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Working Group D: Conflict prevention and crisis management

Ladies and Gentlemen,

The distinctive nature of the CSCE-OSCE process resides in the fact that it began as a process and then developed into a sui generis organization, having undergone a transformation during the last 30 years as the result of a skilful exercise in collective diplomacy. In this way, it has adapted itself little by little to the international situation. All of us who have been involved for years with the OSCE are well aware of this process and draw positive conclusions also for the future of the Organization, on condition, however, that the participating States are willing and able to make use of it with a greater sense of participation and commitment.

Backdrop

OSCE's history allows us to sketch the profile of an organization offering equal security for all the participating States, with possibilities for action going well beyond the Helsinki Final Act or the Charter of Paris. The latter constitute essential foundations, but they are pre-history if matched to the possibilities that we have today for giving substance to the lofty declarations adopted in Istanbul. The same may be said of many other documents of the CSCE and even of the developments that have taken place in the OSCE since 1994 in an effort to develop an ideal model for European security in a period characterized by increasing disorder worldwide.

Originally, during East-West confrontation, in a historical period very different from the present, the CSCE had set itself the task of recognizing the territorial and political status quo. However, thanks to negotiations that resulted in surprising outcomes, it was possible from the beginning to achieve an evolutionary dynamism (the third basket) in a framework of interdependence between principles ensuring equal security for all with the aid of very specific instruments (rotation, consensus, the non-binding nature of the decisions, such as the Helsinki Final Act itself), later adding to them dimensions of a military character (the Treaty on Conventional Armed Forces in Europe) much wider than the original modest confidence-building measures or the later conference- and security-building measures (CSBMs).

With the end of the ideological and political division of Europe, the CSCE-OSCE was called upon to reflect the uniqueness of a political model valid for all of Europe, a model that the Helsinki Final Act already reflected in its clauses: a Western-type democracy based on human rights, the rule of law, the will of the majority and respect for minorities.

The profound transformation of the European scene explains the shift in priority from intra-European military security - following the disappearance of the earlier threats deriving from the bipolar conflict - to a different kind of risks arising from serious collateral tensions within a Europe reunited and no longer separated by barriers (and, more recently, new risks from outside, beginning with international terrorism). This is the specific *raison d'être* of the "Conflict Prevention Centre" (CPC). In the logic of the origins of the CSCE, the CPC aimed to establish a closer and more effective link between activities in the human dimension (the third basket) and those in the field of conflict prevention, with a multidimensional approach. The following changes operated in Helsinki in 1992 do not require a more detailed discussion on this occasion. As we look to the future, however, some basic observations would seem useful.

First I would mention the priority given to human rights in the broadest possible sense, from basic and individual civil and political rights to social rights, extending to the prosecution of crimes against humanity, violations of the laws of war and alleged genocide. This change in priorities has resulted in a weakening of certain principles still considered inviolable in 1975 in Helsinki, such as those of non-interference in internal affairs and territorial integrity, but equally a weakening of the prohibition of the threat and use of force.

A hierarchy of principles has been gradually emerging, different from the interdependence that the Helsinki Final Act sought to preserve unscathed. The principles of human rights and democracy were enshrined in United Nations Declarations, the CSCE-OSCE documents had subsumed and rendered them more precise in the more homogeneous European context. Very different is what happened in the 1990s. Human rights were given a pre-eminent position and the sovereignty of States was reduced as a result. Consequently, in the framework of comprehensive security and of security risks (including terrorist threats), the relationship between the status quo and change (in the language of the CSCE, peaceful change was as the essential limit of the status quo) must be differently constructed, discretionality in the defence of human rights determines the activity in international relations.

This different relationship is based on a different dividing line between peace and war. As others have said, the boundary between war and peace, between the threat of the use of force and its actual use, has become very fragile. The system of peacekeeping and peace-enforcing depends on the use of force, although within strict limits (without peacekeeping being transformed into war-making, but without warfare being avoided when it is considered necessary), and the intention is not only to prevent a conflict from arising but also to act in order to contain a conflict or keep it under control, pending a definitive settlement of the dispute.

Humanitarian wars, according to some, reflect the "desire to outlaw war", as a result of which "the only war possible is one in defence of humanity and its values, which are just by definition". But do not such humanitarian wars, in the end, justify recourse by States to organized violence? Or perhaps, to use neo-Kantian concepts, such wars are "an evident testimony to the progressive acceptance, in contemporary international political and legal realities, of a basic principle of cosmo-political law". In other words, it is a matter of imposing international law, in the sense of Chapter VII of the United Nations Charter.

