

3.4. “New Challenges on the OSCE Conflict Resolution Agenda”

Speech at the NATO Crisis Management Seminar 1995

Brussels, 27 March 1995

I.

Introduction

When I addressed the NATO crisis management seminar last year, I concluded with an outlook for the future. I stressed the importance of the decisions expected to come from the Budapest Summit. To underline the organic development of the CSCE, I would like to resume where I left off a year ago and speak about the new challenges that have emerged on the OSCE agenda since then and about our efforts to meet them.

The Budapest Summit held in December last year marked a new phase in the move towards new structures. The Conference on Security and Co-operation in Europe became the Organization for Security and Co-operation in Europe. The new name is meant to reflect the growth in activities that has occurred in the past few years as well as the participating States' belief in the “central role” of the OSCE in building a secure and stable OSCE community. But there is no reason to fear dramatic changes, as it was explicitly stated that the change in name “alters neither the character of our CSCE commitments nor the status of the CSCE and its institutions”.

Since the 1992 Helsinki Summit of the CSCE we have spoken about the challenges of change. For nearly half a century, we lived with East-West confrontation as the dominant issue in almost all problems ranging from local conflict to global economic relations. Now we are faced with a great number of problems, conflicts and crises, some of which are clearly local or regional. How can we assess these problems properly? What should be the yardstick for deciding what is important and where the international community should be involved? These problems escape generalized responses and call for more specific, case-by-case solutions. To find answers to these questions, we are all still in the process of adapting and developing instruments and institutions. The OSCE is no exception: we are trying to find our place, our role, our contribution in anticipating, preventing, managing and solving crises. But crisis management is not the key issue. The main political task today is to build new stability – stability based on civil societies everywhere in the OSCE area; stability based on developing structures of co-operative and comprehensive security. No national or international community will manage to live without tensions. But we must develop our capacities to defuse tensions before they degenerate into conflict. In this area we lack experience, and new thinking is required. That includes finding the right place for enforcement action or, in other words, developing concepts of conflict prevention that do not exclude enforcement but are no longer dominated by military options.

The Heads of State or Government at the Budapest Summit confirmed that “the CSCE will be a primary instrument for early warning, conflict prevention and crisis management in the region.”

This general political statement was accompanied by decisions that defined OSCE tasks in relation to concrete problems and crises. Of particular importance were the decisions concerning further OSCE efforts to find a solution to the Nagorno-Karabakh conflict.

The OSCE’s possibilities for conflict prevention and crisis management have been put to a serious test by the events in Chechnya. New OSCE activities aimed at solving problems of the past have been started in Estonia and Latvia. In the Balkans, the OSCE Mission in Skopje has been faced with an outbreak of violence, and our Mission in Sarajevo is helping to shape the new federal State. The Missions in Moldova and Georgia continue their efforts to find negotiated solutions. The geographical area of the OSCE’s activities in conflict prevention and crisis management lies, in principle, between Vancouver and Vladivostock, but at this point the OSCE is active in parts of the former Soviet Union and of the Balkans.

II.

Successful Conflict Prevention

The Helsinki Summit of 1992 called on the Russian Federation and the Baltic States “to conclude without delay, appropriate bilateral agreements, including timetables, for the early, orderly and complete withdrawal” of foreign troops from the territories of **the Baltic States**. Six months later at the Ministerial Council in Stockholm, the CSCE underlined its readiness to “remain engaged in the implementation of these provisions”. At the same time, the CSCE was seized with the problems of the large, in particular ethnic Russian minorities in Estonia and Latvia. Following an Estonian proposal, a resident mission was established in Tallinn “to promote stability and dialogue between the Estonian- and Russian-speaking communities in Estonia”.

At the beginning of 1993 the newly appointed High Commissioner on National Minorities paid his first visit to the Baltic States, and in November 1993 another CSCE resident mission started its work in Latvia.

These were the major steps marking the beginning of specific OSCE contributions to developing comprehensive stability in the Baltic region. The withdrawal of the former Soviet troops and the integration of groups of the non-ethnic population living in the Baltic States were two issues that had to be resolved to secure the sovereignty and independence of these States.

Thus, CSCE preventive diplomacy was first tested in the Baltic region. The OSCE was confronted with the difficulties and challenges involved in preventive action, but now, after three years, OSCE efforts are starting to bear testimony to the potential for success of such measures. Last year witnessed the conclusion and implementation of

agreements providing for the complete withdrawal of Russian troops from the Baltics. As it turned out, a number of transitional problems had to be solved as well, and the parties asked the OSCE for its help.

