

Ján Kubiš

The OSCE Today and Tomorrow

When it became clear that the OSCE would be asked to assume a number of vital tasks in connection with post-conflict rehabilitation in Kosovo within the framework of the UN Mission in Kosovo, the OSCE Chairman-in-Office, Norwegian Foreign Minister Knut Vollebæk, described this development as the greatest challenge the OSCE had been given so far, making the OSCE the primary organization in Europe dealing with democratization. In fact, many argue that this mission will change the OSCE. This is certainly true: its role is evolving rapidly, and its structure and resources must follow. But the mission it is launching in Kosovo is by no means exceptional: it has grown out of the Organization's multi-faceted experience in South-eastern Europe and other parts of the OSCE area.

There is no doubt that South-eastern Europe remains one of the most immediate concerns to the international community to date. On 1 July 1999, the decision was taken to establish an OSCE Mission in Kosovo, as a distinct component within the overall framework of the United Nations Interim Administration Mission in Kosovo (UNMIK). The OSCE Mission takes the lead role in matters relating to institution- and democracy-building as well as human rights. Our partners in this endeavour are the people and communities of Kosovo, indeed, its whole civil society. Naturally, the Mission co-operates closely with relevant organizations - intergovernmental and, when appropriate, non-governmental - in the planning and implementation of its tasks. It undertakes a number of tasks that are unprecedented in the context of the OSCE, for example the training of a new police service and of judicial and administrative personnel, as well as providing a framework for media regulation and monitoring. In those tasks, as well as in the promotion and protection of human rights, in the building of a society where power is shared and where the judiciary, the media,¹ non-governmental organizations and political parties play their independent roles, the objective is to bring about "mutual respect and reconciliation among all ethnic groups in Kosovo" and to establish "a viable multi-ethnic society where the rights of each citizen are fully and equally respected", as the Mission's mandate states. In Kosovo, the OSCE is developing an innovative and close relationship with the UN, as the

¹ UNMIK has requested that the OSCE Mission in Kosovo establish a Department of Media Affairs to contribute to the creation of conditions that support freedom of the press and freedom of information in Kosovo. The Department will be responsible for media regulation, support for independent media, media monitoring and media laws and standards. The Department will also act as the Media Regulatory Commission assigning radio and television broadcast frequencies, establishing broadcasting and press practice codes, issuing licenses and monitoring compliance.

OSCE Mission in Kosovo is, for the first time, an organic part of the overall framework of the UN.

This in fact is the third time that the OSCE has launched a mission in Kosovo. The first attempt at conflict prevention in Kosovo was the establishment in 1992 of Missions of Long Duration in Kosovo, Sandjak and Vojvodina, to *inter alia* "promote dialogue between the authorities concerned and representatives of the populations and communities in the three regions". The Missions were forced to withdraw in June 1993, when the Yugoslav government refused to prolong the agreement to host them. Despite calls for the return of the Missions, they were never able to return. For example, as recently as in a special session on Kosovo on 11 March 1998, the OSCE Permanent Council called upon the authorities of the Federal Republic of Yugoslavia to "accept without preconditions, an immediate return of the OSCE missions of long duration to Kosovo, Sandjak and Vojvodina, noting the return of these missions as essential for future participation in the OSCE by the FRY".

The OSCE created the second OSCE Mission in Kosovo, the Kosovo Verification Mission (KVM), in the autumn of 1998, following discussions between Mr. Milošević and Mr. Richard Holbrooke of the US and the consequent signing of the OSCE-FRY (Geremek-Jovanović) agreement on 16 October 1998. It withdrew the Mission in March 1999, when the FRY's failure to provide verification data coupled with a deterioration of the security situation made the continuation of the Mission impossible. That Mission was numerically the largest ever undertaken by the OSCE, with close to 1,300 Mission members actually having been deployed. It was tasked, in view of the desperate situation of the civilian population and the continued fighting in Kosovo, with verifying a cease-fire agreement. The goal of the OSCE presence in Kosovo being the creation of a peaceful, democratic and lasting solution to all existing problems in Kosovo, based on the equality of all citizens and national and ethnic communities, the intention was also for the OSCE to supervise elections in Kosovo. While in Kosovo, but also after its withdrawal, in Albania and in the former Yugoslav Republic of Macedonia, the Kosovo Verification Mission assisted the UNHCR, the ICRC and other international organizations in dealing with the refugee crisis, and the provision of humanitarian assistance, and human rights issues.

