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## Be Realistic: The OSCE Will Keep Confronting New Problems

Since 1989, the so-called *annus mirabilis*, and even more since 1991, Europe has ceased to be the centre of global confrontation. First of all, because there is no global confrontation any longer and secondly, because security problems in the traditional sense of the word have ceased to dominate the European agenda. As a consequence of the end of the bipolar system of international relations the doubling of international institutions also came to an end. The Warsaw Treaty and the COMECON were terminated formally in 1991 having ceased to function a few years earlier. It was good news for many, if not all, that bipolarity based on confrontation had gone, but it was worrying that stability based on mutual deterrence and clearly defined spheres of influence had also gone. The bipolar system was based on a *high risk/high stability* situation and has been replaced by a *low risk/low stability* situation. It should be mentioned, however, that the high stability of the bipolar era was very costly. The populations of several countries were deprived of their right to self-determination and forced to live under non-elected governments. Furthermore, the concentration of weapons reached its peak in the peacetime history of humankind, which represented a very high direct cost. Consequently, high risk and high stability characterized the era of bipolarity - at high direct and indirect costs.

### *Outline of the Evolution of the Role of the CSCE/OSCE in the post-East West Conflict Era*

Under those conditions it was necessary to consider the role certain international institutions can play in Europe. It was not surprising that the change of structure of international relations was followed by a lack of clear orientation. The first years were marked by enthusiasm over the end of the East-West conflict. The most important misunderstanding of the OSCE participating States arose from the assumption that with the end of the East-West conflict, the undoubtedly decisive conflict of the previous decades, the conflict proper had come to an end. Any thorough analysis could easily demonstrate that the conflict and its dominant form are not identical.<sup>1</sup> But due to the

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1 During the era of the East-West conflict this was clearly presented. See Dieter Senghaas, *Konfliktformationen im internationalen System* [Forms of Conflict in the International System], Frankfurt am Main, 1988.

euphoria felt when the East-West conflict came to an end, that point was entirely overlooked.<sup>2</sup> Somewhat later the way of thinking changed in light of the appearance of new conflicts in Europe. This was reflected in Samuel Huntington's article and, later, his book, focusing on the conflict between civilizations.<sup>3</sup> In this case the focus was on one type of conflict. One may say that it was a step forward compared to the conflict-free scenario. It recognized that conflicts will continue to be among the driving factors of international affairs beyond the end of the East-West conflict. Its major shortcoming was that practically no attention was devoted to the diversity of conflict sources. Such conflicts of civilizational, ethnic or religious character could have a certain bearing upon every actor in international affairs. Thus the existence of the problem was common to all, even though the actors were affected with different levels of intensity.

The change in political thinking ran parallel to the evolution of academic thinking. The function of the CSCE during the East-West conflict was clear: to provide a framework based on some fundamental principles where participating States could co-operate irrespective of their socio-political systems. The CSCE had no operational role whatsoever. It is only in retrospect that this conclusion could be drawn, based on the experience of the last follow-up meeting held before the end of the East-West conflict. The following assessment could be regarded as having general relevance for the entire first fifteen years of the CSCE: it "has shaken up the Iron Curtain, weakened its rusty supports, made new breaches in it, and sped its corrosion".<sup>4</sup> No doubt, the CSCE did not terminate the East-West conflict, it made its contribution by broadening the scope of common values formally accepted (or at least not denied publicly) by each participating State and significantly increasing transparency between the two blocs.

The first major post-East West conflict document of the CSCE, the Charter of Paris, was a reflection of the breakthrough as the participating States adhered to "democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries".<sup>5</sup> Values have been shared that could not have found acceptance a short while earlier. The illusion based on the naïve identification of the East-West conflict as *the* quintessential conflict also

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- 2 The best, and at the same time most simplistic and superficial, reflection of this was Francis Fukuyama's end of history vision. Cf. Francis Fukuyama, *The End of History and the Last Man*, New York 1992.
  - 3 See Samuel Huntington, *The Clash of Civilizations?*, in: *Foreign Affairs* 3/1993, pp. 22-49.
  - 4 Eduard Shevardnadze, as quoted in William Friis-Moller, *Reducing the Impact of Europe's Borders: The CSCE Follow-up Meeting*, in: *NATO Review* 2/1989, p. 36.
  - 5 Charter of Paris for a New Europe, Paris, 21 November 1990, *A New Era of Democracy, Peace and Unity*, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 537-566, p. 537.

