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O.S.C.E. 1975-2015. 40 YEARS OF PEACEFUL CONFLICT RESOLUTION

Daniel BURLACU*

Abstract: *The European Union, in light of developments in the field of crisis-management concepts, is still in the phase of institutional building and foundation of its own concepts and doctrines. This does not mean that the EU has taken important steps towards the creation of a doctrine based on a crystallized concept of crisis management. It should be noted at this point that since 2004 the EU has defined a comprehensive approach to crisis management. However, although conceptually placed one step ahead of NATO's comprehensive approach, operational in concept, its actual implementation has proved to be a slow and difficult process for the EU because the EU does not have a military component of its own, being much more focused on the civilian crisis management component as part of its comprehensive approach and on the idea of cooperative security, where the EU has managed to become a major player in the area of strategic interest on the global scene.*

Keywords: O.S.C.E.; crisis management

The security environment is in a constant dynamic, accelerated by the globalization processes, thus causing a dynamic in the conceptualization of crisis management by the various security organizations involved.

One can notice how the world we live in has changed the balance of power from the end of the second world conflagration to a tense bipolar balance until 1989, passing through relatively short periods of unipolarity and then multipolar balance, and nowadays we are witnessing a new kind of balance of power of an interpolar type.

The latter, interpolarism, is a consequence of globalization and of the existence of several power poles, which include actors that do not belong to only one power pole but are part of and act in several centers of power, either regional or global. A significant example is our country, Romania, which is part of the European Union, NATO, UN and also an OSCE participating State.

In this particular context, the crises occurring in the international environment present a high degree of complexity, which leads to solutions with an appropriate response, with a high degree of complexity and requiring a constant adjustment of the concept of crisis management.

Covering a generous geographical area, from Vancouver to Vladivostok, we can say that the OSCE is an extensive regional security organization, contributing to the consolidation of peace, democracy and stability in the world.

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OSCE proved to be a useful forum for high level political dialogue, comprising a wide range of security issues, and at the same time acting as a regional instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation, aimed firstly, at cooperation, the determining factor in building trust between states.

Through the institutions that make up its structure, the units of experts and the network of field missions, the OSCE has proved that it has abilities to act in various fields with an impact on common security: conventional weapons control, measures for increasing trust and security; combating transnational threats; economic activities in the field of environment; promotion of human rights and fundamental freedoms and democratization.

The organization has its roots in the early '70s, the Helsinki Final Act being adopted in 1975, which led to the creation of the Conference on Security and Co-operation in Europe (CSCE), which, throughout the Cold War, provided support for multilateral dialogue and negotiation between the East and the West.

In the context of the fall of the Berlin Wall, the Charter of Paris of 1990 reflected the desire of the participating States for a new "era of democracy, peace and unity" and sealed the end of the Cold War.

After the adoption of the Charter of Paris, the CSCE gained some permanent institutions: the Secretariat and Conflict Prevention Centre; the Office for Democratic Institutions and Human Rights, as well as operational capabilities. Since 1992, the Security Cooperation Forum, the Economic and Environmental Forum and the High Commissioner on National Minorities have also been created.

However, it has to be noted that until the signing the Helsinki Final Act in 1975, the history of the Conference on Security and Co-operation in Europe (CSCE) spanned over two decades of debate, more or less intense or frequent, between Moscow and Washington.

The first step or initiative in this debate belonged to the Soviet Foreign Ministry at the time, Vyacheslav Molotov, and ended unsuccessfully in 1954. Moscow's wish was to organize a European conference, without the participation of the United States, in order to legitimize a new distribution of forces on the European continent, and with the express requirement to dismantle the newly established NATO.

The plan of the conference initiated by Moscow reached a deadlock until 1969, a year after the intervention of the Warsaw Treaty Organization in Czechoslovakia, when, eager to get a formal agreement on the geopolitical situation in Europe, the Soviet Union renewed its proposal, giving up, this time, on the issues it defended earlier on, namely the rejection of the participation of the United States and on the abolition of NATO.