The Mission in Kosovo that is being launched currently is an important endeavour in itself. But Kosovo cannot be isolated from the entire region, which has been so devastated by wars during this decade. A process of rebuilding and rehabilitation must now be undertaken - not to recreate what was there before, but to democratize, to stabilize, to bring the region "closer to Europe", and its organizations. Much has already been done by the OSCE in Bosnia and Herzegovina and in Croatia, as well as in Albania and the former Yugoslav Republic of Macedonia. But what is needed now for the OSCE and for other international organizations is to develop a regional approach.

Already, the progressive measures for arms control and regional stability provided for in Annex 1-B of the Dayton/Paris Agreement are being dealt with under the auspices of the OSCE. The goal of Article V is "to establish a regional balance in and around the former Yugoslavia". The intention is to integrate the sub-region into a larger regional arms control context to consolidate peace and security.

The OSCE will work across borders in South-eastern Europe, promoting, *inter alia*, the Stability Pact for South Eastern Europe, adopted on 10 June 1999 by the EU Cologne Ministerial Conference. At the request of its participants, the OSCE decided on 1 July 1999: to place this pact under the auspices of the OSCE; to work for compliance with the provisions of the Stability Pact by the OSCE participating States, in accordance with its procedures and established principles; to make use of OSCE institutions and instruments and their expertise contributing to the proceedings of the South Eastern Europe Regional Table and of the Working Tables, and to work closely with the European Union, the Council of Europe, the United Nations, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Western European Union, international financial institutions and regional initiatives, as well as the countries of South-eastern Europe, so as to achieve the objectives set out in the Stability Pact.

Ambassador Robert L. Barry, Head of Mission of the OSCE Mission to Bosnia and Herzegovina, was tasked by the Chairman-in-Office with developing ideas on the regional role of the Organization, and on the OSCE's contribution to the Stability Pact. At the Sarajevo Stability Pact Summit on 30 July 1999, the Chairman-in-Office gave an OSCE commitment to play an active role in the development and implementation of the Stability Pact. He stressed that the countries of the region deserve the support of the international community, but ultimate responsibility for building peace and stability in South-eastern Europe remains with the countries themselves. The OSCE will make full use of its institutions and field activities in order to facilitate close co-operation with the countries of the region. The OSCE Summit in Istanbul in November will provide the OSCE with an opportunity to take stock in the progress of the Stability Pact.

The obvious question mark in the regional context is the Federal Republic of Yugoslavia. Yugoslavia's participation in the OSCE has remained suspended since 1992.² However, the Organization continues to monitor events in this country. In December 1996 the former Prime Minister of Spain, Felipe González, was appointed as the Personal Representative of the Chairman-in-Of-

2 In July 1992, the participation of Yugoslavia in the then CSCE was suspended. It was announced that this suspension would be reviewed in view of compliance with the principles, commitments and provisions of the CSCE. This was the first and up to then the only time that the "consensus minus one" rule was applied. (The Prague Ministerial Council in January 1992 decided that appropriate action could be taken without the consent of the State concerned in "cases of clear, gross and uncorrected violations" of CSCE commitments.)

fice, and sent to the Federal Republic of Yugoslavia during the period of continuous opposition protests after the municipal elections. His mandate was "to seek information from all political forces and institutions, including the media, and from the judiciary on the facts and events relating to the municipal elections, including the annulment of their results". His report, referred to afterwards as the "González Report", made several observations and recommendations which became the basis for putting pressure on Belgrade authorities. Mr. González, and the OSCE on the whole, were obliged to discontinue work in Yugoslavia when the latter refused to issue the Special Representative an entry visa. But the Organization continues to stand ready to assist Yugoslavia in implementing OSCE commitments. It is prepared to conduct election observation and monitoring, provided they are conducted with full respect to OSCE commitments, which would be a sign of the country's willingness to deal with its problems and a first step in the essential process of genuine democratization. It is that process that would bring this country into the fold of the international community. It is in the interest of the people of the Federal Republic of Yugoslavia and in the interest of the people of the entire region: no long-term, viable solutions are possible without a democratic Yugoslavia.

Although the current focus of the attention by the international community is South-eastern Europe, the OSCE's commitment to work with participating and non-participating States in other regions,³ especially in addressing their concerns, is also being strengthened. After all, the main principles of the OSCE are inclusivity of participation and indivisibility of security.

