



ADDRESS

**by OSCE Chairman-in-Office, Dr Dimitrij Rupel
at the Conference of the American Society for International Law
Washington, 30 June 2005**

Ladies and Gentlemen,

It gives me great pleasure to address the American Society for International Law. I would like to use this opportunity to discuss with you the role of the OSCE in fostering security through co-operation in Europe.

Helsinki – Forging a Link between Human Rights and Security

Three decades ago, after more than two years of discussions in Geneva and Helsinki, a Summit of 35 Heads of State and Government was held in Helsinki. Billed as the biggest gathering of European leaders since the Congress of Vienna in 1814, this meeting brought together representatives of a world locked in an armed stand that looked like a zero sum game, but it was concluded with the signing of the Final Act on 1 August 1975.

The founding principles laid out in the Final Act were a trade off between East and West. The Communist bloc wanted recognition of the status quo, for example inviolability of frontiers and the territorial integrity of states. Western European and some neutral and non-aligned states inserted principle seven, namely respect for human rights and fundamental freedoms. An explicit link was forged between security and human rights. Progress on issues like arms control could only be made if there was also progress on freedom of expression, freedom of religion and respect for human rights.

No one could have anticipated how strong link would prove to be or how much the human rights commitments of the Final Act would inspire human rights activists to rise up and challenge their regimes to live up to their commitments.

As you may recall, President Ford was heavily criticized in the United States and Western Europe for taking part in the Conference on Security and Co-operation in Europe in 1975. He was accused of selling out to Brezhnev and signing an agreement that betrayed Eastern Europe. And yet, through some of the principles enshrined in the Act, a seed was planted that would grow so strong that it cracked the communist monolith.

People like Vaclav Havel, Andrei Sakharov, Yuri Orlov, and other brave dissidents made their leaders keep their promises. And in the process, the legitimacy of the totalitarian leaderships was undermined – ultimately fatally.

This process took years, and was not the original intention of the CSCE. The CSCE was designed to be a mechanism for dialogue and for building trust and security between states. In the 1970s and 80s the Helsinki process enabled all countries with a stake in European security to keep channels of communication open, and to reduce tensions.

In the 1990s, the OSCE helped to stabilize the New Europe during the after-shocks of communism's collapse. Inter-ethnic conflicts had to be prevented, new conflicts resolved, and democratic transition needed to be supported. As a result, the OSCE developed a new range of norms and instruments for supporting democratic institutions and human rights, protecting national minorities, and assisting free and fair elections.

During the three decades of dynamic change since 1975, the OSCE has set and monitored standards for acceptable behavior between and within states. It has played an important, yet often under appreciated, role in creating a peaceful system of domestic and international governance based on democracy and the rule of law.

Legitimate Intrusiveness

A key commitment was agreed in Moscow in 1991. In the so-called Moscow Document participating States – and I quote – “categorically and irrevocably declared that commitments undertaken in the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”. End of quote.

This means that in the OSCE context, human rights truly are everybody's business. States can no longer complain about external interference in their internal affairs when it came to upholding human rights standards. Jeopardizing human rights for the sake of security will breed discontent. Of course, new threats like terrorism challenge the conventional rules of the international system. But we can not let the fight against terrorism undermine democracy.

It is worth noting that the United Nations is currently trying to address the challenge of "the responsibility to protect". As the UN high level panel report points out, "the principle of non-intervention in internal affairs cannot be used to protect genocidal acts or other atrocities, such as large-scale violations of international humanitarian law or large-scale ethnic cleansing". Rwanda, Srebrenica and now Darfur have taught the world that we can not sit back and watch while thousands of people are killed. We have to intervene. We have a responsibility to protect. Of course, this is complicated, and part of the UN's reform process will be to see how the Security Council will authorize humanitarian intervention.

In this process, the UN may want to consider OSCE commitments and practice.

Take for example the so-called Moscow mechanism. Once this mechanism is invoked, participating States are obliged to respond to requests for information on a human dimension related situation, and can be visited by a panel of experts whose mission is to facilitate resolution of a particular question or problem relating to the human dimension of the OSCE.