appeared in the document. It stemmed from the fact that no violent conflict had broken out before the adoption of the Paris Charter or that the one that has already persisted since 1988 remained confined to the periphery of Europe in the Caucasus. It was interesting to see that on the margin there was ambiguity over the source of future conflicts. The Document of the Copenhagen Meeting of the Conference on the Human Dimension of 1990 assumed that minority problems can be addressed if the collective rights of minorities are recognized and respected. The Vienna Document of November 1990 on Confidence- and Security-Building Measures (CSBMs) contained one major novelty: the introduction of a mechanism for consultation and co-operation as regards unusual military activities. According to it, participating States will "consult and co-operate with each other about any unusual and unscheduled military activities of their military forces outside their normal peacetime locations which are militarily significant, within the zone of application for CSBMs and about which a participating State expresses its security concern".<sup>6</sup> The flexible description of the "unusual activity" reflected the fact that it had become far more difficult to define the source of threat and that a mechanism was needed that would be applicable in a variety of situations. It was also remarkable that the security concern did not necessarily have to be of interstate character. For instance, if a country regrouped its forces or concentrated them in the vicinity of another country without any immediate international repercussions, that could also provide grounds for concern.

The picture started to change just a little later. The illusion of a conflict-free, peaceful world disappeared with the outbreak of hostilities in Yugoslavia. The institutional response came with the Helsinki Document of 1992. It had to concede that conflicts will continue to exist in Europe and some of them will turn violent. According to the prevailing assumption they will be the common concern of the participating States. The most severe and frequent source of conflict will be the oppression of ethnic groups, the violation of minority rights. The establishment of the function of the CSCE High Commissioner on National Minorities has been the response "to prevent the spread of the disease" and to mitigate conflicts which have evolved though without yet erupting in violence. For violent conflicts a combination of prevention, crisis management and peacekeeping should offer a panacea. Except for the underlying rationale, peacekeeping missions, were interpreted very much along the traditional lines: they must not entail enforcement action and were to be based on the consent of the parties (i.e. *all* parties) directly con-

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6 CSCE, Vienna Document 1990 of the Negotiations on Confidence- and Security-Building Measures Convened in Accordance with the Relevant Provisions of the Concluding Document of the Conference on Security and Co-operation in Europe, Vienna 1990, para. 17.

cerned.<sup>7</sup> It was interesting to see that many of the underlying assumptions proved not to have a solid ground. First and foremost, the assumption that the conflicts are sources of common concern was not founded. The war in the former Yugoslavia, and even more so the bloodshed in the former Soviet area, demonstrated that, despite the lip-service paid to the idea of the indivisibility of European security, smaller participating States not located in the vicinity of the conflict are not particularly eager to get directly involved in its management or resolution. The ideological notion that there is a source of common concern has vanished. At a later stage assumptions about the "unidimensional" character of conflicts in Europe also became questionable.

The CSCE arrived at a stalemate not much later. The first major violent conflict outside the former Soviet area continued unrestrained and the efforts of international institutions, including the CSCE, remained largely unsuccessful. The failure on the operational side of the activity was complemented by a partial success, or a partial failure, in the drafting of further documents. The Budapest Summit Meeting of December 1994 agreed upon cosmetic changes, like the new name of the institution, the OSCE, and was dominated by debates that had much to do with the future security arrangements of Europe but fairly little with the future role of the OSCE proper. Those who are too closely associated with the OSCE in one capacity or the other, and thus are too uncritical about its role, praise the only document of some importance adopted at the Summit: the Code of Conduct on Politico-Military Aspects of Security. That document which has broken away with the comprehensive concept of security has remained little known ever since its adoption, though often violated by parties to conflicts, both national and international.<sup>8</sup> The participating States were not in a position to agree upon a comprehensive code, primarily due to the debates surrounding the treatment of minorities, their status and rights.

The Lisbon Summit of 1996 achieved even less, if one may say so. This was the first occasion when "summitry fatigue" was highly noticeable. Some Heads of State were, for one reason or another, not present and the document adopted remained non-substantive or did not find the necessary consensus, like the statement on the Nagorno-Karabakh conflict. The participating States could not even agree upon the venue of the next Summit Meeting. The new framework for arms control, the most concrete achievement, though ambi-

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7 Cf. CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in *Blood* (Ed.), cited above (Note 5), pp. 701-777, here: Helsinki Decisions, III. Early Warning, Conflict Prevention and Crisis Management (including Fact-Finding and Rapporteur Missions and CSCE Peacekeeping), Peaceful Settlement of Disputes, paras 18, 22 and 23, p. 725.

