



**The OSCE and Chapter VIII of the United Nations Charter:  
Confronting Emerging Security Challenges  
In the Euro-Atlantic and Eurasian Space**

*Vienna, 27 May 2014*

**REPORT**

**Overview**

Chapter VIII of the United Nations Charter encourages regional arrangements to support the UN Security Council by helping to maintain international peace and security, particularly with regard to the peaceful settlement of disputes. An August 2013 Security Council Presidential Statement underscored the importance of further developing and strengthening co-operation between the United Nations and regional organizations, highlighting the important role that regional and sub-regional organizations can play in conflict prevention, peaceful settlement of disputes, peacekeeping and post-conflict peacebuilding. As threats to security become increasingly multi-dimensional and transnational, affecting security at both the regional and global levels, and as the danger of armed conflict is still present and several conflicts remain unresolved, the challenge for the international community is to explore ways to revitalize co-operation between the United Nations and regional organizations under Chapter VIII. While there are a number of good practices in international co-operation, including between the UN and the Organization for Security and Co-operation in Europe (OSCE), they tend to focus on thematic and ancillary issues. There is room for improving strategic interaction at the policy level as well as operational co-operation to maximize synergies and address specific challenges more efficiently. Further improvement is clearly necessary. In the OSCE context, achieving reconciliation among former parties to conflicts and tensions at the regional and global level is a long and difficult journey. But the international community has no alternative but to seek ways to engage with them in dialogue and to work together with them on a positive agenda.

Within this context, OSCE Secretary General Lamberto Zannier has strongly promoted efforts to examine how the OSCE's own role as a regional arrangement under Chapter VIII of the UN Charter could be further operationalized. In order to examine this issue in greater depth, he hosted a Security Days conference on *The OSCE and Chapter VIII of the United Nations Charter: Confronting Emerging Security Challenges in the Euro-Atlantic and Eurasian Space* on 27 May 2014 in Vienna. By engaging eminent practitioners and seeking recommendations for both the policy and operational level, this event sought to identify innovative ways for the OSCE to strengthen its co-operation arrangements with the United Nations and other regional organizations, particularly in the areas of conflict prevention (early warning and early action) and conflict resolution (mediation). It featured an open

dialogue involving top government officials, high-level UN representatives, prominent practitioners, academics and journalists on the Organization's responsibilities – and opportunities – as a regional arrangement under Chapter VIII in the contemporary security context. It also drew on recommendations from up-and-coming young leaders from the Next Generation Euro-Atlantic Security Initiative sponsored by the Carnegie Endowment for International Peace. This Security Days event was also intended to bring fresh ideas to a discussion initiated by the UN Secretary-General to explore ways to enhance co-operation between the UN and regional organizations, and in particular for a retreat he will hold for heads of regional organizations in 2015. Regional organizations can also contribute to the post-2015 global agenda by helping the United Nations to define a new set of sustainable goals for peace and stability.

The OSCE Security Days also provide a platform for discussion on how to advance the 2010 Astana Summit vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community. In light of the ongoing crisis in and around Ukraine, it is clear that there is need for a strategic debate on the future orientation of the OSCE. Therefore, holding a discussion on the role of the OSCE as a regional arrangement under Chapter VIII also provided a good opportunity to address some aspects of this challenge, and it is hoped that the debate will continue both within the Helsinki +40 process and in consultations with the United Nations and other regional organizations.

Over 300 individuals from 61 countries, 13 international organizations, 13 NGOs, 12 academic institutions, as well as the delegations of the OSCE participating States and Partners for Co-operation from the OSCE Secretariat, Institutions and Field Operations, took part in this OSCE Security Days event. It also reached thousands of people around the world through live web-streaming and social media. *The agenda for the event is attached.*

## **Challenges and Opportunities for the OSCE in the Contemporary Security Context**

Today's rapidly evolving security context, coupled with widespread economic hardship, requires international and regional organizations to find ways to work together more effectively. Emerging threats to peace and security in the OSCE area, including the re-emergence of Cold War thinking and rhetoric, are presenting new challenges but also opportunities for enhanced interaction between the UN, the OSCE and other regional organizations.

Regional and global security should be seen in a complementary rather than a hierarchical relationship. Although the UN is a natural platform for co-ordination of international efforts towards peace and security, the division of labour between the UN and regional organizations needs to be situation-specific.

Maximizing synergies and complementarities can be best achieved if the UN and regional organizations learn from each other and take advantage of lessons from the past. The UN's considerable practical experience accumulated over decades can help guide the work of regional organizations. Meanwhile, the role of regional organizations in conflict prevention and resolution is gaining importance as the UN increasingly relies on regional expertise and networks for mediation.

The effectiveness of international action in a developing crisis will be greater if the key actors take a common approach and assist in rallying the international community behind the

leading organization. A common effort by key players would help achieve consensus on the main challenges to international peace and security and would help the UN and regional organizations to play their role more effectively.