The different European countries no longer hesitate to use force, although in a controlled form, not to promote their interests but rather to promote declared general interests in regard to stability, peace and human rights. Here we have a new expression, which had its clearest beginnings in the military action against Yugoslavia, in connection with Kosovo: on that occasion, the countries concerned did not hesitate to wage a war in defence of human rights against a sovereign State, a Member of the United Nations and an OSCE participating State.

From this, the right and duty to intervene has emerged to put an end to threats to stability and collective peace. One may speak, then, of a co-operative security concerned no longer with threats to security itself but with ensuring a higher level of social harmony, for the sake not merely of sovereign States but still more of individuals and the human person, within the framework of an international organization - such as the United Nations, but not the OSCE, which by its nature has neither the power nor the means to intervene coercively.

Characteristics of the OSCE

However, precisely in the light of this new and innovative understanding of international law, the OSCE can find its role. Sheltered from the polemics or divisions presently apparent elsewhere, the OSCE can act more effectively on a trans-Atlantic and intercontinental basis, in a climate different from that in other organizations.

The OSCE, perhaps because of some errors on its part, did not play the role expected of it in the greatest European crisis of the 1990s, namely the traumatic break-up of Yugoslavia and the bloody conflicts that resulted from it. The OSCE could not attempt to put an end to such violent conflicts. It might thus be argued that the structures of the OSCE and the CPC were overwhelmed by events. They were in fact bypassed only because of a decision by States, in very specific historical circumstances, to cross the dividing line between peace and war and to intervene militarily to impose peace or at least a stability acceptable in humanitarian terms. It is not the place here to assess whether this was justified or not, but rather to stress that one cannot infer from such events an incapacity on the part of the OSCE to manage crises. The OSCE must be asked to offer what it can and not be expected to do something that it cannot do and is prevented by its rules from doing.

What then can it offer? A highly articulated and extensive system for conflict prevention and for the management of crises that have not led to a military conflict, with contributions to dispute settlement, post-conflict reconstruction and a reduction of causes of tension and conflict. All of this in the European context, where the OSCE can be more effective than the United Nations, in that its specific competence makes it immune to the possible repercussions of various situations in other continents, besides allowing it, more easily than the United Nations, to co-operate with European institutions, beginning with the European Union (EU).

This Organization can thus take as its starting point the evolution of the international system in favour of humanitarian interventions, even involving the use of force, to rediscover its identity as an association of States politically and programmatically committed to the renunciation of the use of force, but also committed to emphasizing the values of consensus, harmonization and compatibility of behaviour among sovereign States that have undertaken to develop pluralistic and democratic civil societies.

In matters of prevention, the OSCE mechanisms are very complex but precise, directed towards adjusting and harmonizing the primary interests of the participating States in the construction of a specifically European political and legal order. In this sense, the OSCE offers a potentially neutral terrain for dialogue. The weak and delicate side of prevention consists, as is well known, in the choice of the critical moment at which there is a danger of moving from an exclusively political crisis, manageable through the use of persuasion, to an armed conflict difficult to stop. Within the limits of political prevention, the flexible and informal machinery of the OSCE may therefore produce stabilizing effects of greater efficiency than the more immediate, visible and apparently decisive role that can be played by other organizations more obviously equipped with instruments for imposing decisions.

It should not be forgotten, moreover, that the OSCE also possesses, and should preserve and develop, its politico-military role, in terms of transparency, dialogue, democratic control and a code of conduct for the armed forces, together with negotiations for arms control, such as those on small arms and light weapons, the results of which were then taken over by the United Nations itself. Closer links between the Forum for Security Co-operation and the Permanent Council it would therefore be appropriate.

