FROM HELSINKI FINAL ACT TO AN OSCE CHARTER: A CASE FOR A NEW SECURITY ARCHITECTURE

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Distinguished professor Mikko Viitasalo, Chairman of the Board,
Distinguished Mr. Martti Enäjärvi, General Director,
Distinguished Guests,
Ladies and Gentlemen,

I feel very honoured and proud to speak to this distinguished forum which is named after one of the great European statesmen of the 20th Century, Juho Kusti Paasikivi.

The difficult and tragic period of history in which President Paasikivi had to work remind us today that Europe had undergone periods of great difficulty and that our era is in many ways much more fortunate than the recent history had been.

It also reminds us that improvement at the international scene requires statesmanship and realism, the qualities so well represented in the work of President Paasikivi.

His contribution to peace, stability and security in Europe was unique. Less than two decades after his passing, Helsinki was the site of a major conference which established an important framework for subsequent era of prosperity and peaceful change. Cold war eventually ended and new opportunities arose.

This year we shall commemorate the 35th Anniversary of the Helsinki Final Act of OSCE. Therefore it is appropriate, to use this opportunity, here in Helsinki for a reflection on the evolution of the European security architecture and its future.

I have decided to take a specific angle in that regard, to reflect upon the interplay between the state and non-state aspects of European security and cooperation.

An OSCE History at a Glance

A quick comparison between the Helsinki Final Act of 1 August 1975 and the present day agenda of the OSCE reveals a major evolution of the political and security landscape of the OSCE area.

The situation of 1975 was almost totally dominated by the states and governments. The security landscape was almost totally dependent on the military systems of the time - and of the large armies which were, at the same time, both the threat to and the guarantee of international security. Today, the situation is different- it is much more human centered, with a strong emphasis on issues such as democracy, human rights and the fate of minorities.

While it is true that the Helsinki Final Act contains references to human rights, they were either very general or carefully framed in the context of cooperation among states. However, Principle VII of the Final Act contained a far reaching provision: the right of the individual to know and to act upon his human rights and duties. This provision expressed a critical mobilizing idea — it empowered people in Eastern Europe to strive for change and to make human rights a reality. The effect of this change has been dramatic and has transformed the world into a different place.

As a result, the international system also changed. The bipolar world has ended.[2] The collapse of the Soviet Union and the Warsaw Treaty Organization opened new possibilities for cooperation in the field of security. Over time, the nature of threats to international peace and security changed. The number of armed conflicts has gradually reduced. In particular, the number of armed conflicts in the OSCE area which exploded in the 1990s was reduced with a number of "frozen conflicts" remaining a challenge.

Today the threats to international peace and security are global and different. Conflicts resulting from such phenomena as poverty, infectious diseases, terrorism and internationally organized crime dominate the international security agenda. While the armed conflicts between states, and, above all, within states, represent a serious threat, they are generally, not a matter of battle between large regular armies. Rather, they are characterized by low intensity and, by involvement of irregular armed groups, often attacking civilians. Even armed conflicts today are less state-centered than human-centered.

However, the role of states and their armed forces remains fundamental. The question is, how does that role relate to the challenges of security today and, consequently, what kind of general political and legal framework is needed to ensure lasting peace and stability, as well as development and prosperity in the OSCE area?

All these changes call for a comprehensive review of the issues of security in the OSCE area, i.e. the area between Vancouver and Vladivostok. Such a review would necessarily have to include both state-centered and human-centered aspects of security. A comprehensive analysis and comprehensive proposals for a future security architecture can arise only if these two basic dimensions are included. The recent OSCE ministerial meeting held in Athens reiterated the concept of an inclusive, comprehensive and cross dimensional approach to security and cooperation in Europe.

A welcome contribution to this review was made recently by the president of the Russian Federation, Mr Dmitry Medvedev. His proposal for a European Security Treaty merits careful attention and serious consideration. It represents a serious attempt to propose a legal framework for a pan- European security system which would contribute substantially to the maintenance of global peace and security. His focus is placed on the state-centered aspects, in particular on the needed mechanisms of inter-state consultations, confidence building and cooperation.

The success of this review will depend on whether it would provide the right combination of state centered and human centered elements of international security. The end result, ideally a Charter of full fledged international organization, built on the foundations laid down by the existing OSCE would have to include the human dimension and should provide an answer to the question of how to incorporate the mechanisms of prevention of treats to human security. This article tries to offer a reflection on the lessons learned in the OSCE context and a few ideas on the way forward.