The ability to effectively address political crises as they unfold is crucial because they tend to become more difficult to resolve with each day that passes. Co-ordination and co-operation between international organizations are particularly challenging during crises, when international activities attract the most political attention. The guiding principle in such cases should be to actively seek synergies, rather than just to try to avoid duplication. In the current crisis in Ukraine, there has been excellent exchange of information and interaction between international organizations active on the ground.

Regional organizations support the UN peace and security agenda, but they can also take the lead on certain issues.

### ***Recommendations***

- Regional organizations should act as a vanguard for the UN by building regional consensus around security issues before they are taken up at the global level.
- Regional organizations should play a role in promoting UN norms and principles, and building national capacities to implement UN resolutions (e.g., UNSCR 1540).

### **The Role of the OSCE as a Regional Organization in Conflict Prevention: Early Warning / Early Action**

Chapter VIII of the UN Charter, reinforced by Article 33 of Chapter VI, calls on Member States that have entered into regional arrangements to “make every effort to achieve pacific settlement of local disputes through such regional arrangements.” To date, such efforts have primarily focused on a culture of “reaction” (peacekeeping, peace-building and post-conflict rehabilitation) rather than a culture of “prevention” (early warning and early action). To move toward a culture of prevention requires increasing knowledge and drawing on lessons from both positive and negative past experiences since tools, norms and best practices in this area are relatively recent. More effectively communicating the impact of preventive action and the considerably higher costs of non-action to policymakers and the public is essential to building political will and ensuring that more resources are devoted to conflict prevention. It is also needed to help overcome reluctance among those on the receiving end of such action.

Chapter VIII provides a good framework for deepening co-operation in conflict prevention. Regional organizations can take the lead and the UN can assist their efforts, as in the recent example in Ukraine, where the UN Mediation Support Unit is assisting the OSCE’s Special Monitoring Mission.

The OSCE, with its network of field operations, already possesses a variety of institutions and tools for early warning and early action. For example, the OSCE High Commissioner on National Minorities has a mandate that allows her to engage in confidence around national minority issues and to contextualize the situation at an early stage in an effort to prevent ethnic tensions from developing into conflict. Several sets of guidelines have been developed,

such as the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations.

### ***Recommendations***

Although conflict prevention efforts by the UN and regional organizations are increasingly aligned, further steps should be taken to develop a more systematic relationship:

- While maintaining situation-specific flexibility, some more formal mechanisms to foster interaction between the UN and regional organizations might be useful, such as, for example, UN Security Council briefings on emerging conflicts by relevant regional organizations.
- More could be done in terms of comparing concerns and analysis, sharing information and best practices, issuing joint early warning announcements and co-operating to foster a more solid culture of prevention.
- Launching low-key joint missions could also be considered.

There is also room for improvement in the OSCE's early warning/early action capacities:

- In order to prevent delays associated with building consensus around a Permanent Council decision authorizing specific efforts to prevent conflict, the OSCE Chairmanship or Secretary General could be encouraged to take steps to engage proactively in fact-finding (e.g., establishing a task force).
- The OSCE's analytical capacity could be enhanced in partnership with academia, particularly in co-operation with the OSCE Network.
- The OSCE should increase its engagement with civil society, including young people, as a means to develop a better understanding of all aspects of a crisis and of the possible tools needed to defuse it.

### **Regional Organizations in Mediation and Conflict Resolution: Finding Lasting Solutions**

The role of regional organizations in mediation and conflict resolution has been recognized by UN General Assembly resolution 65/283, and it is the subject of a subsequent resolution on mediation, which is expected to be adopted in the coming months.

Statistics show that while the total number of conflicts is in decline, poverty and ineffective governance remain the most important drivers of violent conflict. This implies that long-term work to improve governance is as important to conflict resolution as short-term mediation is to defuse tensions. The OSCE is well placed to contribute on both counts, given its strong field presence and comprehensive approach to security across three dimensions.

Regional organizations, in particular the OSCE, have important assets as mediators. They can provide tailor-made approaches to conflict resolution and they ensure that the countries most directly affected by conflict are involved. In the spirit of Chapter VIII, these assets can best

be brought to bear in co-ordination with other international actors, in particular the United Nations. Strengthening OSCE mediation capacities has had a positive impact in all phases of the conflict cycle. It not only strengthens the OSCE's efforts to resolve political crises and protracted conflicts, but also the daily work of field operations.

Mediation is highly cost-effective because it helps to prevent conflicts, which can have immense human and financial costs. Yet the cases where mediation is most successful often fall outside the spotlight of international media attention, which can pose challenges to securing adequate funding for mediation efforts.