One of the main concerns of the OSCE currently are so-called "frozen conflicts", in particular in Georgia, Moldova, and the conflict in and around Nagorno-Karabakh, dealt with by the OSCE Minsk Conference. These conflicts have in common that the parties are both internationally recognized countries and internationally unrecognized actors, and that both the parties and the international community to date have achieved no decisive political or other progress. The OSCE stands ready to facilitate a settlement, but this can only be done in co-operation with parties involved, based on their own political will to work for mutually acceptable solutions.

Central Asia will remain one of the preoccupations of the Organization. The Central Asian states joined the CSCE in January 1992 after having established their independence. Particularly visible signs of mutual commitment were the establishment of the CSCE Mission to Tajikistan in 1993, the setting up of a CSCE Liaison Office in Central Asia in Tashkent in 1995, and the establishment of the OSCE Centres in Kazakhstan, Kyrgyzstan and Turkmenistan in 1998. The establishment of the latter three has consolidated the presence of the OSCE in the region. Furthermore, Ambassador Wilhelm Höynck (former OSCE Secretary General 1993-1996), has been appointed as

3 The OSCE's partners for co-operation are Japan and Korea. Its Mediterranean partners for co-operation are Algeria, Egypt, Israel, Jordan, Morocco and Tunisia.

the Personal Representative of the Chairman-in-Office to work out a vision of further integration of the countries in Central Asia and the enhancement of OSCE's activities in that region. In his report to the Permanent Council of 15 July 1999, he underlines a need for a regional dimension, while taking into account the individual needs and the differences between the various countries.⁴

In Tajikistan, the OSCE - as a political and moral guarantor of the implementation of the General Agreement for Peace - is actively contributing to the peace process along with the United Nations. The Mission recently contributed to overcoming the stalemate in the political dialogue in Tajikistan, which opened the way for a major step forward in the peace process with the completion of the second stage of the Protocol on Military Issues. The successful completion of this part of the Military Protocol led to the Supreme Court decision to lift the ban on the activities of four political opposition parties. The Mission is also actively encouraging the issuing of licenses to media outlets. The next steps in the process are the referendum on the amendments to the Constitution which is scheduled for 26 September, to be followed by presidential elections in the autumn and parliamentary elections in early 2000, marking the end of the transition period envisaged by the General Agreement.

But also in other parts of Eastern Europe and the Caucasus, the OSCE supports democratization and development of civil societies. In Belarus, President Lukashenko stated in July 1999 that he is willing to enter into a dialogue with the opposition and NGOs. The Organization is the linchpin in bringing the two sides together, with the aim of eventually creating conditions necessary for holding free and fair general elections in the year 2000, meeting OSCE standards. In Armenia, the process of opening an OSCE Office in Yerevan is now well underway. This Office will promote the implementation of OSCE principles and commitments as well as the co-operation of the Republic of Armenia within the OSCE framework. It will facilitate contacts with the OSCE Chairman-in-Office and other OSCE institutions. It will also establish and maintain contacts with local authorities, universities, research institutions and NGOs. It is hoped that an OSCE Office in Azerbaijan will follow.

The former OSCE Mission to the Ukraine is a good example of the successful implementation of a mission's mandate: the Mission was closed, following the completion of its mandate. A qualitatively new chapter of pragmatic co-operation and assistance has begun with the establishment of the Project Co-ordinator in the Ukraine.

A significant feature of the OSCE is that its participating States consider it as truly "theirs." The consensus rule which gives each participating State a voice, is vital - especially for smaller countries and those that are not part of

4 In early 2000, Secretary General Kubiš was appointed as the successor of Ambassador Höynck.

major integration and co-operative structures. They too must have access to a forum on European security, where their voice can be heard. The OSCE is an indispensable institution offering the possibility for dialogue and participation by all. It is thus also capable of dealing with effects on certain participating States through the enlargement of other organizations that are not currently offering those countries membership. The OSCE must remain both a political and an operational organization. This is also for that reason that the Organization must focus on all dimensions of security - according to its principles and design. Its philosophy indeed reflects a comprehensive approach to security, which focuses on traditional security aspects as well as on the human dimension, democracy-building, and the economic and environmental dimension. The Organization must maintain its very flexible inventory of instruments, which corresponds to its broad definition of security.

