

‘Victor-Yves Ghebali: The CSCE in the post-Cold War Europe’ from the NATO Review

Caption: In an article published in April 1991 in the NATO Review, Victor-Yves Ghebali, Professor at the Institut Universitaire de Hautes Études Internationales (Graduate Institute of International Studies), Geneva, analyses the major changes in the Conference on Security and Cooperation in Europe (CSCE) after the 1990 Paris Summit and emphasises the benefits of the Helsinki process — its global make-up, its comprehensive mandate and its institutional flexibility — for the new Europe emerging after the collapse of Communism.

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The CSCE in the post-Cold War Europe

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Until 1989, the CSCE (Conference on Security and Cooperation in Europe) had served as a means of communication between countries whose relationships had been characterized by alternating periods of extreme tension and ambiguous detente. Slowly and unobtrusively, yet effectively, it introduced a number of qualitative changes into international relations in Europe.

In the first place, the CSCE multilateralized, or to put it another way, Europeanized East-West relations which, in general, had been little more than a tête-à-tête between the superpowers. Secondly, it transcended the bloc to bloc mentality, enabling the neutral and non-aligned countries to develop their role as full participants and as independent mediators in a world normally presented in terms of black or white. Thirdly, it extended the pan-European dialogue from the sphere of economics (that is to say, from the sole area of debate offered by the United Nations Economic Commission for Europe) to political, military, ecological and humanitarian issues. Fourthly, it transformed this intermittent dialogue into a continuous, but non-institutionalized, process based on an original concept of extreme pragmatism - a series of conferences organized at indeterminate intervals and without a permanent secretariat. In the fifth place, it de-dramatized East-West relations, so assisting in the settlement of an appreciable number of bilateral humanitarian issues, some of which had been pending for many years. Its sixth benefit is that it enabled two totally opposed worlds to formulate common objectives, such as the transparency of military activities in Europe, and the humanization of relations between states as well as between the state and its own citizens.

In sum, the CSCE had demonstrated that multilateral diplomacy is, indeed, the singular art of producing complex answers to questions arising from fairly, or relatively, simple circumstances. The Helsinki process may, in fact, be regarded as a particularly complex solution to the fundamental problem posed by the East-West conflict during the Cold War - that of banishing the spectre in Europe of the *ultima ratio regum* ("The last argument of kings", as inscribed by Louis XIV of France on his cannons) by opening the way to communication and cooperation between nation states separated by a profound ideological divide.

Since the collapse of communism and the end of the Cold War, the East-West scenario has lost its adversarial character. It is now a stage on which the actors proclaim the identity of their values, and assert their willingness to strike out along the path of genuine cooperation. *The Charter of Paris for a new Europe*,⁽¹⁾ adopted at the end of the CSCE summit organized in the French capital from 19-21 November 1990, reflected the consequences of this situation. In response to the parameters set by a Europe which had finally become "whole and free", the Charter assigned the content of the three Helsinki baskets to seven different sectors (the human dimension, security, economic cooperation, the environment, culture, migrant workers and the Mediterranean), and to this was added cooperation with non-governmental organizations. At the same time, and above all, it institutionalized the CSCE by arranging for regular political consultations at three levels: Heads of State or Government, Foreign Ministers and senior Foreign Office officials, and by setting up a Secretariat (Prague), a Conflict Prevention Centre (Vienna) and an Office for Free Elections (Warsaw) - not to mention the establishment of a parliamentary assembly along lines which have still to be decided.

Since the assumption of its new role, and thanks also to the affiliation between the spirit of the "revolutions of 1989" and of the CSCE, the latter is tending to be seen as the foremost (and even exclusive) instrument of the New Europe, and at the same time as a model applicable to other parts of the world (the Mediterranean, Asia/Pacific). Notwithstanding the past merits and present potential of the Helsinki process, this vision is excessively idyllic. With regard to both security and cooperation, the CSCE process may well be breaking new ground, but its limitations are very real for all that.

Security programme still at rudimentary stage

As a result of the 1990 Paris Summit and the Valletta meeting of experts, the CSCE programme in the security field now comprises three elements: confidence- and security-building measures (CSBMs), the

peaceful settlement of disputes, and disarmament.

