

From the CSCE to the Organisation for Security and Cooperation in Europe (OSCE)

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Last updated: 08/07/2016

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The new order in post-Communist Europe

After 1989, the collapse of the Communist regimes in Eastern Europe and the end of the East-West political divide transformed the workings of the Conference on Security and Cooperation in Europe (CSCE) and brought about a radical change in its working methods.

The USSR abandoned the 'Brezhnev doctrine' which, since the invasion of Czechoslovakia in 1968, had curtailed the sovereignty of the Soviet satellite countries in the interests of world socialism. All countries were now free to choose their own route to reform. Taking up the idea of a 'common European home', Gorbachev accepted the values of Western liberalism as universal and, three weeks after the fall of the Berlin Wall, suggested that a CSCE summit be held to review the new situation in Europe. The Member States of the European Community agreed. The USA, rather more cautiously, agreed to the holding of a summit only on condition that this would simply be a meeting to prepare for a subsequent summit and that the Treaty on the Reduction of Conventional Armed Forces in Europe (the CFE Treaty) would be signed at the summit between the NATO countries and the members of the Warsaw Pact.

Two cities, Vienna and Paris, were keen to host the summit, and on 5 June 1990, the Foreign Ministers of the CSCE countries decided that a committee would meet in Vienna from 10 July onwards to make preparations for the summit, which would be held in Paris. Midway through this process, it was also decided that a ministerial meeting would take place in New York to evaluate the progress of the preparations. That ministerial meeting, held on 1 and 2 October 1990, was followed by a final communiqué which confirmed the agenda and date for the summit, set by the preparatory committee, and underlined the CSCE's links with America and the importance of the CFE Treaty being signed during the summit.

The new stage of the CSCE was closely connected with a settlement of the German question and with the talks being held between the four Allied Powers which had drawn up the Potsdam Agreement (USSR, USA, UK and France) and the two German States (the FRG and GDR) with a view to German reunification.

Unwilling to see Western security arrangements continue, with a reunified Germany becoming part of NATO, the USSR was prepared to accept reunification only on condition that a new pan-European security system was set up in the form of a new and institutionalised CSCE. The German Chancellor, Helmut Kohl, keen to secure reunification without compromising West Germany's membership of NATO and the European Community, was supported by US President George Bush. The Americans then suggested cooperation with the USSR on a huge scale but subject to a whole raft of conditions: respect for human rights and the holding of regular and free elections, respect for the German people's right to self-determination, respect for the role of the USA in European security, and retention of Western security structures. They acknowledged the need to frame a new pan-European security system based on a stronger CSCE and on the EEC and, above all, on a more defensively oriented NATO.

The USSR ultimately agreed to reunification as part of an international agreement by the Four Powers and the two German States which guaranteed once and for all recognition of the Oder-Neisse Line and Germany's renunciation of nuclear, biological and chemical weapons. The 'Two Plus Four' Treaty was signed on 12 September 1990 as an extension of the Potsdam Agreement. Sanctioned in this way as part of the European order, German reunification became a reality on 3 October 1990, peacefully and democratically, in accordance with the principles of the Helsinki Final Act.

The Charter of Paris for a New Europe, signed on 21 November 1990, subsequently formalised the new European order as part of an institutionalised CSCE. To complete the process, the CFE Treaty, the culmination of the mutual and balanced force reduction (MBFR) talks ongoing since 1973 between the member countries of the Atlantic Alliance and the Warsaw Pact, was signed during, and on the margins of, the Paris Summit. The 22 members of both organisations gave a solemn commitment that, at the start of a new era in European relations, they would forge new ties of partnership, undertaking to work together with the other States involved in the CSCE in order to achieve enhanced stability and security in Europe.

Thus the text of the Charter of Paris, through a whole series of references to these parallel agreements, drew a line under the consequences of World War Two and formally put an end to the division of Europe. In the text of the Charter of Paris, the States participating in the CSCE welcomed the Joint Declaration of 22 States on the improvement of their relations; they welcomed the signing of the CFE Treaty by 22 participating States; they noted with great satisfaction the Treaty on the Final Settlement with Respect to Germany signed in Moscow on 12 September 1990 and sincerely welcomed the fact that the German people had united to become one State in accordance with the principles of the Final Act of the Conference on Security and Cooperation in Europe.

