

Dieter S. Lutz

## Introduction

*The OSCE Is a Moral Force. Its Role Is Vital and It Is Practically Indispensable. But It Must Be Strengthened!*

The OSCE "is perceived as a moral force by the nationals of our countries".<sup>1</sup> "The role of the OSCE in European security arrangements is vital (...)"<sup>2</sup> These statements in the present Yearbook were made by Janne Haaland Matlary, State Secretary of the Royal Norwegian Ministry of Foreign Affairs in Oslo, and by Kari Möttölä, Special Adviser to the Ministry of Foreign Affairs in Helsinki. However, they could just as well have been made, in this or in similar form, by representatives of the other participating States. Their evaluation is based, *inter alia*, on reports and articles such as those in the present Yearbook - for example, the one by Franz Vranitzky, the former Austrian Chancellor and, in 1997, Personal Representative of the OSCE Chairman-in-Office in Albania, on the activity of the OSCE "as an honest broker",<sup>3</sup> or by Elena Drozdik of the OSCE Mission to Croatia on successes and failures in connection with confidence-building measures,<sup>4</sup> or by Heinz Timmermann of the Federal Institute for Russian, East European and International Studies in Cologne on the attempts of the OSCE Group in Belarus to promote democracy there,<sup>5</sup> or by Farimah Daftary, Research Associate at the European Centre for Minority Issues in Flensburg, on the necessity of maintaining regular and confidential fora for dialogue,<sup>6</sup> or, finally, by Paulina Merino of Warsaw on the Office for Democratic Institutions and Human Rights, the OSCE's "fire brigade".<sup>7</sup>

If one agrees with the Chairman-in-Office of the OSCE in 1998 - Bronislaw Geremek, the Foreign Minister of the Republic of Poland - then the OSCE is not only of moral and vital importance but even "practically indispensable".<sup>8</sup>

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- 1 Janne Haaland Matlary, The OSCE's Role in European Security - A Norwegian View, in the present volume, pp. 131-138, here: p. 132.
  - 2 Kari Möttölä, Finland and the OSCE, in the present volume, 145-164, here: p. 164.
  - 3 Franz Vranitzky, The OSCE Presence in Albania, in the present volume, pp. 177-182, here: p. 178.
  - 4 See Elena Drozdik, The Difficult Business of Perception - OSCE Observers in Croatia, in the present volume, pp. 195-201, esp. p. 201.
  - 5 See Heinz Timmermann, The OSCE Representation in Belarus, in the present volume, pp. 203-215.
  - 6 See Farimah Daftary, The Third OSCE Implementation Meeting on Human Dimension Issues in Warsaw, 1997, in the present volume, pp. 251-270, esp. p. 269.
  - 7 Paulina Merino, The Office for Democratic Institutions and Human Rights, in the present volume, pp. 383-391, here: p. 384.
  - 8 Bronislaw Geremek, The Organization for Security and Co-operation in Europe - Its Development and Prospects, in the present volume, pp. 27-36, here: p. 27.

Even so - or, depending on one's point of view, precisely for that reason - experts from academia and political life are now for the most part in agreement that the OSCE must be strengthened. It is less clear what the call for a strengthening really means. Thus it is no coincidence that this Yearbook tries, within the framework of its pre-set structure, to contribute to the clarification of this question or, at a minimum, to make clear the range of views and the differences between them.