Having been put forward by the NATO countries as some compensation for the fact that, to the detriment of the CSCE, conventional disarmament had been assigned to the Mutual and Balanced Force Reduction (MBFR) negotiations, the CSBMs were at first no more than a "device", and, so to speak, experimental in nature. However, their importance has steadily grown, both politically - especially since 1979, when the concept was adopted by the United Nations - and, more particularly, in military terms, as is borne out by the succession of three generations of measures within the CSCE of increasing refinement. The measures of the latest generation, agreed in Vienna in 1990, are therefore notable from two points of view. In the first place, the relevant provisions strongly emphasize the military dimension (annual exchanges of information, mechanisms for consultation and/or cooperation relating to unusual military activities and dangerous incidents of a military character, inspections of air bases, establishment of a rapid communications network, and so forth). Secondly, their institutional status will be assured by the introduction this year of an annual assessment meeting, and by means of the Conflict Prevention Centre, to which the Charter of Paris assigns functions relating to the implementation of the Vienna regime.

The final document of the Valletta meeting, adopted on 8 February 1991, provides for a specific *mechanism* for settling disputes of any nature, which the parties are unable to resolve by direct negotiation within a reasonable period - except for disputes involving vital interests such as territorial integrity, national defence and issues of territorial sovereignty. Comprising, as circumstances demand, one or more members chosen by agreement between the parties (on the basis of a pre-established list of eligible persons), the mechanism is obligatory, in the sense that it can be activated at the request of one of the parties. However, its conclusions - framed in the form of *comments* or *opinions* of a general or specific nature - do not have binding force. If, within a reasonable time, no agreement can be reached concerning a procedure for settling the issue, or concerning the terms for a settlement, one of the parties can place the dispute before the CSCE's Committee of Senior Officials. The Committee may also be notified direct (without going through the previous *mechanism* procedure) by one of the parties if the dispute has a bearing on "peace, security or stability between the CSCE states". It should also be noted that, under the Charter of Paris, the Conflict Prevention Centre may - at some time in the future - play its part in the peaceful settlement of disputes.

As far as conventional disarmament is concerned, the CSCE had deferred to the MBFR talks until 1989 and subsequently to the Conventional Armed Forces in Europe (CFE) negotiations. Here, the Charter of Paris has heralded a major change. It states that the Vienna CFE and CSBM negotiations will continue with the same mandate pending the opening of the fourth CSCE follow-up meeting to be held in Helsinki in March 1992, after which there are to be new negotiations on disarmament and confidence- and security-building open to *all countries participating in the Helsinki process*.

In a word, the CSCE's security programme is still at a rudimentary stage. CSBMs continue to provide the spearhead but, whatever their virtue (in terms of military transparency and a reduced risk of escalation), they can only be auxiliary to a disarmament programme which, in the short and medium term, is beyond the remit of the CSCE. As for the mechanism for the peaceful settlement of disputes formulated at Valletta, it does have the admitted advantage that it actually exists. Its adoption represents an unquestionable step forward, compared to the fruitless efforts at Montreux (1978) and Athens (1984); but the limits to its field of application and its non-mandatory status symbolize its embryonic character. It was never the aim of the Helsinki process to ensure, let alone guarantee, security in Europe, and the Charter of Paris has done nothing to alter this fundamental fact. Its concern is not collective security, but global security, that is to say, security considered in terms of the interdependence of its economic, ecological and humanitarian, as well as its political and military, dimensions. In this context, the CSCE is playing a pioneering, and undoubtedly fertile, role. But, even institutionalized and renewed as it is by the Charter of Paris, it is by no means qualified to supersede the Atlantic Alliance, which, at the present stage of the world's political evolution, remains the surest guarantor of its members' security and of stability in Europe.