In Estonia the OSCE was requested to appoint a representative to the Governmental Commission on Military Pensioners, which had to decide on the very difficult status problems of these persons. In Latvia, OSCE assistance covers further areas. The OSCE has been asked to monitor the implementation of the agreement between Latvia and the Russian Federation on the Skrunda radar station during its temporary operation by Russia and its final dismantling. The OSCE will, through its representative to the Joint Committee established by the Parties, participate in discussing the implementation problems of the Skrunda Agreement. By conducting periodic on-site inspections, the OSCE will monitor the implementation of the Agreement. As in Estonia, the OSCE was invited to appoint a representative in Latvia to assist in the implementation of another withdrawal-related agreement – that on the social welfare of retired military pensioners and their family members. The Joint Committee on military pensioners has already met four times and has begun discussing the first individual cases brought before it on appeal.

The OSCE has recently been involved in defusing a potentially explosive problem relating to the Russian military officers who were supposed to leave the country but continue to reside there illegally. It should be noted that both Russia and Latvia have displayed moderation in dealing with this matter. Extreme measures such as expulsions have so far been avoided. Informal discussions have taken place in Vienna and elsewhere, with OSCE assistance. The Parties have been encouraged to make full use of the advice and good offices of the OSCE, and, although the issue has not been completely resolved, more time has been allowed to find acceptable solutions.

Through its most visible action in Latvia and Estonia, i.e. its resident missions, the OSCE has contributed to the solution of problems relating to the status of non-citizens and the integration of non-native speakers. Thus, tensions that had been troubling the relations between the Baltic States and Russia were defused. The gravity of the problems can be illustrated by recalling the rhetoric of the Russian-Estonian exchange on this issue in Spring 1993. There is a long list of specific problems on which the OSCE has acted in the past two years, both through its missions and with the help of the High Commissioner on National Minorities. Recently, one of these problems concerned the new citizenship law adopted in Estonia in January 1995. The High Commissioner was able to express his views on this law at an early stage of its elaboration. Similarly, he expressed his views on the Latvian draft law on non-citizens while this was under consideration by the Latvian Parliament earlier this year. The OSCE was also involved in finding solutions to the problem of non-citizens travelling abroad and, in particular, crossing the border between Estonia and Russia.

The OSCE has tried to attract international attention to and resources for language training as a key to the integration of non-native speakers into Estonian and Latvian society. At the same time, in connection with the citizenship law adopted in Latvia in July 1994, the High Commissioner expressed his concerns over the far-reaching language requirements. The OSCE Mission in Latvia is therefore in close contact with the Naturalization Board responsible for language testing in the naturalization process

and, with the consent of the Latvian authorities, is using its Mission members to monitor language examinations. The OSCE experience in Estonia and Latvia shows that in such situations, broad and flexible mandates are useful to defuse problems that are directly or indirectly interrelated.

Such conflict prevention activities imply not only political persuasion as well as occasional mediation, legal and administrative advice and verification missions, but above all close contacts with the local partners to encourage political dialogue.

Clearly, the OSCE's role can be successfully played only with the most active political and material support of the OSCE States. It is enough to note that the OSCE does not have an inspectors' corps of its own to send to the Skrunda site. These will be experts proposed, delegated and trained by the participating States.

As progress is made in developing solutions to the problems of the past, and as more specific tasks are given to the OSCE concerning military pensioners from the Russian forces and monitoring the Skrunda Agreement, the time will come when Resident Missions might be reduced. Together with the parties, finding the right timing for reducing and, eventually, transforming or ending a mission will be very important for the credibility of OSCE preventive diplomacy.

The Baltics are just one example of how OSCE missions on the ground pursue preventive tasks. Apart from the OSCE field missions, it is the High Commissioner on National Minorities who epitomizes the OSCE's preventive effort. Mr. Max van der Stoep's mandate is to assess and, where possible, defuse at the earliest possible stage tensions involving national minority issues which have the potential to develop into a conflict in the OSCE area. His portfolio of involvement has grown significantly. It is sufficient to name the countries where he remains engaged: Albania, Kazakhstan, Kyrgyzstan, Estonia, Former Yugoslav Republic of Macedonia, Hungary, Slovakia, Romania, Latvia and Ukraine. He has also studied the situation of the Roma. His rapidly increasing activities underscore the crucial importance of questions related to national minorities for the maintenance of stability in the OSCE area.