Niels Helveg Petersen, Danish Minister for Foreign Affairs and Chairman-in-Office of the OSCE in 1997, believes that, among other things, conflict prevention and the OSCE's crisis reaction capability must be improved: "The Albanian experience has taught us several lessons. It has underlined that immediate action in itself has an important effect (...) We *do* need to improve our ability to act quickly in crisis situations and to improve efficiency with regard to early warning, conflict prevention, crisis management and post-conflict rehabilitation."<sup>9</sup> Confirmation of this appeal is provided in the present volume by, among others, Jens Reuter, Senior Researcher at the *Südost-Institut* (Institute for Scientific Research on South-Eastern Europe) in Munich: "The international community - the European Union and the United States - failed to put the Kosovo problem on the agenda when the time was ripe for that action. At the Yugoslavia conferences, starting in The Hague in 1991 and ending in 1995 in Dayton, the Kosovo problem was swept under the carpet (...) Just as in the Yugoslavia war at an earlier time, it has become apparent in Kosovo that the OSCE's options for action once violence has broken out are severely limited."<sup>10</sup> Nils Daag, Ambassador and Head of the Permanent Delegation of the Kingdom of Sweden to the OSCE in Vienna, also provides a warning: "Efforts with regard to early warning and especially early action leave a lot to be desired (...) Its (the OSCE's) Achilles' heel, which it shares with the rest of the international community, is the tardiness in engaging in early action to prevent conflicts from developing."<sup>11</sup>

"In the end", Daag goes on to say, "any organization becomes what member states want it to be. Here there is a clear lack of a common vision."<sup>12</sup> Nikolai Afanasievski, Deputy Foreign Minister of the Russian Federation, reveals the Russian view of what this vision should be. He would like to assign the OSCE a central role as co-ordinator: "The Organization for Security and Cooperation in Europe must become a central factor in the creation of a unified Euro-Atlantic area without dividing lines (...) quite apart from its historic foundations, the OSCE enjoys by its very nature a number of advantages that

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9 Niels Helveg Petersen, OSCE: Developments and Prospects, in the present volume, pp. 37-48, here: pp. 40, 43.

10 Jens Reuter, Kosovo 1998, in the present volume, pp. 183-194, here: pp. 183, 190.

11 Nils Daag, The New OSCE: From Words to Deeds - A Swedish View on the Past, the Present and the Future, in the present volume, pp. 139-144, here: pp. 141, 144.

12 Ibid., p. 144.

permit us to put this organization at the centre of pan-European developments, to speak of its co-ordinating and system-building role and to see in it the future of guaranteed security on the continent (...) The OSCE can take over the role of co-ordinator."<sup>13</sup> Nikolai Afanasievski finds agreement, *inter alia*, in the articles of Dieter S. Lutz<sup>14</sup> and Kurt P. Tudyka.<sup>15</sup> Differing views are offered by Bronislaw Geremek<sup>16</sup> and Pál Dunay: The OSCE "cannot and will not become the 'only', or the 'most important' European security organization nor will it become an 'umbrella organization' for the others".<sup>17</sup> Out of concern for Lithuania's desire to join NATO, Ginte Damušis, Minister and Head of the Permanent Delegation of the Republic of Lithuania to the OSCE in Vienna also points out: "Calls for more regional arrangements and a central OSCE role bring out feelings of apprehension that the OSCE might be viewed as a substitute structure for states who are not, or not yet, members of other security organizations (...) Even though the OSCE has a special contribution to make to Europe's security, Lithuania does not see it as an alternative to NATO (...) Lithuania favours improving implementation of existing OSCE principles and commitments over developing new documents or structures."<sup>18</sup>

Though, doubts are occasionally raised anyway as to whether these "new documents" about which Ginte Damušis is speaking really contain any visions. For example, Adam Daniel Rotfeld, Director of the Stockholm International Peace Research Institute (SIPRI), says with regard to the "Document-Charter" introduced by the OSCE Ministerial Council in Copenhagen in 1997: "The Ministerial Council presented a catalogue of ten measures to turn this vision (of the Charter - DSL) into reality. Unfortunately, like many previous OSCE documents, it contained a menu of wishful thinking rather than operational means to make the OSCE an effective European security organization (...) However, neither internal transformation nor the best document will work unless all the states, European powers, and the United States in particular, move beyond verbal declarations and adopt strategic decisions committing them firmly to the OSCE."<sup>19</sup>

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13 Nikolai Afanasievski, The OSCE - The Present and Future of European Security, in the present volume, pp. 49-56, here: pp. 50, 55.

14 See Dieter S. Lutz, Strengthen the OSCE - The Strengths of the OSCE, in the present volume, pp. 59-75.

15 See Kurt P. Tudyka, The Quartet of European Institutions and Its Prospects, in the present volume, pp. 77-88.

16 See Geremek, cited above (Note 8), esp. p. 29.

17 Pál Dunay, Be Realistic: The OSCE Will Keep Confronting New Problems, in the present volume, pp. 119-128, here: p. 126.