Moscow's come back, in 1969, to the idea to renew the proposal to organize the conference made Henry Kissinger, Secretary of State and National Security Adviser of the US to state: "Once the European Security Conference did not have as purpose to replace the Atlantic Alliance and confirmed the United States as a European power, the Soviet policy was found on the defensive.

The purpose of stabilizing the relationships between the two blocks (...) signified that, at least with regard to Europe, Moscow will now be on the defensive, trying to preserve what it obtained."(Kissinger, 2000, p. 635-637).

In good American tradition, this analysis performed by Henry Kissinger is partisan, exaggerating the threat of the Soviet Union with the sole purpose to counteract as efficient as possible, by using similar means to those he blamed Kremlin for using. By doing so, the former Secretary of State made a pertinent analysis of the position of the USSR in the mid 70's in order to increase the insecurity of Moscow and, at the same time, global security.

The Conference on Security and Co-operation in Europe (CSCE) comprised three major pillars: „security, economic cooperation and humanitarian cooperation” (Dobrynin, 1995, p. 345).

Anatoly Dobrynin (1995), ex-Soviet Ambassador in Washington, recalls that Moscow was only concerned with maintaining stability and with the enhancement of economic relations, denying or minimizing the importance of human rights. The West did not give up, thus forcing in the end Brezhnev and his acolytes to sign the final document.

Both Washington and Moscow made concessions, but both sides considered that, overall, the result will be favorable on the medium term as well as on the long term (Vincent, 1995, p. 55). Moscow's calculations have, however, proved to be inaccurate. This is because on signing the final version in the Political Bureau of the CPSU (Communist Party of the Soviet Union) major reservations were expressed, the final version being negotiated word by word by experts and politicians from the two camps, but eventually Leonid Brezhnev weight in favor of signing the document.

The caution shown by the General Secretary of the CPSU was due to the fear of the positive publicity that the document could have won at home, "when the Soviet public would have learned of the final agreement on the postwar borders, for which he sacrificed so much", as well as its receival in the West:

"In terms of humanitarian issues, they could have been mentioned only vaguely home, without much publicity. He thought that this will not bring much trouble within our country, but he was wrong. The situation of the Soviet dissidents has not changed overnight, but they were undoubtedly encouraged by this historic document. Even its publication in Pravda gave it the weight of a formal

document. Gradually, it became a manifesto of the dissident and liberal movement, an evolution totally beyond the imagination of Soviet leadership (underlined in orig.)." (Dobrynin, 1995, p. 346).

It turned out that the acceptance of the West or "bourgeois" variant of human rights brought major ideological and political issues for Moscow, both in the USSR as well as in the entire communist camp.

In Washington, it was also not easy for the Secretary of State Henry Kissinger to convince the ultra-conservatives within the Congress of the usefulness of the conference. They considered that the United States had made the biggest ideological concessions by legitimizing the existence of the socialist camp (Dobrynin, 1995, p. 347-348).

While accepting the European borders as agreed upon after 1945, the West introduced, under the pressure and the categorical insistence of the FRG, the possibility of peaceful territorial reunification. If the separation between the two Germanies had been deemed "inviolable", the path was opened then, at least in theory, for a non-violent reunification of Germany (Kissinger, 2000, p. 639), and this indeed happened much faster than anyone could have foreseen at that time.

What one can notice in this brief introduction to the topic, addressed within the CSCE, is that what constituted the "apple of discord" between East and West, the significance given to human rights, will be a philosophy that will take over American foreign policy in the second half of the 70's. By reading article seven, chapter three of the Conference document one can clearly understand the Western, liberal meaning of the phrase: "The participating States will respect the human rights and the fundamental freedoms, including freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion" (Oxford University Press, 1991, p. 160-162).

The adoption, even superficial, of the liberal principles of human rights, from an ideological point of view, proved to be the result of an unacceptable commodity in the context of what should have been the fight against the "bourgeois" reality, entailing a weakening of the "revolutionary vigilance" that resulted in the slow and inevitable "bourgeois character" of the communist principles.

