

'Christopher Anstis: CSCE mark II: Back to Helsinki from Paris via Berlin and Prague' from the NATO Review

Caption: In an article published in April 1992 in the NATO Review, Christopher Anstis, Director of the International Security Policy and CSCE Affairs Division at the Canadian Department of External Affairs, analyses the changes in the Conference on Security and Cooperation in Europe (CSCE) after the 1990 Paris Summit, with particular regard to its structures and its composition, and draws attention to the difficulties involved in the introduction of the CSCE's own crisis management and conflict prevention mechanism, which would entail, among other things, the establishment of a 'consensus minus one' procedure.

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CSCE mark II: Back to Helsinki from Paris via Berlin and Prague

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Although the Conference on Security and Cooperation in Europe (CSCE) began in Helsinki scarcely 20 years ago, its origins go back many decades, in fact to the 1930s, when the Soviet Commissar for Foreign Relations, Maxim Litvinov, tried to set up a collective security system in Europe. The Soviet Union had intended such an arrangement when it began to call for a European Security Conference not long after the second World War, but the result - the CSCE - turned out differently, the NATO Allies insisting on giving practical expression to the rights of citizens to leave their countries and freely return, as well as to impart and receive information.

These provisions, at the heart of Basket III of the Helsinki Final Act signed by Heads of State and Government in 1975, reflected the fundamental differences which then divided Europe into East and West. Freedom of movement and wider diffusion of information were themes that dominated CSCE meetings for years, inciting bitter debate - to the point that commentators often wrongly referred to the CSCE as "that human rights meeting". But like virtually all the other *constants* in the European security scene, this pyrotechnic debate was fundamentally transformed by the revolutions of 1989. Europe changed and the CSCE had to change too.

A new CSCE

That was the message of the *Charter of Paris for a New Europe* adopted by the CSCE Summit Meeting in November 1990.⁽¹⁾ It contained the blueprint for "A New Era of Democracy, Peace and Unity" and it provided for "New Structures and Institutions of the CSCE Process". The aim was to promote a "new quality of political dialogue and cooperation" through "the intensification of our consultations at all levels..."

In the Paris Charter, the Heads of State and Government agreed to meet in Helsinki at the CSCE Follow-up Meeting in 1992 (now set for July 9-10) and on the occasion of subsequent follow-up meetings. They also established a Council of Ministers of Foreign Affairs and a Committee of Senior Officials to prepare meetings of the Council and to act as its agent.

In recognizing that the CSCE process had already contributed significantly to overcoming the division of Europe, NATO Heads of State and Government, meeting in Rome in November 1991, acknowledged the recent changes in the CSCE: "As a result of the Paris Summit, (the CSCE) now includes new institutional arrangements and provides a contractual framework for consultation and cooperation that can play a constructive role, complementary to that of NATO and the process of European integration, in preserving peace".⁽²⁾

CSCE finds a home

Senior officials from the CSCE participating states soon began to meet frequently in Prague, where the new CSCE secretariat was established. Their meetings were held in the elegant Cernin Palace, which houses the Foreign Ministry. Last fall, for example, senior officials were convened on several occasions by the Chairman-in-Office of their Committee (at that time Germany) to consider the situation in Yugoslavia under the "Mechanism for Consultation and Cooperation with Regard to Emergency Situations", which had been adopted at the first meeting of the Council of Ministers in Berlin in June 1991. They also began to prepare the second meeting of the Council, which was to convene in Prague as well.

The Prague Council

Ministers met on 30 and 31 January of this year, continuing their route from Paris via Berlin and Prague back to Helsinki for *CSCE Mark II*. At the Prague Council, they agreed to a draft summary of conclusions of their proceedings (including an extensive statement on the situation in Yugoslavia), and they adopted the

"Prague Document on Further Development of CSCE Institutions and Procedures", intended to serve as guidelines for negotiators at the CSCE Helsinki Follow-Up Meeting that began in March this year. They also issued a "Declaration for Non-Proliferation and Arms Transfers". Non-Proliferation is a relatively new area for the CSCE; this declaration, which reinforces UN actions in the same field, was the result in part of a Canadian initiative.

These documents had been drawn up by the Committee of Senior Officials (CSO) and an *ad hoc* working group that it had appointed, but only after difficult negotiations, often lasting well beyond midnight - sustained by lashings of sausages and beer laid on by generous Czech and Slovak hosts. In accordance with the Paris Charter, the objective of this work was to provide recommendations to Ministers on ways to further develop CSCE institutions and structures - for the most part, how to improve the capability of the CSCE to deal with crises and to prevent and resolve conflicts - in other words *security management*.