The long-term promotion of stability through the High Commissioner is, however, a great challenge. As time goes on, some may feel disappointed, having hoped for quick and far-reaching results. Some may feel uncomfortable at having been exposed to constant attention and pressure. Such frustration or disappointment may jeopardize the High Commissioner's efforts. The necessary countermeasure is the unequivocal, clear and visible support for his efforts by the OSCE participating States. It is important that the parties concerned feel, behind the High Commissioner's involvement, the full political weight of the OSCE community as a whole and of each and every participating State.

III.

Conflict in the Russian Federation (Chechnya)

Several days after the Budapest Summit, the war in Chechnya broke out. Although it was clearly an internal conflict, the international community wanted to make direct contributions to solving it. As OSCE commitments were violated, the OSCE had formal reasons to become involved. One possibility was the activation of OSCE mechanisms, but these mechanisms are not very flexible and can easily lead into blind alleys. However, the Budapest decisions had strengthened the mandate of the OSCE Chairman-in-Office, Hungarian Foreign Minister Laszlo Kovacs. After close consultations, he decided to offer the Russian Federation direct OSCE support.

The OSCE's role was not questioned. It has a formal mandate to intervene in conflicts involving human rights abuses. The Helsinki Summit of 1992 had reiterated that "the commitments undertaken in the field of human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned". Furthermore, the Code of Conduct on Politico-Military Aspects of Security, adopted at Budapest, was also an important point of reference. Russia had to account for the implementation of its provisions, in particular those relating to the use of armed forces in internal conflicts.

The Hungarian Chairman established direct contacts with the Russian authorities. Russia confirmed that there was a basis for OSCE involvement and agreed with the OSCE presidency on undertaking co-operative action to help solve the problems. Acting through his Personal Representative, Ambassador Istvan Gyarmati, the Chairman promoted the concept of an active OSCE role in the stabilization of the region. Through a number of visits to Moscow and the area of conflict, and in close co-operation with the Russian authorities, a step-by-step approach for OSCE support was developed.

The OSCE Permanent Council decision of 3 February spelled out details of the OSCE's long-term operational involvement. The resolution was also important in a political sense, expressing with Russia's consent the commonly shared concern over "disproportionate use of force by the Russian armed forces".

Another OSCE mission, which travelled to Moscow and Chechnya between 22 February and 1 March, helped to formulate the most immediate tasks before the OSCE. These were to facilitate delivery of humanitarian aid, to undertake new efforts for preventing human rights violations, to help re-establish governance and rule of law in the war-torn areas, and to prepare free elections. In talks between President Yeltsin and Hungarian Prime Minister Horn, Russia accepted the necessity of a "permanent" OSCE presence in the region to carry out these tasks. President Yeltsin also accepted "an OSCE presence" in efforts to achieve negotiated solutions.

Throughout the crisis the OSCE has underlined the co-operative character of any OSCE action. Persuasion and encouragement, as well as enlightened self-interest, elicited positive Russian responses, as no one has been in a position to impose a course of action on Russia. It was important that the actions of the Hungarian Chairmanship were coupled with the visible political support of the OSCE participating States.

As the war goes on, there has of course been considerable public pressure for early and tangible results of OSCE action. But we must assess our possibilities realistically. Russia has come a long way. The possibilities for concrete action are improving. The

prospects are good that OSCE involvement will make a difference, unfortunately not today but – hopefully – tomorrow. The precedent will be important.

IV.

Challenges of Crisis Management

South Ossetia in Georgia and Transnistria in Moldova are two areas of conflict where cease-fires have been established, essentially with the help of Russian forces, and where the OSCE, through a permanent presence on the ground, tries to facilitate political settlements.

In Moldova the central issue is the Transnistrian status within Moldova. Almost one year ago (28 April 1994), following the good offices of the OSCE and Russia, the Moldovan President and the Transnistrian leader met for intensive talks and confirmed their resolve to seek a comprehensive solution to the problems. The progress towards settlement is, however, very slow. With continuing OSCE and Russian support, the political dialogue at the highest level continues. The last summit meeting took place on 15 February 1995, and working-level contacts are in progress. A concept for Transnistria's status inside Moldova has been developed by the OSCE Mission and has been accepted as a basis. Still, despite periodic encouraging signals, no major political compromise on the issue has yet been registered.

A new element is the intention of Ukraine to contribute more actively to the settlement. This could offer further incentives for a balanced political solution.

The conclusion of an agreement on the withdrawal of the 14th Russian Army from Moldova in October last year was an important achievement both for Russia and Moldova. Still, the agreement is opposed by the Transnistrian leaders, and the Russian Duma has not yet ratified it.

