of power.

In the debate on the various concepts of European security which have been presented we favor a middle way. Far from wanting to marginalize the OSCE or pare down its role but at the same time not wishing to put it above the other security organizations in Europe, we are in favor of making the OSCE the foundation of European security architecture.

From this standpoint we regard the OSCE not only as a normative authority for democratic stability, politico-military confidence-building measures (FSC) and disarmament but also as an instrument for conflict prevention, crisis management and post-conflict rehabilitation - an instrument which in close consultation with the other multilateral bodies concerned (e.g. the UN, the ECE of the UN, UNHCR, the Council of Europe, NATO, Partnership for Peace, and the North Atlantic Cooperation Council) and depending on which institution is best suited to the case at hand, attempts to provide something extra - a specific and effective contribution to the joint effort. To be more precise, this should lead to

- an enhancement of the OSCE's human dimension by making more systematic use than has been done in the past of the expertise and the programs of the Council of Europe and by entrusting the Permanent Council in Vienna with the task of monitoring the observance of commitments;
- the OSCE's giving somewhat less prominence to the economic dimension and concentrating its activities on early warning and political guidance in situations where a threat to regional and sub-regional stability and security stems primarily from economic causes;
- the strengthening of the OSCE's instruments.

#### *A Logical Conclusion: the Strengthening of the OSCE*

The role and the place we assign to the OSCE within the new configuration of Europe impel us quite naturally to call for a strengthening of the Institution in Vienna. Its transformation into an organization has barely begun. The missions it will have to carry out require a very high level of effectiveness. We must think of new mechanisms to contend with the newly developing

risks which can be observed and to meet the challenges to European security. The rather theoretical and, so to speak, academic thinking about a new model for the European security architecture must be accompanied by concrete and practical measures for strengthening the OSCE. However, the lessons which must be drawn from the OSCE Mission to Bosnia and Herzegovina argue for doing that right now.

Our thinking about this objective has so far taken account of various aspects - political, legal, functional/institutional, and operational. There is no attempt to set up rigid schemes but, rather, to develop alternative combinations and working hypotheses. The same procedure is also being followed in the very controversial discussion of a legally binding statute for the Organization. Our approach is deliberately pragmatic. It is not absolutely necessary to base the OSCE on a fundamental document, a Charter. A statute would not change the (political) nature of the OSCE's decisions. Giving these decisions a legally binding character is not the issue. The issue is to provide a legal basis for the Organization which will permit it to carry out its activities, in particular its missions in the field, without being hampered by legal shackles.

Various measures can be combined to achieve the political and institutional strengthening of the OSCE:

- weakening the consensus rule (e.g. in accordance with the proposal of Kinkel/Kooijmans that the OSCE, in the event of a conflict, be empowered to call on the United Nations on consensus basis but without the agreement of the parties to that conflict) - an arrangement which would better serve the needs of an OSCE acting as a regional arrangement under the terms of Chapter VIII of the UN Charter;
- using variable groupings to carry out certain activities, along the lines of the Minsk Group or following the model of the regional round tables under the Stability Pact. This would help to avoid the cumbersomeness of discussions involving 55 participants and would give certain groups of states broad leeway to find solutions within the framework of a collective decision;
- strengthening the role and the resources of the Secretary General, especially for ensuring the continuity of actions that have been undertaken, and supporting the Chairman-in-Office with greater determination;
- strengthening the OSCE's ability to act in the field through its missions, in view of the experiences garnered from its operations in Bosnia and Herzegovina as well as the approximately ten other Missions currently being conducted at various sensitive places in the OSCE area.

This list is not complete but it points out certain directions in which our thinking has taken us and through which France is pursuing the goal of a-

dapting the OSCE to its new responsibilities within the European security architecture.

### *Conclusions*

The OSCE continues to be an institution in constant development. With respect to its future shape a great variety of parameters must be kept in mind. A flexible approach is advisable and we should avoid insisting on established patterns. The OSCE is itself one of the parameters of the great equation which will define the security order in Europe for the coming years. With its principles and its commitment it has made possible the creation of a common security space in Europe.