Instruments and modalities

The characteristics of the action of the OSCE in the area of political persuasion and prevention can be summarized as follows:

- Participation of all the European countries, including those that might be called upon to give an account of their behaviour (except for the extreme case, which can perhaps be judged inopportune a posteriori, of the exclusion of Yugoslavia for a certain period);
- The discreet but also immediate and intrusive nature of the action, entrusted in some cases to field missions; such action, which should represent the sensitivities of all OSCE participating States, including the country at which it is directed, should be cautious in its approach and avoid giving the impression of being dictated only by the interests of some participating States; at the same time, the missions should be immune to pressure from the country affected. In pursuing their aims, the missions should in fact seek to involve the host country but remain independent, in order to be the expression of the collective view;
- In spite of a realistic recognition that some participating States can exert greater influence, their formal equality and the informal and flexible context in which they operate allow participating States to act, if need be, with firmness and determination, taking advantage, inter alia, of the instrument of consensus, which may translate in extreme cases into a true veto in the defence of a country's position;
- The fact that the OSCE is an organization of a political character, structured horizontally and not vertically in a hierarchical manner, is thus recognized and exploited;
- There is a recognition of the implicit structural neutrality or impartiality of the OSCE; there persists, however, a criticism of a tendency for the OSCE to concentrate on what happens "to the East rather than to the West of Vienna";

- There exists the capacity to mobilize and co-ordinate organizations of a diverse nature, particularly the non-governmental organizations representing civil society (which the OSCE aims, indeed, to encourage), in view of their inclination to co-operate more fully with an organization that has no political or ideological connotations and is considered less dependent on the strategic interests of particular member countries.

For the peaceful settlement of disputes and for crisis management, also, the OSCE has at its disposal numerous political mechanisms and operational capacities deriving from its specific organization and its concrete experience.

At a time that now seems long past, reference was made to an “OSCE First” principle in crisis management: today, this principle has to compete with the similar ambition of the EU and the North Atlantic Treaty Organization (NATO), which are also reorganizing themselves in order to respond, each in its own way, to the manifold requirements of prevention, management, containment and resolution of crises, including those outside the traditional areas. The dilemma faced by the OSCE, of adapting itself to changing international circumstances, affects all the security organizations (the United Nations, NATO and the EU).

Still more importantly, the more effective but non-military action of the OSCE must fit into a context in which military action is considered a possible and acceptable alternative. As has been observed, arms control and CSBMs, to which the CSCE and the OSCE have contributed decisively, are no longer sufficient: these no longer have the same significance, given the different political context and the different nature of weapons, together with the different conception on the means to intervene militarily.

The OSCE must find a way out of these dilemmas. That is to say, it must convince itself and convince others of its continuing usefulness, of its value added in the changed circumstances and of its appropriate place among the organizations involved in reforming the international system - with the basic conviction that conflict prevention is inherently linked to diplomatic action, since, in advanced societies, armed conflict as the response to a crisis has for some time not been an ordinary measure, but rather an extreme measure when negotiations have proved fruitless.

It must, however, be taken into account that the very concept of prevention and management of conflicts is not something well defined, allowing contingency planning or precise criteria and methods for choosing the critical moment at which collective intervention may prove most effective. The moment must be left to the normal play of bilateral and multilateral diplomacy, to political intuition and to individual judgement, which may ultimately be arbitrary.

The network of missions and the collateral functions of the three institutions (the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the OSCE Representative on Freedom of the Media) and the special representatives for economic questions, terrorism, police assistance and possibly illicit trafficking should, in this connection, be linked together to enable a better co-ordinated and more focused overall effort.

The main goals of preventive action have been identified as:

- (a) Reducing elements of conflict between participating States, it being considered unlikely that possible conflicts of interest will now result in warfare;
- (b) Intensive persuasive action for the specific protection of minorities, with an attempt to influence legislation in the individual States and to emphasize co-operation among the countries concerned, as a prerequisite for active European co-operation;
- (c) Monitoring of the rule of law and human rights as a precondition for the internal stability necessary for external stability;
- (d) Support for peace operations in the belief - held by Italy in particular - that, in the process of reconstruction after a conflict, any necessary measure of a military nature must be sustained by an intensive civilian effort affecting society as a whole;
- (e) Consolidation of the process of democratization and, in this context, the fullest possible monitoring of electoral processes, in regard both to their actual conduct and to the surrounding conditions.

The early warning function can be performed by the OSCE much more efficiently than by any other organization active in the European context. The OSCE, inter alia, has a particularly suitable machinery for fact-finding in the field, inasmuch as its multilateral character guarantees a high level of impartiality and well-articulated procedures resulting from the many so-called "mechanisms", including the Vienna and Moscow mechanisms, those relating to unusual military activities and emergency situations, those concerning the peaceful settlement of disputes such as the Valletta mechanism and the Court of Conciliation and Arbitration - all of which should be more fully utilized and revitalized.