This mechanism has been invoked in relation to Turkmenistan, and some states are suggesting that it should be used to seek clarification from Uzbekistan on the recent bloody events in Andijan. In this current case, where there is strong evidence that many people were killed in discriminate shooting by security forces in Andijan on May 13th, I must confess that we are reaching the limits of co-operative security: co-operation takes two sides. We may have to seek other means of exerting pressure on the current regime to live up to its international agreements

We need to act. States that agree to certain standards need to uphold those standards. If they have problems in doing so, they need support. And if they have violated commitments, they need to be made accountable.

States should not be allowed to break commitments with impunity. And empty rhetoric, either from the state concerned or the international community, is worthless. We need deeds to match our words, and that requires political courage. As President Ford said at the Helsinki Summit, history will judge us not by the promises that we make, but by the promises that we keep.

The OSCE has few enforcement mechanisms and its decisions are not legally binding. It is sometimes called a “soft” security organization based on “soft” jurisprudence. After all, it is an organization based on consensus and co-operation, not deterrence. Nevertheless, the OSCE is made up of States which individually and collectively can exert pressure. Furthermore, the OSCE does not stand alone. It is part of a network of international, European and sub-regional actors that have various ways of exerting positive and negative incentives. In short, it tries to appeal to the self-interest of the States concerned and to exert peer pressure. When that fails, other options are available.

The OSCE in a Changing World

Attention needs to be devoted to new threats to security that affect the whole OSCE area, issues like terrorism, organized crime, and trafficking. We also have to remain vigilant and determined in our efforts to stamp out all forms of intolerance.

The OSCE has specialized institutions assisting with freedom of the media, democratization, and national minorities. It has developed expertise in policing, counter-terrorism, anti-trafficking and border management. The OSCE also has 18 field activities which assist States in the activities designed to improve security and democracy.

After all, we should not be fooled into thinking that the OSCE area is progressing in a linear way towards becoming a zone of security, prosperity and co-operation. We should not be complacent about the Balkans. Many issues remain to be solved. We can not afford new “frozen” conflicts. The South Caucasus stands on the verge of major transition, with the opening of the new pipeline from the Caspian to Turkey and the recent agreement of Russian troop withdrawals from Georgia. But the situation in some parts of the region remains volatile, and there is a need for a new effort by the parties with strong support from the international community. Central Asia is fragile, made more so by continued instability in

Afghanistan. Economic development and increased regional security are vital, but hand in hand with greater democratization. Countries in transition, like Moldova, Belarus and Ukraine, need our support.

The bottom line in all of this work is that democracy, security, and good-neighborly relations need to be based on the rule of law. Strong governance is no substitute for good governance.

As an international community, we can not allow for a hierarchy of security over democracy. Democracy provides the basis of security. The two are inextricably linked.

Elections are an important litmus test for democracy. Many people have never heard of the OSCE, with the possible exception of the Organization's election monitoring activities. As an example, last year, in December, when Ukraine faced a severe internal crisis following the first round of presidential elections, more than one thousand OSCE monitors helped to restore confidence in the electoral process there. Earlier, the OSCE for the first time was invited to monitor a US presidential election.

For good reason, the OSCE is internationally respected for this work, to the point that it is asked by partners outside the OSCE area – for example by Afghanistan and the Palestinian authorities – to assist in their election processes.

We also need to consider the bigger picture of how EU and NATO enlargement affect pan-European security. We can not afford the re-emergence of spheres of influence or dividing lines in Europe. As you can see, there is much work to be done, and the OSCE has an important role to play.

A Modest Organization Strengthening Peace, Security and Justice

Ladies and Gentlemen,

While the threats may have changed in the past thirty years, the goal is the same, namely for the OSCE states to work together to strengthen peace, security and justice and to promote adherence to commitments and the solution of crises. I hope that this year's anniversary

events and the publicity that the OSCE is receiving through the high-level debate on its reform will generate a broader interest in an Organization that has a great deal to offer.

I am convinced that the OSCE will remain a crucial instrument guaranteeing stability in the wide area from Vancouver to Vladivostok. If we succeed in equipping it with more effective tools, investing the necessary political will and in strengthening its role within the Eurasian security environment, this will be to the benefit of all its participating States.

Thank you for your attention.