8 As the best illustration of this suffice it to mention the Chechnya operation of the Russian armed forces. For details of persistent violation of the Code see Stephen Blank, *The Code and Civil-Military Relations: The Russian Case*, in: Gert de Nooy (Ed.), *Cooperative Security, the OSCE, and its Code of Conduct*, The Hague 1996, pp. 93-112.

tious, has apparently not lived up to expectations. The CFE regime, subject to adaptation, has been retained as its central feature but the adaptation effort has so far produced a stalemate. At best it will be a limited adaptation that fails to satisfy the concerns of several parties.

*Prescriptions for the Future "Norm"-Creation of the OSCE*

It was interesting to see that the participating States, following the apparent failure to draft further major documents of comprehensive character did not give up on making an attempt to adopt another one: the Security Model for the Twenty-first Century. There are undeniably some common interests of the participating States, namely to maintain a certain level of stability founded on some basic values. It is doubtful, however, whether the participating States can arrive at any substantial common conclusion beyond that. If one wanted to explore the possibility of finalizing the document, among other things in order to achieve a face-saving compromise, the following factors should be considered: 1. Could the content of the Helsinki decalogue be enriched and, if so, in what way? 2. Could the participating States add to the current content of the three Helsinki "baskets"? 3. Are there major areas of European security which have not been adequately addressed by OSCE documents?

*Ad 1)* The idea of going beyond the Helsinki decalogue has been floating around for several years.<sup>9</sup> If one assumes that the new security framework of Europe is fundamentally different from that of the Cold War era and if, furthermore, one starts out from the assumption that the current security situation permits more than just a redrafting of the basic and universal principles of international law, there is some ground for it. What one could consider is a more pro-self-determination of peoples attitude, shifting the balance slightly away from traditional, and legally absolute, state sovereignty. Even so, I am somewhat doubtful about the chance of success of such an exercise, bearing in mind the position of those states (e.g. many successor states of the Soviet Union) which intend to enjoy unrestrained sovereignty before relinquishing it. Some states might have more acute reasons for not extending self-determination, which can eventually end up with the secession of some population groups, as in Turkey. It is also possible to add some new principles, like that of solidarity, advocating legitimate and co-operative international interven-

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9 It is Adam Daniel Rotfeld, the Director of SIPRI, who has several times been the most vocal on that matter, both at international conferences and in his writings. Most recently see his paper: Prescriptions for Improving OSCE Effectiveness in Responding to the Risks and Challenges of the 21st Century, in: Victor-Yves Ghebali/Daniel Warner (Eds.), *The OSCE and Preventive Diplomacy*, Geneva 1999, pp. 51-70, here: pp. 57-58.

tionism.<sup>10</sup> The likelihood of adopting the latter is slim, whereas that of the former does not seem to add too much to the content of the decalogue, although it would undeniably reflect the change of the political atmosphere in Europe. Hence, according to my understanding, it would be better to regard some documents adopted in the CSCE/OSCE framework as supplements to the decalogue than to open Pandora's box by spending time and energy on a minor reformulation of the principles.

*Ad 2)* The debates since 1995 on the Security Model have shown that there is not much to add, except for some shallow declarations. However, this does not rule out adopting a text for some mysterious diplomatic reasons, such as to make Russia satisfied and engaged. Bearing in mind the importance currently attributed to the OSCE in Moscow, such a document might only be a drop in the ocean of appeasement.<sup>11</sup> Furthermore, there is a growing body of rules, regulations and guidelines elaborated by other international bodies which affect the majority of the OSCE participating States. Most importantly, the Council of Europe and the Euro-Atlantic Partnership Council (EAPC) pursue their activities in areas that overlap with that of the OSCE. The OSCE has one major advantage, however: it is the only organization that has every European state among its participants.<sup>12</sup>

*Ad 3)* There are two directions that, according to my judgement, it would be worthwhile to explore further in the area of the regulative function of the OSCE, if there is sufficient interest among the parties: 1. Conflict prevention, management and eventually resolution in light of the OSCE's comprehensive concept of security. By the second half of the 1990s one had to realize that conflicts are multi-dimensional and in most cases have more than one source.<sup>13</sup> One can no longer assume that it is ethnic rivalry and strife that result in violent conflict. On that basis it would be impossible to answer the question why certain conflicts can be kept under control and why others can not. One can preliminarily conclude that a breach of minority rights is not sufficient *per se* to launch a conflict. The inadequate functioning of (democratic) institutions in most cases contributes to the fragility of security. Economic decline has been present either as a precondition or as a consequence in most conflicts. One should thus consider what the composite sources of

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10 Cf. *ibid.*

11 For the current state of the negotiations on the Charter see Victor-Yves Ghebali, *L'OSCE et la négociation d'un document-charte sur la sécurité européenne*, in: *Défense Nationale*, juillet 1998, pp. 106-119.