The new humanitarian rules and criteria advanced by the West played precisely this role, to deeply and lastingly delegitimize the principles of communism, as well as the other initiatives: the "«Helsinki monitoring groups » have increased in several countries of the east block, of which the most famous was Charter 77 in Czechoslovakia. They interpreted the Helsinki Final Act as the consecration of human rights in international law - a vision that we fully support". (Kissinger, 2000, p. 648).

It should be reminded that, especially during the Carter presidency (1977-1980), human rights, in addition to a moral concept underlying the US militant democratic vision of their global role

represented an excellent instrument of political pressure against regimes from Eastern Europe. Ambassador Dobrynin recalls that President Carter “really believed that it is morally justified to defend human rights”, but at the same time, “saw the issue as a weapon of propaganda convenient (yea, really!!) in order to manifest public discontent at the expense of agreements on other major issues from the Soviet-American relations” (Dobrynin, 1995, p. 389), such as economic cooperation or negotiations for disarmament and nuclear nonproliferation.

According to Carter's adviser in matters of national security, Zbigniew Brzezinski, the Ford administration had exploited insufficiently at an international level the idea of human rights, which, he thought, could be a useful ideological counterweight for the presumptive expansionist tendencies of global communism (Zbigniew Brzezinski, 1983, p. 124).

Bucharest made itself noticed in the context of the preparations for the conference in Helsinki in 1975, on several points: stressing the need to treat states equally at an international level, to renounce to force in resolving disputes between the state, to recognize the inviolability of existing borders and, a very important point for Ceausescu, the "noninterference in domestic affairs" (González-Aldea, 1975, p. 32). Secretary of State Henry Kissinger was made aware, on this occasion, of the wishes expressed by Romania, Poland and even Hungary to obtain increased spaces for maneuver relative to the center from Moscow (Kissinger, 2000, p.645).

Romania made itself noticed, though, also by not accepting, on a virulent tone, the "Western" variant of human rights, which led to hinder, from a procedural standpoint, the conference, but especially to continue discussing the principles issued within it in the coming years.

The re-initiative of the conference, taken by Moscow in the late 60's, led the Romanian communists to follow with great interest the preparations for the CSCE.

Nicolae Ceausescu, who wanted to benefit from a greater influence in favor of Romania at European and even global level, propagated the favorite subjects of discussion, such as terminating the war and the "threat of force", boosting the "international proletariat", in particular the working class from the "capitalist countries" in the struggle to achieve his social and political rights, from which he was systematically robbed by the governments subservient to "imperialism", supporting the youth and women at an international level (of course, only to the extent in which they possessed or developed a proper "socialist conscience"), the growing role of the "small and medium countries" in the world and the moral need for the decision-making "equalization" of all states in international affairs, the renunciation at the politic of the "blocs" and the concomitant dissolution of NATO and the Warsaw Treaty Organization, a necessary measure in order to eliminate "foreign military bases" and " to withdraw all troops from the territories of other States, within the limit of their national

borders" and, not least, on strictly European issues, "acknowledgement of the existence of two German States ", the GDR and the FRG," and the development of normal relations with the two, in order for them to participate in solving all European issues (emphasis. in orig.)"(Ceausescu, 1970, p. 39-56).

In the preparatory phase of the conference, the representative of Romania, Valentin Lipatti, protested in 1972 against the holding by Great Britain, France, the Soviet Union and the United States of three seats each, while other countries had to be content with only two. "Romanian diplomacy has paid off, so the next day all delegations benefited from two seats." (González-Aldea, 1975, p. 19).

During the conference Romania did not have a clear position, it was neither on the West nor on the "socialist camp's" side and did not make any effort to integrate into the camp of the Third World; it adopted, except on the human rights issues, where it proved to be more virulent than the Soviet Union itself, a specific tone, trying to get as many advantages, irrespective of which side they came from. Spain, Yugoslavia and the Vatican did the same, for more or less obvious reasons (González-Aldea, 1975 p. 27).