The place of human rights and democracy in the contemporary European security agenda

Human rights and democracy has become a central feature of the political agenda of Europe. As a result of the new importance of human rights and democracy, both OSCE and the Council of Europe, gained additional new tasks and have developed new directions of work. A large part of the current debate on human rights and democracy relates to the issue of minorities; which has only been mentioned in the Helsinki Final Act

Today, the OSCE is organizing an important segment of human rights activity around one of its main institutions, the Office for Democratic Institutions and Human Rights (ODIHR). ODIHR is actively involved in electoral assistance and election monitoring and in a set of other activities relating to the strengthening of democratic institutions. In contemporary Europe, where democracy is the norm, it is obvious that free and fair elections represent a major guarantee of political stability of states and of security and peace at the international level. In Europe, the principle of democratic governance as a guarantee of peace has taken hold. However, the implementation of this principle requires further work.

What we need first and foremost is patience and persistence. We also need a good understanding of political cultures that exist in the OSCE area and which are different from one country to another and from one region to another. We have to learn to be tolerant. We have to learn to understand that electoral systems are different from one country to another and that political traditions differ from one country to another and that in designing a program of assistance to democratic processes in different countries it is necessary to take into account the political culture of the country in question.

Obviously this view requires a note of caution. There are people who would say — well, we have international standards of electoral assistance, which need to be obeyed. I'm not so sure. It is not obvious that OSCE and other international institutions in the OSCE area have sufficiently precise and authoritative standards related to elections and electoral systems. Do we really have internationally agreed standards related to complaint procedures in cases of electoral fraud? I do not think that that is the case. We have a set of practices; we have ideas about what constitutes free and fair elections. But we have to be sensitive to the local circumstances, to the political culture of the country in question and have to develop these standards with due regard to the existing experience and practice.

One of the tasks for the future is standard setting. This does not have to be proposed immediately and in terms of hard 'black letter law'. It can be designed in terms of, first, recommendations, guiding principles or consolidated good practices. We need to take stock of different practices that exist and patiently work for an agreement on standards and for improvement of electoral practices in every part of the OSCE area.

The second priority area relates to the situation of national or ethnic minorities. Obviously, the issues of minorities need to be looked at continuously. Europe had had a long period of time, the period of thirty years between the end of World War II and the Helsinki Final Act, when the issues of minorities were neglected. It was believed that human rights of individuals would take care of minority issues automatically. That obviously did not happen. In the last 35 years, European organizations, in particular OSCE, have been paying more attention to the issues of minorities and have developed a degree of

systematicity in that regard. The Bolzano/Bozen recommendations on minority issues are among the more recent examples of the progress made over the last two decades.

OSCE has developed an impressive body of practice of conflict-prevention as a main focus of minority protection. What does conflict-prevention mean in that regard? It would be unwise to wait for issues of ethnic relations to become politically so tense to show signs of an evolution towards a violent conflict. It is much wiser and more effective to look into the practices of states and their legislation designed to help to manage interethnic relations. This may include legislation relating to the use of languages in the public sphere, as well as the use of media and the visibility of minorities and their issues in the media. There has to be a set of other instruments of that nature, which helps societies to develop proper balance between different ethnic components. The experience of multiethnic states is particularly relevant in this context.

Obviously, democracy and human rights are only a part of the political agenda related to the European security architecture. There are others: the issues of environment, food security, energy security, migration and others. All have to be taken into account in a discussion on a new European security architecture. However, this does not necessarily mean that each of these issues requires a new international institutional arrangement. What is required however, are clear ideas on how are all these aspects related to the core of the architectural design. This, in turn, requires a clear identification of that core, the security architecture agenda for the future

A security architecture agenda for the future

While the issues of human rights, democracy and minorities represent critically important elements of the contemporary security agenda in the OSCE area, it is fundamental to get the international security architecture right. That will require an appropriate definition of the forms of cooperation among states and their various security organizations. NATO is currently considering a new strategic concept. President Medvedev of the Russian Federation has offered a comprehensive draft of a security treaty to regulate that cooperation. The international discussion should be moved to a higher level. Four aspects of the contemplated security architecture in the OSCE area are of particular importance.