The OSCE is actively involved in early warning, conflict prevention, crisis management and post-conflict rehabilitation. As such, it must focus on all phases of the conflict cycle, but with a natural orientation to soft, non-military approaches and in areas where it has been traditionally active and had a comparative advantage. The current focus of the international community on post-conflict rehabilitation does not distract the Organization from other vital tasks, especially in early warning and conflict prevention, even though the latter does not give the Organization the kind of exposure and visibility that post-conflict rehabilitation does.

The OSCE must find ways of strengthening its support for the implementation of commitments by participating States. The OSCE, as a co-operative security framework, seeks to accomplish its purposes through international consent; it relies on the creation of international norms, values and principles, whose implementation is monitored. Violations of fundamental human rights and freedoms, ethnic cleansing, oppression of minorities and other atrocities have occurred in the OSCE area. Often these threats and challenges reflect fundamental problems of putting into practice OSCE norms and values. Currently the participating States are intensively discussing the ways in which they could assist and be assisted in their efforts to implement their OSCE commitments. The Document-Charter for European Security, first introduced at the 1994 Budapest Summit as the Common and Comprehensive Security Model for Europe for the twenty-first century, is an attempt to provide a macro political evaluation of European security. The Charter was adopted at the OSCE Istanbul Summit in November 1999.

In its activities, the Organization must increasingly co-operate with other international institutions and organizations. Pragmatic, non-hierarchical co-operation has come to characterize many of its activities already. Reflecting the new realities in Europe following the end of the Cold War, organizations like the European Union, the Council of Europe and NATO have greatly changed and are in the process of expanding their membership as well as their activities. The UN has become increasingly involved in European security matters.

New subregional organizations have emerged, among others the Council of the Baltic Sea States, the Barents Euro-Arctic Council, the Black Sea Economic Cooperation and the Central European Initiative, but also the South-east European Cooperative Initiative (SECI), and the Royaumont process. Interesting sub-regional activities are also promoted in other regions, e.g. Central Asia. In order to avoid competition and duplication of efforts, operational links must be developed between all of these bodies with their specific expertise and memberships. The OSCE must contribute further to the creation of an architecture of mutually reinforcing co-operation between international organizations.

In fact, the OSCE's contacts, especially with the Council of Europe and the United Nations Secretariat and agencies (in particular the UN High Commissioner for Refugees, UN High Commissioner for Human Rights, UN Economic Commission for Europe, UN Development Programme), and also with the North Atlantic Treaty Organization, the European Union, the European Commission, the Western European Union, the International Committee of the Red Cross, the International Organization for Migration, and subregional groupings have developed significantly in the past few years. Already in 1992, the participating States declared the CSCE to be a regional arrangement of the UN in the sense of Chapter VIII of the Charter of the United Nations. At the headquarters level, a framework for exchange of information and regular joint meetings and consultations has evolved (so called 2+2 Meetings with the Council of Europe, Tripartite Meetings with the UN and the Council of Europe, Target Oriented Meetings of experts in tripartite format, bilateral consultations, and mutual participation in events and seminars). Still more important, co-operation in the field has led to considerable development of exchanges and has translated into practical interaction and complementarity between international organizations. Specific operations, as in Bosnia and Herzegovina, where the Organization co-operates with SFOR and the Office of the High Representative, or in Albania, where the OSCE provides a co-ordinating framework within which other international organizations can play their part in their respective areas of competence, in support of a coherent international strategy, show that states, international institutions and organizations recognize the need to pursue this objective. Kosovo provides another significant example of close co-operation of the OSCE with international organizations.

The goal of further strengthening the interlocking and mutually reinforcing nature of co-operation between international institutions, and organizations concerned with the promotion of comprehensive security within the OSCE area, is reflected in the discussion of the Platform for Co-operative Security. This is one of the elements of the Charter. The aim of the Platform is to develop a concept for pragmatic synergies between the OSCE and other organizations in a non-hierarchical manner, also associating other international organizations and institutions with its work.

Non-governmental organizations, as well, have come to play a more active role in European security. The OSCE attaches great importance to its contacts with non-governmental organizations. For the Organization, NGOs are an important source of information on developments, particularly the human rights situation, but also environment, economy, and security matters. Simultaneously, the OSCE, through its commitment to development of civil societies, provides support to grass-roots organizations working on a wide variety of issues.