The task not only involved conceptual work in drawing up a list of instruments for security management; it also touched on related and sensitive questions such as how to modify the sacrosanct CSCE rule of consensus and how to take action to protect human rights, democracy and the rule of law.

New CSCE states

These questions were all the more critical in that they involved many of the new states knocking at the door to join the CSCE - former republics of what had been the Soviet Union and Yugoslavia. The Russian Federation was quickly accepted by the Conference of Senior Officials, temporarily taking the place of the Soviet Union, but accession to the CSCE was more problematic for the 11 other former Soviet republics (recalling that the three Baltic States joined the CSCE at the Moscow Meeting on the Human Dimension in September 1991), and for those republics that had declared their independence from Yugoslavia.

As it turned out, Ministers agreed, at an informal meeting before the Council opened on 30 January, to welcome ten former Soviet republics into the CSCE (leaving out only Georgia, which was plagued by civil strife). Along with the Russian Federation, these new states agreed in a letter drafted by the CSO to abide by CSCE commitments and in this regard to invite a CSCE rapporteur mission to visit their countries.

They also conceded that their territory would fall within the zone covered by the regime of confidence and security-building measures adopted by the CSCE. This stipulation applied *inter alia* to the five former Asiatic republics of the Soviet Union - thus extending the zone, previously delimited by the Atlantic to the Urals, into Asia; paradoxically, however, the Asiatic part of the new Russian Federation was excluded at the request of Russia itself, pending subsequent negotiations. Ministers also invited Croatia and Slovenia to be observers in the CSCE, following a precedent set in the case of Albania, the year before.

Thus, while delegates filed into the plenary hall to attend the Prague Council, new flags and name-plates were being installed as the ranks of the CSCE grew from 38 to 48. Subsequently, at the opening of the Helsinki Follow-Up Meeting on 24 March, Georgia, Croatia and Slovenia also joined the CSCE - bringing the total membership to 51 states. It could grow further.

Ministers at the Prague Council took immediate action on two of the new states. Armenia and Azerbaijan had already agreed to accept rapporteur missions as a condition of joining the CSCE. The Council of Ministers decided as a priority to send a mission to investigate the bloody strife in Nagorno Karabakh, the Armenian enclave in Azerbaijan. This mission and a follow-up mission (transported to the region courtesy of the Canadian Armed Forces) have since made their visits and reported back to the CSCE. At a special meeting of the Council in Helsinki on 24 March, foreign ministers established a peace process under CSCE auspices to deal with the conflict.

The Council of Ministers showed in this way that it was determined to develop the capacity of the CSCE for crisis management and conflict prevention. This was consonant with NATO policy enunciated at the Rome Summit, which recognized the role of the CSCE in defusing crises and preventing conflicts:

"Consequently, we will actively support the development of the CSCE to enhance its capacity as the organ for consultation and cooperation among all the participating states, capable of effective action in line with its new and increased responsibilities, in particular on the questions of human rights and security including arms control and disarmament, and for effective crisis management and peaceful settlement of disputes, consistent with international law and CSCE principles. To this end, we suggest ... that the CSCE's conflict prevention and crisis management capabilities be improved ..." ⁽³⁾

Differing viewpoints

But the same resolve had not always been present at the deliberations of the Committee of Senior Officials. It was evident, as the Canadian Secretary of State for External Affairs, Mrs. Barbara McDougall, remarked at the Prague Council, that confidence in the CSCE's role was eroding in some quarters. The enthusiasm that had marked the Paris Summit meeting was dissipating over the failure of the CSCE to stop the fighting in Yugoslavia, despite the fact that even the best efforts of the European Community and United Nations also experienced severe difficulty.

Some capitals seemed to be sceptical about attributing crisis management and conflict prevention functions to the CSCE. Their representatives at the CSO argued that the CSCE should remit tasks in these areas to other, unspecified international organizations. This position reflected a tendency among some to view the architecture of the new European security order in an exclusive way: *either* NATO *or* the CSCE *or* the European Community should be the cornerstone of the new system.