The decision of the Transnistrian authorities to hold a special referendum in that area on the withdrawal of the 14th Army was an unfortunate development. It will not contribute to the solution of the problem. It was encouraging to hear the Russian Representative in Vienna state that the Referendum can by no means influence Russia's determination to proceed with troop withdrawal as agreed.

The OSCE was approached by the Government of Moldova to consider monitoring the withdrawal. But this idea can be followed up only if it is shared by the Russian Federation. Whatever the results of this initiative may be, it is important to note also in this context the potential of general consultation in the Permanent Council. The Budapest Summit clearly strengthened this function by explicitly declaring the OSCE as "a forum where concerns of participating States are discussed, their security interests are heard and acted upon."

Observers are reserving their predictions concerning prospects for settlement, while awaiting the results of local elections in Transnistria. Notwithstanding the future political option in Transnistria, clear signals from individual members of the OSCE

community are of importance in helping to put the parties in a mood for compromise. Some of the OSCE members have a special potential in this regard. Their use in the OSCE framework can overcome the limitations of the OSCE contribution as such.

What can be said about the OSCE Mission to Moldova as of today? The OSCE helped to stabilize the political situation and eliminate the danger of a recurrence of violence. It helped to bring the parties to the table and to create a good climate for dialogue, and also helped to develop a basis for negotiation. More could not be expected from the most professional mediator. Setbacks are unavoidable and it is important that we not be discouraged.

V.

Preparing for the first OSCE Peacekeeping Operation

The Helsinki Summit of 1992 accepted that the CSCE could conduct peacekeeping operations. In a way, the OSCE resident Missions have tasks similar to peacekeeping, but they are small in size, numbering fewer than 20 people, and they are not regarded as peacekeeping operations. But in Budapest the OSCE Heads of State or Government declared their political will to provide “a multinational CSCE peacekeeping force” in the area of the Nagorno-Karabakh conflict.

The 1992 Helsinki Summit decisions strongly underlined that peacekeeping is not an end in itself but a “complement” to a political process of conflict resolution. In the Nagorno-Karabakh conflict, therefore, the necessary political requirements must also be met before a peacekeeping operation is launched. This implies above all political agreement on the cessation of the armed conflict. The OSCE, through the framework of the Minsk Group, is promoting such agreement. Decisions adopted in Budapest on the establishment of a Swedish-Russian co-chairmanship of the Group allowed for effectively incorporating the efforts of the Russian Federation into the OSCE framework. But among the parties, layers of mistrust and suspicion created by the protracted conflict still exist. The Azeris are afraid that peacekeeping may freeze the present situation on the ground, whereas the Nagorno-Karabakh Armenians are worried that if they retreat from territory they hold without credible international guarantees, they will be exposed to retaliation. Periodic outbursts of fighting make the situation even more fragile. Such internal instabilities threaten the continuity of the peace process.

To prepare the operation properly is a major challenge. It is a serious test of the OSCE’s ability to conduct large-scale operations, which may also affect its future roles.

A special High-Level Planning Group was established to elaborate the characteristics of the force, its command and control, the allocation of units and resources, the rules of engagement and other practical arrangements. As there is no OSCE experience in this field, the group is carefully studying United Nations experience, so as to learn from its lessons while avoiding certain shortcomings.

Financing the operation is another complex task. We must realistically assess possible costs, while trying to keep them as low as possible. Using in-kind contributions provided by participating States would allow actual costs for the OSCE to be significantly reduced.

It is difficult to say at this point precisely what the annual costs will be. By UN standards, an operation three-thousand strong would go far beyond the \$100 million level. We must develop arrangements for distributing these costs among participating States and raising the required funds. Unlike the United Nations, the OSCE has neither reserves nor credit, so we must also ensure cash liquidity from the very beginning.

But in the final analysis, it will be the people on the ground who determine the success of the operation. We need firm pledges of personnel; we need the willingness to provide people with the necessary professional abilities – and this in a combination that would be acceptable to the parties.

The operation will only be possible with the consent of the parties. Thus, before a decision on deployment is taken, the parties must address a formal request to the Chairman-in-Office. An appropriate resolution by the United Nations Security Council is another prerequisite. Continuing political support by the United Nations Security Council has been given to the OSCE's efforts throughout the period of its involvement. It is a good example of how successfully a synergy of efforts between the UN and a regional arrangement can be put in place.