18 Ginte Damušis, Lithuania and the OSCE, in the present volume, pp. 165-172, here: pp. 167, 168.

19 Adam Daniel Rotfeld, European Security: The New Role of NATO and the OSCE, in the present volume, pp. 89-117, here: pp. 106, 117.

In this criticism, Adam Daniel Rotfeld is talking, *inter alia*, about the role of the United States within the framework of European security developments. Bernard von Plate of the *Stiftung Wissenschaft und Politik* (Foundation Science and Politics) in Ebenhausen speaks even more clearly than Rotfeld: "While it is true that the United States jumped on the Charter wagon, it has not committed itself to the final objective (...) The determination not to commit to anything can be felt almost physically."<sup>20</sup> However the US decides in the end, it remains true that, even after the end of the deterrence system, the United States of America still plays the decisive, even dominant, role within the European security structure. For that reason, Kurt P. Tudyka presents in his article a number of thoughts on a new "associative relationship" with North America: "The European governments have already set out on the path to a Common House as a kind of 'clearing-house'; without stumbling and without fear of contradiction they should pursue this path to its attainable end (...) with the course of time the formal parity of the European states will become established; at the same time the status of the North American countries can be transformed into an associative relationship. In this connection, the principle should apply that joint institutions with the United States and Canada would also include Russia, Ukraine and the other CIS countries. Conversely, if Russia, Ukraine and others were excluded from European institutions, then the United States and Canada should be excluded as well."<sup>21</sup> Even more emphatically than Kurt P. Tudyka, Dieter S. Lutz pleads in the Yearbook on hand for a "Europeanization of the OSCE": "It is true that at the present time peace and security in Europe can only be enforced in concert with the US. The Dayton process, the Aegean conflict and, right now, the conflict in Kosovo, provide evidence for this assertion. But enforcing peace by military means should not be confused with a preventive peace policy based on the functioning and effective security order which Europe so urgently needs. The point of such an order, after all, is to make the use of military means superfluous, to help prevent wars. But as long as recourse to the military means and capacity of the United States remains available it is hardly likely that the Europeans will be able to agree on a common peace and security order."<sup>22</sup> Such a peace and security order, Lutz goes on to say, requires as its foundation the "strength of the law". As Gret Haller, Ambassador and Human Rights Ombudsperson in Bosnia and Herzegovina, points out in her article, the work of the Council of Europe also builds on this idea: "Wellspring of its richness and originality, Europe's cultural

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20 Bernard von Plate, A European Security Architecture for the 21st Century, in the present volume, pp. 291-304, here: p. 299.

21 Tudyka, cited above (Note 15), p. 87.

22 Lutz, cited above (Note 14), p. 72.

and national diversity was an incentive to go down the road to harmonisation of law (...)"<sup>23</sup> This also means, according to Hansjörg Eiff, retired Ambassador and formerly Head of the Permanent Mission of the Federal Republic of Germany to the OSCE, making "use of the potential offered by the OSCE's Court of Conciliation and Arbitration. While it has no direct formal jurisdiction over disputes within participating States, there ought to be ways of involving its members as experts in national conflicts along the lines of the Badinter Commission in 1991/1992 (...)"<sup>24</sup>

Anyone familiar with the discussions between OSCE participating States on the Security Model for the 21st Century, on issues of political or legal commitments, on "synergy without hierarchy", and similar subjects is likely, with good reason, to be sceptical about grand schemes. As Victor-Yves Ghebali of the Graduate Institute of International Studies in Geneva puts it, governments have a "preference (...) for quick-fixes rather than for substantive and lasting solutions".<sup>25</sup> Beyond that, according to Monika Wohlfeld, Senior Diplomatic Adviser at the OSCE Secretariat, "the implementation of political declarations leaves much to be desired".<sup>26</sup> And so it is no irony but a nod to reality when Hans-Georg Ehrhart of the IFSH, through a circular argument, concludes with regard to the Royaumont process: "The Royaumont initiative is a good idea, but one which, as of the end of 1997, had not really got going. It could pick up some momentum in 1998, however, if (...) the international community shows the necessary interest."<sup>27</sup>