Early warning should, however, be followed by more rapid action. For this purpose, in which direction and with which means do we intend to develop the OSCE?

Attention has been given to indicators or formalized systems for data collection and classification. However, with all respect for those who have studied such methods scientifically, this does not really seem to us the right path, since the approach is an abstract one. It is thus impossible, using pre-constructed models, to take into account the multiplicity of possible conflicts, including not only the territorial or ethnic conflicts encountered in the field but also economic and cultural conflicts that elude rigid classifications because they involve many different factors. To this must be added the multitude of national and international actors and all the resulting unknown and variable factors.

For all these reasons, prevention requires, in each individual case, a prevention strategy adapted not only to the characteristics and political contingencies of a given crisis but also to the organization or the organizations that intend to contribute to the prevention exercise, also taking into account the changing situation as new emergencies arise. In the face of new kinds of conflicts, however, the action of the OSCE comes up against an objective limitation in that it cannot be backed up by even the threat of the use of force, with the result that the Organization risks seeing itself bypassed or marginalized by countries or organizations that are in a position to make recourse to force.

It cannot therefore be expected of the OSCE that it will be able to intervene to end a conflict in progress and, through the use of force, bring the parties to come to an agreement or, at least, accept a truce. But its arrangements and its highly detailed rules drawn up at the 1992 Helsinki Summit with regard to peacekeeping (which covers all possible kinds of interventions in crises and in conflicts between and within States) have no equal elsewhere. Even in the course of a conflict, the OSCE can seek to offer a context or a point of contact for facilitating a solution, in close liaison with or in sequence with other European security organizations. The CPC has acquired considerable experience in this regard and it is a tool of which greater use should be made in the framework of common security. The various aspects of this have been discussed in recent years. Even though it does not provide an effective substitute to the use of force in support of diplomatic action, the OSCE may bring to bear its specific features with results that, although slow and gradual, may prove more effective and durable.

Contrary to what is sometimes maintained, the OSCE is not a “fair weather organization”. Its history shows that mutual transparency and confidence-building measures are particularly effective in situations of tension which the OSCE is called upon to alleviate and resolve. The OSCE system is of a general value and, in terms of methodology, is not relevant solely to Europe, provided that the relevant conditions are met. In this sense, the experience of the OSCE may serve as a point of reference if not as an example for other geo-strategic areas in crisis or conflict situations, particularly in the case of the geographically contiguous areas in the Mediterranean or Asia.

The extension of the CSCE-OSCE system to the Mediterranean is a long-standing aspiration going back to the negotiations at Dipoli in Helsinki between 1972 and 1973. Up to now, it must be recognized that the endeavour has not borne much fruit. But it must also be recognized that it will be useful to take up the subject again now that an attempt is being made to reconstruct the international system on a global scale. We should not abandon the idea of extending to the Mediterranean the climate of co-operation that characterizes the OSCE: perhaps not an imitation of the OSCE system, but a new conference for the Mediterranean (“by the people for the people” of the Mediterranean).

Conclusions

As for initiatives or crises where a solution depends on political intuition or the interplay of external interests, the OSCE system may prove of particular usefulness - as a pre-heating or pre-compression chamber, as a place for soundings and consultations and as a conciliation tool or laboratory for solutions.

The value of the OSCE's political action in the field of prevention and settlement of disputes takes on greater significance when the OSCE acts in conjunction with European security organizations and the United Nations.

As was said at the outset, the OSCE can no longer serve as a guarantee for the status quo or for the management of détente. It is no longer just a useful forum for dialogue between opposed worlds as may have been the case up to 1989-1991. The OSCE, a security organization par excellence, based on predictability, transparency, accountability and

comprehensiveness, is and must continue to be a crucible for a specific European order with national and international implications at the disposal of the European countries, but not only of the European countries.

The CSCE was an example of the success of détente. The OSCE of today and tomorrow can be an example of how, in Europe at least, it is possible to create an extended region of stability able to take action to prevent and manage crises, at times to freeze them so that they do not degenerate, and to offer solutions agreed by all and with all.

It would be a grave error if, in a sometimes abstract vision of security or of new arms control systems, or in the fight against terrorism, the OSCE were not to be given primacy in the function that it can perform in Europe better than any other body: an eminently diplomatic, i.e. political function - the difficult, slow, gradual, ground-laying but necessary function of diplomacy.