12 Let's not discuss here whether the suspended participation of Yugoslavia is to the benefit of the Organization or, rather, a factor that hinders some activity of vital importance, like the functioning of the Missions of Long Duration in Kosovo, Sandjak and Vojvodina. See OSCE Conflict Prevention Centre, *Survey of CSCE Long-Term Missions and Sanctions Assistance Missions*, Vienna 1994, pp. 1-2.

13 This view is not identical with the traditional scenario analysis so popular in the early nineties that served primarily to mask unpredictability and avoid identifying the decisive source of conflicts.

conflict in the OSCE area are and which normative prescriptions could help keep conflicts under control. 2. Regulations adopted among the participating States with some direct bearing upon sub-state actors. The harmonization of activities to suppress the illicit arms trade in Europe and to fight against trans-national organized crime are certainly among them. It is essential in both cases that no safe havens remain in the OSCE area and that is why the OSCE, with its soft regulation and comprehensive circle of participants, could contribute substantially to processes under way in other forums.

Still, one has reason to conclude that the drafting of further documents has lately become a weak side of the OSCE's activity. One can attribute that to different factors. On the surface one might be tempted to conclude that there is not enough substance to be added to the existing body of instruments developed by the Organization. In my view it is more important to start out from the underlying security situation in Europe. There are a number of conflicts in the region and developments which adversely affect the security of one country or another. The nearly one decade that has passed since the end of the East-West conflict has shown that most security problems affect the participating States to one degree or another. For some they are of vital importance, for others they are marginal. If security, beyond certain common values, is fragmented, if there is no common existential threat, and if the participating States can more freely represent their special national security interests, then the chances of adopting further rules common to the whole OSCE area are slim or they remain non-substantive. One has reason to raise doubts about the necessity, except for some well-defined inadequately explored areas, of spending time, energy and resources on elaborating common OSCE rules. The future of norm-creation should focus on guidelines for regional interaction and conflict management.

#### *The Future of OSCE Field Activities*

The post-East West conflict international system has not been free of violence either internationally or in intra-state affairs. The expectation that the new international relations will be highly democratic and that institutions will play a major role in them has only partly come true. The structure of international relations is undeniably more democratic than the one which was based on bipolarity. There has been, however, no remedy for the material inequality of states. Great powers, individually or in concert, have been dominating international relations. States have remained the decisive players and institutions, although they have gained more influence than they used to have, remain secondary to them. After a short and unhealthy discussion on the *de*

*facto* hierarchy among them, the institutions have increasingly found their prime area of activity.

The norm-creating activity of the CSCE had roots in the era of East-West conflict. The institution had no operational role, except maybe for carrying out some on-site inspections under the Stockholm CSBM document in the late eighties. Consequently, the single most important innovation of the CSCE is the operational role it has acquired. It has to be borne in mind, however, that the role of the CSCE has changed and grown without a major change in its resources. Neither military means, nor economic power has been concentrated in the hand of the Organization. The fact that the very same states which have concentrated these means in some other organizations, primarily NATO and the EU, had no intention to share them with the OSCE, has shaped the potential role of the Organization. The parallels between the activity of the OSCE and the Council of Europe, and the potential for the same development between the OSCE and the EAPC, have been mentioned quite often lately. It is interesting to see that somewhat less attention has been devoted to another process that may pose a challenge to the OSCE, namely, the concert of great powers which has got a large say in shaping the future of Europe. Their role has already been formalized in the Contact Group dealing both with intra- and extra-European affairs. A further emphasis on the role of those six states, though it would be an adequate reflection of the realities of end-of-the-twentieth-century Europe, would further constrain international democracy in Europe and the credit given to the OSCE. The above factors have limited the activity of the OSCE and have made it unavoidably one of the "soft institutions" of Europe. Thus the most important contributions of the Organization will remain conflict prevention and post-conflict rehabilitation as well as building democratic institutions and civil societies. Both of these are long-term and largely invisible processes.