We may conclude that during the conference Romania wanted to become a highly visible presence, personifying the romantic notion of Ceausescu, of the little "Prince Charming" caught in a heroic battle with the "dragons of the modern world". (Ceausescu, 1970, p. 325-326), but failed, to the dismay of the Secretary General of RCP (Romanian Communist Party), to overcome the condition of a small state, with little relevance in the dichotomous logic of the Cold War. "« He had a fertile and perfidious participation»", "the Spanish diplomat Jorge Fuentes appreciates, "often inappropriate, sometimes defeated, but always full of imagination" (González-Aldea, op. cit., 1975, p. 28).

With such a position on display within the conference, Romania 'made upset' even the Soviet Union, to some extent, by insisting constantly on the respect for the national sovereignty and the non-interference in the internal affairs, because the major purpose of Moscow in the Conference on Security and Co-operation in Europe consisted in legitimizing its influence over Eastern Europe (King, 1972, p. 1-25).

The issue of continuing to develop the ideas of the conference was raised even after signing the Final Act with the clear aim of implementing and developing the principles that have been brought to the forefront of the discussions. Romania and Yugoslavia got themselves noticed as the two socialist countries hoping to broaden their power of decision in relation to Moscow.

Had the international environment not been tense, then it would have allowed Romania to focus on its foreign policy interests without irritating Moscow too much (King, 1972, p. 3-4).

The fear of the socialist countries was that the West will use the conference as a means of enhancing the injunctions for complying with the humanitarian principles, issue on which a formal agreement was reached for the first time.

On the other hand, the Western countries were concerned about the possibility of transforming the conference into a dissemination tool of the communist propaganda towards the West. The fears that came true in the end were those of the socialist states.

At the next meeting of the Conference on Security and Co-operation in Europe, which was held in Belgrade between 1997 and 1978, Romania was represented by its ambassador, Valentin Lipatti, who said that this meeting ended 'with unsatisfactory results' (Lipatti, 1985, p. 137) because the consensus reached at Helsinki had disappeared: the East was insisting on the political and economic issues, the West wasn't hesitating to hit the most vulnerable point, the (non-) compliance with the humanitarian commitments. The differences amplified, and, in the absence of an agreed conclusion, the mechanical repetition of the statements made in the Final Act was used (González-Aldea, 1975, p. 62-65).

At the conference in Belgrade, the focus was on some ideological, humanitarian issues, correlatively neglecting the economic or social problems. Another downside of the reunion lay in the fact that it was purely advisory, 'not having the ability to take decisions' that are compelling for the participants (Lipatti, 1985, p. 139). The socialist states, including Romania, had been disturbed by the fact that the Western countries were criticizing them for the lack of implementing the respect for human rights, which led to 'polemics and ideological confrontations'; Valentin Lipatti criticized somewhat paradoxically the 'advisory' nature of the reunion, its inability to establish binding decisions for the participating states.

The inter-ideological polemics amplified at the conference in Madrid, and the political tensions reached their peak. The intervention of the USSR in Afghanistan in conjunction with the Western pressures on the subject of the need of respecting the human rights have greatly contributed to the decline of the relaxation of the global tensions.

The fact that Mihail Gorbaciov reached the position of leader of the Soviet Union made the situation change fundamentally at the conference in Vienna, conference which was conducted in the second part of the 80s. Mihail Gorbaciov proved more receptivity to the humanitarian problems, thus easing the opening of the gates for the EAST-WEST dialogue and bringing a major contribution in ending the Cold War (González-Aldea, 1975, p. 20).

In 1981, Dumitru Tinu condemned vehemently the humanitarian obligations incumbent on Romania, in the context of the Conference on Security and Co-operation in Europe, arguing that the

number of dissenters is a small percentage compared to the total population, them being only ‘victims of the propaganda of incitement to emigration carried out by the reactionary circles, hostile to the extension, to serve the monopolies interested in increasing the millions of uprooted wonderers, cheap manpower, reliable source for over-profit. These are the true ... «humanitarian» purposes of the campaign demagogically initiated after the Conference from Helsinki and which aimed the transformation of the European reunions into a kind of «international courts» designed to judge the policy of various states, their domestic laws’ (Tinu, 1981, p. 159).