### ***Recommendations***

- Inclusivity is crucial to the achievement of lasting peace agreements. All groups involved in and affected by a conflict, in particular civil society, must be included in mediation processes. Depending on the context, the conflict phase, and the attitudes of the parties to the conflict, it may be possible to bring civil society groups directly to the table or otherwise to consult with them on a regular basis.
- The inclusion of women in all phases of mediation processes is important from a normative point of view, but also because it makes settlement negotiations more effective by ensuring that broad sectors of society are represented. Enhancing women's representation in mediation teams and negotiating delegations, as well as in the issues discussed at the negotiation table, can strengthen the effectiveness of mediation efforts.

## **Chapter VIII of the United Nations Charter: Opportunities for the OSCE and the International Community**

In considering areas where the OSCE can work together with other regional organizations and the United Nations to more fully carry out the mandate of Chapter VIII of the UN Charter, it is important to recall that the OSCE is a neutral and inclusive comprehensive security organization, not a collective defense organization. This status confers on the OSCE comparative advantages, as well as special kind of legitimacy, which benefit the entire OSCE region.

The OSCE promotes soft security, with no means of enforcement, which limits what the Organization can do under the UN Charter. Nonetheless, the OSCE is widely seen as an appropriate partner of the United Nations in the Euro-Atlantic and Eurasian space. It can also serve as a model and inspiration for other regional organizations (the Conference on Interaction and Confidence Building Measures in Asia [CICA], a pan-Asian dialogue forum for addressing key regional issues, was specifically mentioned in this regard).

### ***Recommendations***

A number of suggestions were made for ways to strengthen OSCE co-operation with the United Nations and other regional organizations:

- Giving the OSCE primary responsibility for solving problems in its own space.

- Avoiding competition between international organizations active in the OSCE region; the OSCE should serve as a co-ordinating mechanism and clearing house.
- Strengthening and formalizing the links between the UN and the OSCE, particularly in dealing with crises.
- Pursuing a more focused agenda and sharpening the OSCE profile.
- Making better use of the OSCE toolbox (it was noted that the Court of Conciliation and Arbitration has never been used).
- Increasing OSCE capacities and strengthening the role of the Secretary General.

The Helsinki +40 process provides an appropriate framework for achieving these objectives. The process should revisit the origins of the CSCE, which still provide important lessons; make use of the OSCE Academic Network to aid in the process of reflection; and secure more top-down political backing.

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### **Perspectives of the Next Generation on Challenges to Security in the OSCE Region**

Today an entire generation of young leaders has emerged who grew up in a post-Cold War world in which the Helsinki Final Act formed the bedrock for relations between States in the OSCE region. In parallel with the OSCE Security Days event, a group of these young leaders from across the OSCE region, members of the Next Generation Euro-Atlantic Security Initiative (EASI) sponsored by the Carnegie Endowment for International Peace, held their own meeting to discuss their perceptions of contemporary and emerging threats to security in the OSCE region. They presented a report on their findings at the Security Days event and shared their recommendations for the OSCE.

According to the EASI NextGen group, the Euro-Atlantic space must develop a shared identity to become a true community, yet so far, regional governments have not been able to develop a common identity. The group was concerned about “strategic alienation” – the idea that forces in the region are pulling their societies apart. All societies in the region should acknowledge their common interests and threats, both old (i.e., nuclear non-proliferation) and new (i.e., climate change), and the group urged the OSCE to tackle a growing number of transnational challenges (e.g., terrorism, climate change). To do this, the OSCE must reach out and engage with actors outside the traditional Euro-Atlantic space.

The Euro-Atlantic space will never be the same in the wake of the Ukraine crisis, which has been a greater wake-up call for the emerging leaders than any previous conflict in the region. The OSCE’s traditional focuses – e.g., field missions – remained important, but the EASI NextGen group recommended that the Organization should also serve as a forum for debate where people can maintain lines of contact. Citizens should be involved by using tools such as social media and crowd-sourcing information about security threats. The OSCE could gain strategic foresight through this kind of engagement and learn how people in different countries think about security.

The group agreed that engaging civil society, women and youth in decision-making and foreign policy-making mechanisms is also important. This requires a more comprehensive understanding of security and a focus on small, low-key joint missions. The group suggested that the OSCE could engage NGOs involved in foreign aid, conflict resolution and confidence building in decision-making and foreign policy-making processes.

The EASI NextGen group also emphasized the need for the OSCE to be proactive. The Ukraine crisis has shown that the need for reconciliation within Ukrainian society was an important issue, one which could and should have been addressed before it erupted into a crisis. The group recommended that it was time to rethink the basic bargain of the OSCE and engage with issues that are “holy truths” for one side and anathema to the other – issues such as the sanctity of borders, the primacy of human rights or the freedom to choose different paths to economic integration.

The recommendations of the EASI NextGen group were well received by a number of OSCE ambassadors. In turn, the ambassadors emphasized the importance of focusing on not only regional and global security but also both internal and external security, and for integrating Euro-Atlantic and Eurasian security. They also advocated beginning human rights education at an early age, creating a new language for discussing security, and making security a topic accessible to young people.