The OSCE will continue to play an eminent role in European security in the twenty-first century. It cannot and will not become the "only", or the "most important" European security organization nor will it become an "umbrella organization" for the others. This might be disappointing for some who believe that there must be *one* organization responsible for the management or solution of all problems. Under the present circumstances *no organization is capable of handling all problems, risks and conflicts* which exist in Europe today. The most important question for the future of the OSCE is whether it occupies a niche that in fact exists in Europe.

The OSCE has addressed emerging problems in a carefully considered way and flexibly complemented the efforts of other organizations. The function of the High Commissioner on National Minorities has established itself as a success story of the OSCE. It would be premature to conclude the same about the OSCE Representative on Freedom of the Media. It is clear,



however, that the benign neglect of the economic aspects of conflicts and the readiness to leave this to institutions which either do not approach the problem of economic decline as a conflict source (like the EU) or offer the same sort of panacea (like the IMF) to every economic crisis, is a major shortcoming that dates back to the traditional weakness of basket 2 of the CSCE. The activity of the EBRD provides a certain remedy to stabilize the economies east of the river Elbe. The recent establishment of the function of a Co-ordinator of OSCE Economic and Environmental Activities may be a first step towards paying adequate attention to that aspect of conflict.<sup>14</sup>

In a world which is heavily affected by political decision-makers who rely on the media, the public appearance of an institution is of vital importance. This results in a certain contradiction: for professional reasons low visibility is needed but for generating public and political support somewhat higher visibility would be desirable. Conflict prevention does not make headlines in the papers and in the electronic media. The fact that the OSCE prevented the outbreak of violence in a region of Europe and contributed to political consolidation is no news. On the contrary, public attention could put success at risk and eventually would undermine it.<sup>15</sup> Consequently, the solution is not to broaden media coverage of the specific efforts made in relation to certain conflicts. It is a somewhat higher visibility for the efforts of the Organization generally - through a sort of propaganda activity.

The problem of visibility, and thus the badly needed political support for the OSCE, leads to another problem. Henry Kissinger, Secretary of State at the time, once asked who he should call if he wants to talk to "Europe". The OSCE has been facing a somewhat similar problem. Since the dawn of the post-East West conflict era the Chairman-in-Office, the foreign minister of the country presiding over the OSCE in a calendar year, has had the telephone number to call in order to talk to the OSCE. The Secretary General has remained the chief clerk of the Organization and the most recent experience of its activity does not make a revision of this arrangement necessary.

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14 The mandate of the Co-ordinator was approved on 5 November 1997 by the Permanent Council of the OSCE. For the decision see Helsinki Monitor 1/1998, pp. 85-86.

15 As István Gyarmati put it a few years ago: "(...) an instrument of preventive diplomacy very rarely hits the headlines. It does not in itself make headlines. Can you imagine a headline in the *New York Times* such as 'Due to CSCE Efforts there was No Conflict in Estonia'? That is not a usual headline for a newspaper. But 'Despite CSCE Efforts a Conflict is Emerging Somewhere', that would be a good headline." István Gyarmati, *On Current Issues of the OSCE*, in: Péter Tálas/Sebestyén Gorka (Eds.), *After the Budapest OSCE Summit*, Budapest 1995, p. 42.

*Any Conclusion?*

Post-East West conflict history, like any other history, does not evolve along scenarios drafted by political analysts. The OSCE has gone a long way towards adapting itself to the fast changing political realities of Europe. Its adaptation has been largely successful as one ingredient of end-of-century Europe. Its institutional ramifications, the flexibility of its arrangements and working methods make it a contributing factor to the security of the continent.

Even if the current distribution of power in the international system does not offer a premium to an organization with unrestrained membership and largely based on consensus, the OSCE has done its fair share to shape European security. Its future contribution is dependent upon a number of factors. Some of them evolve outside the Organization, like e.g. the structure of international affairs proper, some are dependent upon the Organization. The OSCE's current and continuing emphasis on norm-creation detracts attention from its primary objective and its responsibility as a co-ordinating and monitoring body for conflict prevention, management and post-conflict rehabilitation. It has been highly successful in many areas and regions. In the future its success will depend on its readiness to cope with the immanent complexity of domestic and international conflicts. Bearing in mind the comprehensive concept of security since the inception of the CSCE, the Organization is well-positioned to live up to the demands of the future if the participating States foster its adaptation.