Other officials remarked that this attitude was at odds with NATO policy adopted by the Rome Summit. Supporting the views of many other CSCE participating states, Allied leaders had indicated that the CSCE should be further transformed, in accordance with the Paris Charter, into a more operational entity, but had also insisted that interlocking and interacting institutions should underpin European security.

Canada has argued that the CSCE should become the linchpin of "cooperative security". This concept was first announced at the United Nations in the fall of 1990 by the then Canadian Secretary of State for External Affairs, Joe Clark. It is based on the thesis that real national and international security is achieved and enhanced through dialogue, consultation and cooperation at the regional level covering the whole range of inter-state relations - political, economic, environmental and social.

Security so defined means more than the absence of war; it also demands confidence between states, on the basis of which they can manage issues or crises so that they do not lead to military threat or conflict.

CSCE peace-keeping

Much of the debate over the CSCE's role in security management has turned on peace-keeping. In the Prague Document, Ministers requested the Helsinki Follow-Up Meeting to study the possibilities for improving the instruments of crisis management and conflict prevention: from fact finding and rapporteur missions to good offices and dispute settlement. They further directed that careful consideration be given to possibilities for "CSCE peace-keeping or a CSCE role in peace-keeping". This example of *creative ambiguity*, for which the CSCE is so well known, veils competing theses: either the CSCE should be able in its own right to call upon resources such as a peace-keeping force for security management, or it should remit this role to others with the necessary assets - NATO and the WEU, of course, come to mind.

The outcome of this debate being pursued at Helsinki will have important consequences. CSCE peace-keeping would not just be another tool for security management; it would also be a highly visible political signal of the will of the participating states to strengthen the organization.

NATO-CSCE interface

The Prague Document and the conclusions of the debate in the Council of Ministers suggest one approach that may emerge from Helsinki. The Prague Document stipulates that tasks in crisis management and

conflict prevention could be delegated to ad hoc groups of participating states. In stressing that the CSCE has a prominent role to play in the evolving European architecture, the Ministers requested Helsinki to study ways and means of fostering multifaceted forms of cooperation, and a close relationship among European, transatlantic and other international institutions and organizations, drawing upon their respective competences.

As an example of this kind of cooperation, Mrs. McDougall suggested at the Prague Council that NATO and the CSCE could interact through common membership. In other words, the 16 members of NATO - also members of the CSCE - could cooperate with other CSCE states in dealing with a crisis, taking advantage of their NATO assets. Such an approach would be consonant with the "interacting and interlocking" relationship among the institutions comprising the European architecture, as envisaged by NATO leaders in Rome. It would also accord with a principle emerging from the Gulf War, i.e. that NATO's resources and infrastructure could be made available to Allies involved in conflict prevention or resolution, whether or not the Alliance itself was formally involved.

In such a scheme, it is essential that the CSCE initiate and legitimize operations involving security management, since it is the only body with both a comprehensive membership in the region and the requisite political and moral authority, derived in its case from the commitment of the participating states to the principles of the Helsinki Final Act and the Charter of Paris.

Conflict prevention mechanism

The CSCE needs a conflict prevention mechanism comprising political commitments and consultations, institutional arrangements and operational means designed to meet threats to security. This was confirmed in the Prague Document, which makes it clear that the CSCE participating states should have available to them a menu of optional instruments for managing crises and for responding to actual or potential conflict.

The Prague Document also outlines a procedure for initiating CSCE security management. The Consultative Committee of the CSCE Conflict Prevention Centre (CPC) may draw a situation to the attention of the Committee of Senior Officials, presumably through its Chairman-in-Office, who could convene senior officials to address the issue. This procedure adds to provisions under which the CPC can react to unusual military activities or, under the Mechanism for Consultation and Cooperation with regard to Emergency Situations, be convened by a quorum of 13 states to deal with a serious emergency situation arising from a violation of the principles of the Final Act or from major disruptions endangering peace, security or stability.

While these arrangements for triggering CSCE security management are a good start, a complete mechanism for this purpose must still be elaborated. In particular, the CSCE needs the capability, as an institution, to identify situations that could degenerate into conflict. The CSCE should be seized of such situations before, not after, violence erupts. Helsinki must ensure that this is possible.

A Canadian proposal

A CSCE security management mechanism would provide for *conflict prevention* by convening a *crisis panel*, involving the states implicated plus one designated jointly, to facilitate ways of resolving the crisis; alternatively, the Committee of Senior Officials, mandated by the Council of Ministers, could task a group of countries to take the lead in a *good offices* type of mission. If these efforts failed to defuse the evolving crisis, an emergency meeting of the Council or the CSO would recommend a course of action to be pursued through appropriate means. In Canada's view, one of the tasks of Helsinki should be to review and agree upon a series of steps that might be taken as required.