Since 1992, the OSCE has built its presence on the ground, assisting participating States in implementing OSCE commitments. OSCE field operations, one of the Organization's most important instruments, have been dispatched to deal with a wide range of issues, starting with assistance to the host country in dealing with specific questions, e.g. in the field of human rights, to reacting to early-warning signals, and to problems in areas of past, potential or actual conflicts. They offer an effective, timely and flexible response, according to their specific mandates. Currently the OSCE has missions and other field activities deployed in some 20 countries.⁵

At the same time, the OSCE has avoided creating a large permanent administration; it has a lean infrastructure and limited financial and human resources, and missions in the field are the main beneficiaries of those resources. The OSCE employs some 250 persons in its institutions and currently some 2,500 international employees working in the field. The proportion of funds for field missions in the OSCE budget lies at about 90 per cent. While holding on to the concept of flexibility and the emphasis on activities in the field, OSCE experience and the new challenges underscore the need to strengthen the operational capabilities of the OSCE. The new tasks and responsibilities the Organization takes on, and the sheer number and scope of its field activities, must be matched by the capacities of its permanent structures. This, of course, is a real balancing act: what is needed is strengthening without jeopardizing the flexibility that characterizes the Organization. Existing institutions should be strengthened to correspond to workload and responsibilities. With its existing framework of institutions the Organization can already address a wide range of issues from security issues pertaining to economic and environmental matters, to freedom of the media, human rights and democratization and minority issues, as well as arms control and confidence- and security-building measures. The process of strengthening the operational capability of the OSCE, including its Secretariat, which supports the

5 The Organization has missions deployed in Skopje, Georgia, Estonia, Moldova, Latvia, Tajikistan, Bosnia and Herzegovina, Croatia, and is building its Mission in Kosovo. In addition, an Assistance Group to Chechnya (Russian Federation), the OSCE Presence in Albania, the Advisory and Monitoring Group in Belarus, the Central Asia Liaison Office in Uzbekistan (an outpost of the Secretariat), and the OSCE Centres in Kazakhstan, Kyrgyzstan and Turkmenistan established in 1998, as well as the OSCE Project Coordinator in Ukraine (established in July 1999 after termination of the previous OSCE Mission to Ukraine, which completed its mandate), and the new OSCE Office in Yerevan, Armenia, carry out field activities.

work of the Chairman-in-Office and the OSCE missions, to enable it to cope with the new tasks has already begun. To ensure the Secretariat's preparedness with regard to the establishment of new missions, and to initiate and coordinate preparations and planning for specific missions at short notice, an *ad hoc* Co-ordination and Planning Group has been created. With the start of the KVM, a Situation Centre has been established, providing 24-hour a day support for the missions, while serving as a permanent link between them and the Secretariat, and a source of information for delegations of OSCE participating States. Other measures taken to strengthen the operational capabilities of the Secretariat include, for example, the development of an Information Systems Strategic Plan and a Strategy for Capacity-Building through Training, as well as the normalization of employment conditions for the OSCE staff.

The nature of tasks, and the large number of personnel in the field seconded by participating States for relatively short periods of time, point to the need for adequate preparation of staff members for their tasks. Induction training for new mission members has been developed. Follow-up mission-specific training for mission members takes place in the respective field operations, with specific focus on the main tasks outlined in their mandates and thus shaping their activities. Training is also a promising area for co-operation with other international organizations. Already in the Kosovo Verification Mission, a number of organizations have contributed to the induction training programme, by explaining their own mandate and role, but also in assisting in training on specific aspects such as human rights issues. A successful pilot project on training, the Joint Workshop on Human Rights Training of Field Missions, was co-organized by the Office of the United Nations High Commissioner for Human Rights, the Council of Europe, the European Commission, and the OSCE in July 1999.

The OSCE is indeed facing a great challenge in Kosovo. But it is not the only great challenge for the Organization - its broader regional role in South-eastern Europe, Central Asia and, eventually, in the Caucasus, its potential role in addressing democratization needs in Serbia, its role in dealing with "frozen conflicts" in other regions, and its role as a political forum for all countries, acting as equal partners, are among its many tasks. The Organization, active in all phases of the conflict cycle and in many geographical regions, has already proven its political and operational value. Its further development will depend on the willingness of the participating States to make it the instrument of choice when addressing threats and risks to security in Europe, while at the same time keeping it so maintained to be able to perform its task.