The first element of new security architecture would require a **demonstrated ability to find solutions to specific crisis situations.** Nothing succeeds like success. In the OSCE area there are a few crisis situations, which have persisted for far too long. Some of them are defined as the 'frozen conflicts' of the Caucasus. There has to be an expedited process towards solution of those conflicts. The priority attention needs to be paid to the oldest one, the conflict of Nagorno-Karabakh, which started two decades ago. A solution needs to be found sooner rather than later. Twenty years is a long time and there is every reason to strengthen the efforts of the main mechanism for that conflict, the Minsk Group, and to push towards a solution. Specific proposals exist. They must be acted upon. If a significant movement in that area is achieved then obviously, other beneficial effects will follow. A demonstrated ability to solve crisis situations is an important condition for success of any process of construction of a new security architecture.

Second, the new security architecture in the OSCE area should establish a **new partnerships between a number of existing security organizations.** NATO is one of them, and there are others including the Commonwealth of Independent States and the Shanghai Cooperation Organization. The important task of our era is to make sure that

these organizations not only coexist but that they function in a manner which creates synergies and the best possible security effects. OSCE can be used as one of the forums where the security policies of the regional organizations are expressed and where discussions are held and convergence of their policies is stimulated. That does not mean that the authority of the participating organizations should be diminished. What is needed is genuine dialogue, genuine sharing of experience and discussion motivated by the need for convergence. Obviously, this kind of aspirations must be tested. The situation in Afghanistan requires precisely this kind of partnership and will be a critically important test of the actual possibility to create the practice which is critical for any new security architecture in the OSCE area.

Third, it is important to understand that security in the world is global and that therefore, there is a **need to support the only global security organization that we have — the United Nations.** There is no solution for global security without the United Nations. The United Nations has to be strengthened and modernized to become more effective in dealing with the problems of security today. But in order to achieve that, the UN needs support of regional organizations. It needs support of the organizations such as OSCE, NATO, Shanghai Cooperation Organization, ASEAN, African Union and others. In that regard the UN has already developed useful practise. This includes periodic meetings that the UN Secretary-General holds with the executive heads of regional organizations. But these practices are not sufficient. More is needed. We need better coordination and more convergence between the work of regional organizations and that of the United Nations. Policy planning and conflict management need to become a regular feature of cooperation among the regional organizations and between them and the UN.

Fourth and final element is the need to **refine and to reinforce international law.** International law is an important value in the area of security. Respect for principles of international law, such as non-use of force, territorial integrity of states, the principle of the right of peoples to self-determination and other principles remains fundamental. However, it is necessary to follow the actual practices and to see where these principles require further clarification, or, perhaps, refinement. (It is understood that major revision is neither necessary nor desirable). The principle of self-determination of peoples is a case in point. The practise of self-determination of peoples has evolved since the conclusion of the Helsinki Final Act in 1975. The subsequent CSCE/OSCE documents reflected that evolution but a comprehensive analysis and a resulting general definition has not been developed as yet. Much of the practice relevant to self-determination of peoples does not have a direct affect on the territorial integrity of states. There is a need to take stock of the electoral systems and practices and the regulation of the situations of national and ethnic minorities. These regulations and practices are capable of removing some of the sharp edges of self-determination of peoples and to contribute to the territorial integrity of states and, consequently, to diminish the tendency of resorting to the use of force. It appears necessary to re-formulate the legal content of the right of peoples to self-determination in a manner which will reflect the experience of the past decades. Moreover, the principles of the Helsinki Final Act must be looked at again in the context of construction of a new European security architecture and a refined formulation of these principles should be developed to shoulder the European security in the future.

Conclusion

The experience of the OSCE shows both the value of practices which were developed within the past decades and which include those devoted to the strengthening of democracy, managing the problems of minorities and dealing with human rights in general. These are necessary components for the maintenance of international peace and security. In any future security architecture they need to be given a meaningful place, not least in the context of the much needed refinement and reinforcement of the basic principles of international law such as the right of peoples to self-determination, the non use of force and the respect for territorial integrity of states.

One practical possibility would be to include, both (1) a refined and updated formulation of the basic principles of international law and (2) the policy principles on matters such as elections and minorities into a draft European Security Treaty such as the one proposed by President Dmitri Medvedev, or, alternatively, into a comprehensive OSCE Charter.

There are a variety of techniques in which this can be done. The principles of international law could form a solemn part one of the Treaty while the policy recommendations and the relevant procedural and institutional arrangements on human rights, democracy and minorities could be added as the third part of the Treaty. The middle part would obviously need to provide a framework for cooperation among states and their security organizations.

Would this amount to updating and revision of the Helsinki Final Act? Very probably, yes, but we live in a world vastly different from the one existing three and a half decades ago and a high ambition level is in order. And there is no better place than Helsinki and the Paasikivi society to reflect on such ideas.

I thank you for your attention.