The Charter of Paris for a New Europe

After a separate ceremony to mark the signing of the CFE Treaty, the CSCE Summit was held in Paris from 19 to 21 November 1990. It ended with adoption of the **Charter of Paris for a New Europe** by the Heads of State or Government of the 34 States participating in the CSCE who, significantly, also included the President of the Italian Government in his capacity as President-in-Office of the Council of the European Communities, and by the President of the Commission.

Like the Helsinki Final Act, the Charter of Paris was not a treaty. It was a new political undertaking based on consensus amongst the participating States. Unlike the Helsinki Final Act, however, the Charter of Paris was more than a code of conduct and a blueprint for negotiation. Its moral force derived from the signatories' common endorsement of the **shared values** of the new 'free and undivided' Europe (human rights, representative and multiparty democracy, economic freedom, social justice, concern for the environment). Moreover, it abandoned the straitjacket of the 'three baskets', setting out an ambitious **work programme** in a whole range of areas, backed up by clearly defined mechanisms. Henceforth, the different dimensions of security would complement one another, forming an indivisible whole. In short, the Charter of Paris institutionalised the CSCE by creating a whole series of political advisory bodies, specialist institutions and a secretariat.

The Charter of Paris saw itself as the expression of a pan-European and transatlantic link, binding the signatory States to each other and defining their relationship of peaceful solidarity with the rest of the world. In this way, the reshaped CSCE spanned all areas of cooperation in Europe in a network which drew together all existing international agreements and all organisations operating on the continent of Europe. In each field of cooperation (humanitarian, military, economic, etc.), the CSCE acknowledged the role of the appropriate international organisations and emphasised the need for efficient coordination of their activities and the devising of methods which would enable all CSCE States to take part. In addition, the CSCE undertook to involve non-governmental organisations, faith and other groups and individuals in its work and in its new structures in whatever ways were appropriate.

The management of change

But the optimism of the Charter of Paris for a New Europe, which proclaimed that 'the era of confrontation and division of Europe has ended', was soon to fade, as the former Communist countries struggled to make the transition to democracy and a free market economy and as Yugoslavia erupted into bloody ethnic war, with particularly tragic results in Bosnia-Herzegovina. The programme and machinery of the Charter of Paris proved inadequate to prevent and resolve the humanitarian, political, economic, environmental and other crises which posed a threat to security and stability in Europe, along with the nuclear threat and conventional military-style clashes between States.

Two years after the Paris Summit, at the follow-up meeting scheduled for 1992 in Helsinki, the Heads of State or Government held another summit 'to review recent developments, to consolidate the achievements of the CSCE and to set its future direction.' They saw themselves faced with new challenges and new opportunities, but also with serious difficulties and disappointments. Change had been achieved, but, in future, it would need to be 'managed'. To this end, they approved the 'Helsinki Decisions', a comprehensive programme of coordinated action to intensify cooperation and make it more effective. The CSCE equipped itself with new institutions and structures and focused its programme on early warning, conflict prevention and crisis

management. The CSCE also became a **regional arrangement in the sense of Chapter VIII of the Charter of the United Nations** with a view to constituting an important link between European and global security.

In the Summit Declaration, the Heads of State or Government announced that a ‘review conference’ would be held in Budapest in 1994 ‘on the basis of modalities of the Helsinki Follow-Up Meeting’. In future, review conferences (formerly known as follow-up meetings) would precede meetings of the Heads of State or Government which would themselves end with the adoption of ‘a decision-oriented document’ agreed at the highest level.

1991 and 1992 were particularly important years for the development of the CSCE. Its geographical coverage did not change, but the successive admission, as participating States, of Albania, the three Baltic States and the former republics of the USSR plus Yugoslavia and Czechoslovakia broadened and hugely diversified its membership. Faced with numerous issues of national minorities, refugees and displaced persons, reconciliation and reconstruction, etc., the CSCE started to concentrate on operations on the ground, deploying its first three missions of long duration (Kosovo, Sandjak and Vojvodina).