Even if it seems paradoxical considering the international position that it had, Romania wanted to dictate the rules of the game, and not accept or accept only selectively the rules established by the other participants in the Conference on Security and Co-operation in Europe.

Romania insisted on the disarmament issue (although it did not have an impressive arsenal), on the pacification and ‘democratization’ of the international relationships (which were equivalent to the equalization of the power of decision on all states externally and the adoption of decisions only by consensus – a measure that apparently was courting the ‘bourgeois’ morality, being however unable to put into practice in the detriment of the bombastic enthusiasm of the Romanian diplomacy; Nicolae Ceausescu would have thus made his contribution in creating the conditions for the settlement of the most tricky international disagreements, becoming a global leader) and, finally, on the articulation of an European framework for security through economic and political cooperation, and not necessarily through cultural and social cooperation. In fact, Romulus Neagu said that the basic principles of the Conference on Security and Co-operation in Europe would not represent anything else than the confirmation of the innovative thinking of Ceausescu at international level... (Neagu, 1976, p. 261).

The reformation of the former Conference on Security and Co-operation in Europe, the establishment of the Organization for Security and Co-operation in Europe and the affirmation in the geopolitical and strategic background of the modern world, alongside other international organizations and bodies focused on missions of peace enforcement / keeping did not lead only to the animation of the security ‘scene’, but it capped in to an equal extent the perseverance of the participating states’ leaders to counter by all means, mechanisms and instruments the disasters that undermines the worldwide peace and stability, bringing a serious and irreparable prejudice to the human rights, the principles of the international law and the social order.

If we want to compare this to the approach of the Council of Europe on the protection of the human rights, we will find that the latter has a legal touch, where according to which the EU places a great emphasis on supranational institutions and mechanisms, the Organization for Security and Co-operation in Europe, (richer in the number of the participating states and with implications which

exceed the Europe's borders such as North America, Mediterranean, Far East of the Russian Federation), has as objectives the relationships between security and economic cooperation, plus the democratic liberties, gradually advancing an original mechanism of the human rights dimension. The missions rely on the concept of comprehensive, common and indivisible security. It promoted the civil objectives of the human rights, democratic institutions, free media, performance of free and fair elections and good governance alongside the traditional political and military issues of the security.

In this profoundly multifaceted context, the crises that appear in the international environment present a greater degree of complexity, which leads to finding some highly complex and appropriate answer solutions and which require a constant adjustment of the conception on the crisis management.

The same is also valid for NATO. From a conceptual point of view, we can see that the two organizations have tried to adapt their concepts and doctrines on crisis management, especially in the last 26 years.

Then, what is the difference between the two international organisms?

The foundation of NATO is based on the concept of Alliance, where the signatories of the Treaty have common geopolitical goals, common interests that can be harmonized through permanent consultations (relatively small number of members, their positions in relation to various security subjects are known, the decision-making mechanisms are flexible, there is only one political-military decisional organism at strategic level, etc.)

The success of the Organization for Security and Co-operation in Europe during the Cold War is based directly on its vocation to be a forum for dialogue between the two parties whose positions seemed irreconcilable

If we want to weight up (but still keeping the proportions) the differences, we can conclude that there are still two topical issues that the Organization for Security and Co-operation in Europe will have to address soon:

- o The status of the Organization for Security and Co-operation in Europe does not yet have the status of an organization with international legal personality, its affiliated members still have the status of participating states and not that of member states.

The status of an international organization with legal personality should determine clarity and a greater consistency arising from the development of an own concept of the Organization for Security and Co-operation in Europe, followed by an institutional or action development which gives efficiency and effectiveness to the organization.