A framework for indirect cooperation

Contrary to appearances, the CSCE is not like classic international institutions, an instrument for direct

cooperation. Its specific function is to provide a framework for the formulation of political directives aimed at stimulating or developing cooperation organized within external agencies. This applies, for instance, to the economic cooperation outlined in the Bonn Document (1989), and restated in the Charter of Paris, which emphasizes the important role of the European Community in the "political and economic development of Europe" and the "significant task" to be accomplished by the UN Economic Commission for Europe (ECE), the Bretton Woods institutions (the IMF and World Bank), the Organization for Economic Cooperation and Development (OECD), the European Free Trade Association (EFTA) and the International Chamber of Commerce, a process that will be further enhanced by the newly established European Bank for Reconstruction and Development.

A similar comment can be made on the subject of multilateral ecological cooperation. The programme worked out in Sofia (1989) expressly concerns operational organizations such as the European Environment Agency, the United Nations Environment Programme, the ECE and OECD. Lastly, with regard to multilateral cultural cooperation, the CSCE addresses itself directly to UNESCO and the Council of Europe. Only the humanitarian aspect is an exception to the rule, as in this case the CSCE has its own cooperative mechanism - that of the human dimension instituted by the Vienna closing document (1989), the operation of which has proved fairly satisfactory. However, the usefulness of this mechanism should, in principle, diminish in parallel with the admission of the countries of the East to the Council of Europe. It is therefore clear that the CSCE is less an operational instrument, than an instrument for considering cooperation in the light of its direct links with security, peace and stability.

If its natural limitations are accepted, the Helsinki process possesses three specific features which are of key importance to the new Europe emerging from the collapse of communism. In the first place, the CSCE is unique by virtue of its global make-up. No other European forum can boast that it simultaneously encompasses all the member countries of NATO, the European Community, the Council of Europe and the ex-Warsaw Pact. This geopolitical composition reflects the Greater Europe, as well as the continent's transatlantic dimension. In the words of the Charter of Paris, "The participation of both North American and European states is a fundamental characteristic of the CSCE; it underlies its past achievements and is essential to the future of the CSCE process". The CSCE is also unique in terms of its comprehensive mandate, which embraces the political, military, economic, scientific, technological, ecological, social, humanitarian, cultural and educational spheres. What enables it to avoid duplicating the efforts of international institutions competent in one or other of these fields is the interdependence which provides a firm bond between all the aspects of its programme. By definition, the CSCE programme constitutes an indivisible whole, demanding parallel and balanced progress. Finally, the CSCE is unique by virtue of its extreme flexibility and pragmatism at the institutional level.

Despite the fact that it will henceforth possess fixed structures and organs with regular meetings, the CSCE, even after the Charter of Paris, remains fundamentally what it always has been - an institution without an established basis in international law. What is more, in spite of appearances, institutionalization has not been taken very far. For instance, the central decision-making body - the Council of Ministers for Foreign Affairs - will not be in permanent session, but will meet "at least once a year". Furthermore, the principle of additional meetings on urgent matters, suggested by the European Community countries, has been incorporated in the Charter of Paris only in conditional terms - "Additional meetings may be agreed upon to discuss questions of urgent concern". The Prague Secretariat has been conceived as a purely intergovernmental organ, without political functions and with a staff kept to the bare essentials. Lastly, the practical tasks assigned to the Conflict Prevention Centre are restricted to the management of the Vienna CSBMs, while the role of the Office for Free Elections hardly exceeds that of liaison and information. However that may be, institutionalization was inevitable, since it was imposed by the triple need to offer the Soviets a (politically significant) counterweight to the presence within NATO of a unified Germany, to dissuade certain Warsaw Pact countries from seeking to safeguard their security by a direct rapprochement with the Atlantic Alliance, and to synchronize the Helsinki process with post-communist Europe.

Since the adoption of the Charter of Paris, the CSCE has added to its function as a debating forum that of acting as an instrument of political cooperation - without, however, becoming a security instrument. The possible development of a pan-European security system within the Helsinki process seems to depend on

two essential factors: the readiness of the USSR to live up to, in letter and spirit, the CFE Treaty and, more generally, to pursue the policy of perestroika; and secondly, the inclusion of disarmament in the CSCE's working programme, and the effective implementation of the Valletta mechanism for the peaceful settlement of disputes.

(1) For text, see NATO REVIEW No.6, December 1990, p.27. For an analysis of the Paris Charter, see the Author's article in *Défense Nationale* (Paris, March 1991, pp.33-82)