The review conference held in Budapest from 10 October to 2 December 1994 changed the CSCE’s name to ‘Organisation for Security and Cooperation in Europe’ (OSCE) with effect from 1 January 1995 but without in any way altering either the nature of the CSCE’s commitments or the status of its institutions, as the Summit Declaration was at pains to point out. The position of Russia, which was eager to see the CSCE transformed into a true international organisation with legal personality and responsible for coordinating all the regional security organisations, was again resisted by the USA, which wished to see the role of NATO preserved. However, the development of permanent structures and an increasing number of missions on the ground in fact radically altered the identity of the CSCE, underscoring its transformation into a flexible and operational international organisation.

In the Budapest Summit Declaration, the Heads of State or Government of the participating States, guided by ‘the CSCE’s comprehensive concept of security and its indivisibility’, reaffirmed their wish to build a ‘genuine security partnership amongst all participating States, whether or not they are members of other security organisations’. They defined the CSCE as a ‘security structure embracing States from Vancouver to Vladivostok’ and agreed that the CSCE would be ‘a primary instrument for early warning, conflict prevention and crisis management in the region’. Work would be continued on issues relating to further institutional development of the CSCE, including the strengthening and rationalisation of its instruments and mechanisms. In its organisational development, however, the CSCE would remain ‘flexible and dynamic.’ Looking to the Lisbon Summit in 1996, the participating States decided to begin discussions on a model of common and comprehensive security for the 21st century.

A model of common and comprehensive security

On 2 and 3 December 1996, the Heads of State or Government of the participating States held their first ‘OSCE Summit’ in Lisbon.

Reflecting the determinedly operational approach of the OSCE, the Lisbon Summit Declaration highlighted the organisation’s main role as a primary instrument for early warning, conflict prevention, crisis management *and post-conflict rehabilitation capabilities*, a new and key area of **security cooperation** based on the mutually reinforcing efforts of [...] European and transatlantic institutions and organisations. The Declaration reviewed all the OSCE’s missions on the ground and referred repeatedly to the organisation’s ability to ensure that full use was made of the various forms of interaction with regional, subregional and even transborder cooperative initiatives.

The priorities, concepts and principles emerging from the Summit Declaration were formally set out in the *Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century*. Starting from these concepts (a common security ‘space’, comprehensive and indivisible security, joint cooperative action), the aim was to build a **security model**. The agenda for this would include defining, in a platform for cooperative security, procedures for cooperation between the OSCE and other security

organisations and might perhaps lead to the development of a Charter on European Security which could serve the needs of the new century.

The Istanbul Summit held on 18 and 19 November 1999 saw the adoption of the *Charter for European Security* which sought to strengthen security and stability in the OSCE region and improve the organisation's operational capabilities. With a view to working closely with the other international organisations and institutions, the platform for security cooperation was adopted as an integral part of the Charter. Following on from the Lisbon Declaration, the Istanbul Declaration listed all the OSCE's missions on the ground, efforts being undertaken and planned and the specialist OSCE and partner organisations involved. It also reiterated the importance of ratification so that the treaties signed in the context of the OSCE — the adapted Treaty on Conventional Forces in Europe (CFE) and the Open Skies Treaty — could enter into force. The Agreement on Adaptation of the first Treaty, in force since 9 November 1992, is still in the process of being ratified. The second came into force on 1 January 2002.

These two treaties, together with the 1992 Stockholm Convention on Conciliation and Arbitration within the CSCE — as well as numerous links to related organisations which themselves have legal personality, plus constant references in OSCE texts to existing international law instruments — mean that the OSCE has bases in law through its external and global dimension. By giving priority to specific and effective measures, regardless of whether or not the commitments that underlie them are binding or not, the OSCE acts as an intercontinental security coordinator and functions de facto as a fully-fledged international organisation.