- o A second problem is the relatively large number of participating states, 57 compared to 35 states participating in signing the Final Act from Helsinki. This determined the USA and the European

West states to reduce their interests towards the Organization for Security and Co-operation in Europe, due to the fact that the decisions within the Organization for Security and Co-operation in Europe are taken by consensus, this being quite difficult having membersstates that are still in the dawn of democracy, or others that are still under the influence, at least economically if not politically, of Moscow. Because access to the Organization for Security and Co-operation in Europe is not made based on some political ‘performances’, or an *acquis communautaire*, as in the case of the EU, or based on some demanding criteria in terms of implementation of some reforms, this determines the fact that some states with questionable democracies still have access. This is one of the founding principles of the Organization for Security and Co-operation in Europe.

As regards the European Union, in the light of the evolution of the management concepts of the crisis, we can say that it is still under institutional and foundation construction of some of its own concepts and doctrines.

This does not mean that the EU has not taken important steps towards the creation of an own doctrine based on a crystallized conception for crisis management. It should be noted at this point the fact that since 2004, the EU has defined the concept of comprehensive approach on the crisis management.

However, we see that even if conceptually it placed itself one step ahead NATO on the comprehensive approach, the operationalization of the concept, its implementation has proved to be a slow and difficult process for the EU due to the fact that it does not have an own military component, being much more focused on the civil component for crisis management, as part of the comprehensive approach, as well as on the security emphasis on cooperation, where the EU has managed to become a major player in its strategic interest area.

It is noteworthy that the adaptability, flexibility and the capacity of transforming, learning from past mistakes, are elements in favour of the organization that embraces these principles. The only international organization whose concerns of continuous transformation are raised at the level of strategy is NATO. Moreover, it is also the one only that, from a structural and organizational point of view, indicates this by the existence of a Strategic Command for Transformation, as an important element in the dynamics of this organization.

On the other hand, the complementarity between NATO and UE on the military capabilities of NATO and the civil ones of the UE in the field of crisis management fully justifies the strategic partnership between the two institutions. However, the European Union aims to develop its own military capabilities hoping to become a major global player.

The economic and financial crisis in the last 6-7 years has determined a more judicious

allocation of funding for defence expenses, determining, on one hand, NATO to start the Smart Defence program and, on the other hand, the EU to start the pooling sharing program. Both start from the same needs to finance in a smarter way the defence and the security.

With the Strategy from Maastricht, the allies of the Organization for Security and Co-operation in Europe have revealed that the poor governance and the omission of states to ensure the functional framework and the appropriate democratic institutions to promote stability can create threats.

Over time, the Organization for Security and Co-operation in Europe 'refined' its own mechanisms for enforcing and keeping security, its actions being among the most diverse, extending from the political sphere, focused on the promotion of the principles of a good governance and the rules of democracy, in the military and the security one, until the respect of the journalistic freedoms, the rights of minority and the principle of non-discrimination.

To these one may add the environment and education protection, which highlights the versatile capabilities of this international organization to contribute to the enforcement and the maintenance of security.

The involvement of the Organization for Security and Co-operation in Europe in the conflict in Ukraine shows us that the concept of 'comprehensive security' is more topical than ever in the vision of the member nations, nations for which the conflict does not represent a show to which they assist as mere spectators, but a palpable and unquestionable reality to which they must adapt permanently.

Taking as a case study the conflict in Ukraine, in the defusing of which the Organization for Security and Co-operation in Europe got involved substantially and unconditionally, and starting from the assumption that diplomatic problem-solving might be the key to success, led to the conduct of several meetings and negotiations both at presidential and ministerial level, with the participation of some diplomats experienced in defusing the conflicts, the result of the mediation consisting in signing the *Protocol from Minsk on 5th September 2014*, followed by an implementation memorandum agreed by the representatives of the Trilateral Contact Group on Ukraine (consisting of Russia, Ukraine and the Organization for Security and Co-operation in Europe) and by the leaders of the self-proclaimed states Donetsk and Lugansk, in order to cease the violence in the Ukrainian region Donbass.

Finally, we can conclude that the Organization for Security and Co-operation in Europe is not indifferent, but it upholds the respect of the rights and the values it defends, starting from the assumption that security cannot exist without judicial order, in the same way that the right cannot apply efficiently except in conditions of full security.

These are principles that the world leaders should respect and implement, with the understanding that peace is the only way towards the progress and the stability of the humanity.

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