Thus those proposals should be regarded as more realistic (because more pragmatic and to some extent more modest than the ones so far listed) which

- relate to the professionalism and the "corporate identity" of OSCE employees and mission members (Heinz Vetschera: "(...) a leading officer refused to wear what he called the 'scrappy yellow' beret of the OSCE."<sup>28</sup>);
- deal with the problems and difficulties of the long-term missions, *inter alia* with the own headquarters as well (Herbert Grubmayr: "The request

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23 Gret Haller, Human Rights Protection in the Field of Action of the Council of Europe and the OSCE, in the present volume, pp. 271-288, here: p. 281.

24 Hansjörg Eiff, Autonomy as a Method of Conflict Management and Protection of Minorities within the OSCE Framework, in the present volume, pp. 233-241, here: p. 241.

25 Victor-Yves Ghebali, The Decisions of the Sixth Ministerial Council Meeting of the OSCE, in the present volume, pp. 375-382, here: p. 380.

26 Monika Wohlfeld, The OSCE and Subregional Co-operation in Europe, in the present volume, pp. 347-356, here: p. 355.

27 Hans-Georg Ehrhart, Prevention and Regional Security: The Royaumont Process and the Stabilization of South-Eastern Europe, in the present volume, pp. 327-346, here: p. 341.

28 Heinz Vetschera, The Role of the OSCE in the Military Stabilization of Bosnia and Herzegovina, in the present volume, pp. 305-325, here: p. 319.

- is put to a number of different command units and the mission then waits to see who reacts fastest."<sup>29</sup>);
- show that the OSCE has learned its lessons about the use of Civilian Police (Gerald Hesztera: "Civilian Police can never make peace in an area torn by war or crisis."<sup>30</sup>);
  - think seriously about the financing of the OSCE (Werner Deutsch: "I am thinking of the (possibly not very popular) imposition of concrete sanctions in the event of arrears."<sup>31</sup>);
  - ensure complementarity and partnership between the Council of Europe and the OSCE (Jutta Gützkow: "Efficient co-operation avoids duplication and provides added value."<sup>32</sup>)

The appointment of a Co-ordinator of OSCE Economic and Environmental Activities in November 1997<sup>33</sup> shows that despite all scepticism the call for strengthening the OSCE is not just lip service. And the fact that the OSCE and its strengths are highly regarded outside of the OSCE area is illustrated in the present volume by the article of Fathi El-Shazly, Assistant Minister for European Affairs in Cairo, who points out that "the European dimension of Mediterranean security is to us a prime concern of high priority".<sup>34</sup> And so, when the Chairman-in-Office of the OSCE, Bronislaw Geremek, asks rhetorically in his article in the volume on hand "whether the OSCE, in its present form and operating under its current mandate, has any future at all",<sup>35</sup> the reply given by the contributions to the OSCE Yearbook 1998 is, overall, a clear one: The future belongs to the OSCE.

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29 Herbert Grubmayr, Problems and Difficulties of the OSCE's Long-Term Missions, in the present volume, pp. 217-232, here: p. 226.

30 Gerald Hesztera, The Future of the Civilian Police within the OSCE Framework, in the present volume, pp. 243-248, here: p. 248.

31 Werner Deutsch, Financing of the OSCE, in the present volume, pp. 393-407, here: p. 403.

32 Jutta Gützkow, The Council of Europe and the OSCE - How to Ensure Complementarity and Partnership?, in the present volume, pp. 417-427, here: p. 427.

33 See Thomas L. Price/Ryan S. Lester, The OSCE's Economic Dimension on the Eve of the 21st Century, in the present volume, pp. 359-369.

34 Fathi El-Shazly, Egypt's View on Co-operation with the OSCE, in the present volume, pp. 411-416, here: p. 411.

35 Geremek, cited above (Note 8), p. 35.