In the event of an *outbreak of conflict* among any of the participating states, the Council of Ministers should be immediately convened and could call for the fighting to stop, declare a ban on shipments of military equipment to the area(s) of conflict and/or appeal for a return to the *status quo ante*. The Council would deal directly with the parties involved in order to engage compulsory dispute settlement machinery, which could be based on the CSCE procedure for the Peaceful Settlement of Disputes (and administered by an eventual

CSCE conciliation and arbitration body). If hostilities did not end, the Council would consider political, economic and other steps to stop the fighting, including the deployment of monitoring or peace-keeping missions, which could be organized directly by the CSCE through the Consultative Committee of the Conflict Prevention Centre or which could be mandated to a group of CSCE states. In organizing and deploying such missions, the Council of Ministers could call on the expertise, experience and resources of groups of states or multinational institutions in the CSCE region.

Consensus minus one

There is another gap to fill while developing the CSCE's role in security management: to define more precisely what actions the CSCE could and should take against a state involved in cases of clear, gross and uncorrected violation of CSCE commitments related to human rights, democracy and the rule of law - if necessary (and most likely) without that state's consent. This would of course involve the *consensus minus one* procedure, allowing the CSCE to act, in some cases, without unanimous consent.

The formula adopted by Ministers in the Prague Document under the heading "Safeguarding Human Rights, Democracy and the Rule of Law" emphasizes peaceful means in dealing with a violator in such cases, and calls for actions consisting of political declarations or "other political steps to apply outside the territory of the state concerned". Even the authors of this section were unable to say exactly what it meant. Helsinki should ensure that there is no ambiguity left in this regard.

It is notable that *consensus minus one* applies specifically to the *human dimension* - the CSCE shorthand for human rights, democracy and the rule of law. In fact, the most likely threats to security in Europe today are in this dimension - ethnic rivalries, mistreatment of minorities, resurgent racism and uncontrolled migration - rather than in calculated territorial aggression. The protagonists are more likely to be groups and communities than nation-states. CSCE security management must take these factors into account.

The *human dimension mechanism*, which in the Canadian view forms part of CSCE security management, is a start at doing just that. It was adopted at the 1989 CSCE Follow-up Meeting in Vienna and refined during the series of meetings on the *human dimension* that started in Paris, made an unprecedented breakthrough in Copenhagen, and culminated in Moscow last October. There, the CSCE states deplored "acts of discrimination, hostility and violence against persons or groups on national, ethnic or religious grounds" as an expression of their concern over events in Yugoslavia, Nagorno Karabakh, Tbilisi and elsewhere at the time.

In view of the prevalence of such conflicts, the *human dimension mechanism*, initially a procedure whereby states could enquire of, and make representations to, other states concerning matters essentially related to human rights, was transformed into a much more intrusive procedure. With the support of five others, a state can now initiate the sending of a mission of rapporteurs into another state to pursue questions relating to the human dimension of the CSCE.

The kinds of question implied here are those related to violations of the rights of minorities and other proximate causes of conflict in Europe. In this sense, the *human dimension mechanism* is at one end of a spectrum of CSCE security management. The other end should include such muscular instruments as peace-keeping.

The CSCE thus recognizes that respect for human rights and protection of minorities are factors for security and stability. Negotiations at Helsinki in the security area must thus go hand in hand with those in the human dimension. There must be a stop to the practice in some quarters of disclaiming the very existence of minorities needing to be protected through concrete and specific measures. The resurgence of racism in some participating states must be checked in appropriate ways - which could be defined in Helsinki - with the goal of ensuring full compliance with commitments to protect individuals and groups from racial, ethnic and religious discrimination. Ways to cooperate in controlling migration of illegal immigrants and asylum-seekers, which is one of the major causes of renewed racism, should also be addressed.

With such an agenda engaged, Helsinki should prove an occasion for faith, commitment and renewed investment in the CSCE process.

(1) For text, see NATO Review, No.6, December 1990.

(2) The Alliance's New Strategic Concept., paragraph 5. For text, see NATO Review, No.6, December 1991, p.25.

(3) Rome Declaration paragraph 14, op.cit.p.21.