Sharing the technical expertise gained by United Nations is an example of how mutually supportive co-operation among international organizations can be ensured. Eventually, the North Atlantic Treaty Alliance and associated structures such as the NACC and Partnership for Peace could also render such assistance to the OSCE, as explicitly foreseen in the Helsinki 92 Decisions. The NACC has been conducting advanced conceptual explorations of various aspects of peacekeeping, and the 1993 Athens Document has helped to advance thinking on the subject. Is the time ripe for discussing possibilities of utilizing this potential for the OSCE's practical needs? I think it is clear that this is a highly political, not a technical problem, and the OSCE, as such, can hardly address it.

VI.

Some Conclusions

I have concentrated on only some of the OSCE conflict prevention and crisis management activities. One which I have mentioned in passing and which extends beyond crisis management to post-conflict rehabilitation is the OSCE mission to Sarajevo's support for the activities of three Ombudsmen in the Bosnian-Croat Federation of Bosnia and Herzegovina. The Ombudsmen were appointed by the Chairman-in-Office in January this year. So far they have heard almost 1000 claimants and registered 118 cases involving 325 persons. Their activities are a modest but increasingly tangible contribution, on at least some part of Bosnian territory, toward healing the wounds caused by a war of inter-ethnic relations.

The OSCE's role and capabilities in early warning, conflict prevention and crisis management have been enhanced by the further development of political dialogue within the framework of its newly established Permanent Council. More support is being extended to the Missions, and the Conflict Prevention Centre has been consolidated as a supportive structure.

Another important event was the entry into force of the Convention on Conciliation and Arbitration within the OSCE. The Convention Court will soon be established in Geneva.

The Warsaw Office for Democratic Institutions and Human Rights makes its contribution to conflict prevention through long-term programmes to consolidate civil societies in conflict-prone areas.

The OSCE's relationship with the United Nations is based on the OSCE's status as a regional arrangement under Chapter VIII of the United Nations Charter. This is increasingly understood as meaning the "OSCE first", wherever the OSCE has the appropriate potential. In this way, the OSCE is also responsive to calls for alleviating the burden of the UN. This "OSCE first" approach is accompanied by the possibility for OSCE States, in exceptional circumstances, to decide jointly to refer a dispute to the UN Security Council on behalf of the OSCE.

It is important that the primary responsibility of the United Nations for the maintenance of international peace and security, as enshrined in the UN Charter, be fully respected. But every organization should keep its specific character and autonomous role. Hierarchies do not seem to serve the purpose of effective co-operation. International organizations have the same ultimate contractor – their member States. A variety of organizations working on a problem can be an asset, provided the effort is carefully co-ordinated.

In this sense, there is no room for "rivalry" or "competition" among regional organizations. At least, such an approach is alien to the OSCE. The Budapest Summit "decided to pursue more systematic and practical co-operation between the OSCE and other regional and transatlantic organizations that share its values and objectives".

The UN Secretary General's initiative in convening a meeting of regional organizations at the UN Headquarters, which took place on 1 August 1994, deserves to be followed up. One of its conclusions was that it would not be appropriate to try to establish a universal model for the relationship between regional organizations and the United Nations. Each organization should develop its own model for relations with the UN. This will clearly be different for NATO and for the OSCE. Timely and clear allocation of tasks among them is the central issue. The member States of organizations should facilitate this process. Particularly in the case of the OSCE, the comparative advantages lie in preventive diplomacy and post-conflict rehabilitation.

As the discussions on NATO expansion and on the security model for the twenty-first century proceed, it will be better understood that the relationship between various organizations, including the OSCE and NATO, is not a "zero balance" game. It could

be argued that the stronger and more efficient the OSCE, the easier it will be for all OSCE participants to see the Atlantic Alliance as an indispensable element of a lasting and peaceful order in the OSCE area. A strengthened OSCE, with its democratic principles and all-inclusiveness, and by making credible contributions to crisis management, could neutralize the dangers of new divisions and barriers.

This strategic complementarity of roles is supplemented by a variety of possible fields of practical co-operation. Chapter II of the Helsinki Document 1992 and the decisions adopted at the NATO 1992 Oslo Summit on co-operation in peacekeeping is one area which still awaits exploration. There may well be many other practical means of ensuring better information, consultation, mutual political support, operational assistance, and the sharing of experience, expertise and knowledge. But this requires a political basis – one which unfortunately has not yet been created.

All of our institutions form the fabric of what the Commission on Global Governance called in its report an “international civil society”. It is our shared responsibility to make that society closer-knit and better able to deal with instabilities. This cannot be achieved by any one organization. Mutually reinforcing co-operation is the key to better results.

Thank you for your attention.