

Check against delivery!

OSCE SECURITY DAY

Vienna, 27 MAY 2014

»The OSCE and Chapter VIII of the United Nations Charter: Confronting
Emerging Challenges in the Euro-Atlantic and Eurasian Space«

Key-Note Address

by

H.E. Dr. Danilo Türk, Former President of Slovenia (2007-2012)

SETTING THE SCENE: CHALLENGES AND OPPORTUNITIES FOR THE
OSCE IN THE CONTEMPORARY SECURITY CONTEXT

It is a privilege to take part at the beginning of our discussion today and to offer a broad outline of the problem area to be discussed in more detail as we proceed.

For both, the OSCE and for the UN, this is a time of difficult tests in the fulfillment of their mandates for the maintenance of international peace and security. Ukraine, Syria and the wider Middle East, South Sudan and Central African Republic represent serious threats both to regional and global security.

This is the time for effective crisis resolution.

At times like these we need to remind ourselves of the roots of the security system of our world, and of its experiences - its strengths and weaknesses - and to use all this in the efforts to find adequate solutions. In fact, we can learn a lot from both recent and more distant history.

In a few months from now historians will remind us of the seventieth anniversary of the conference in Dumbarton Oaks. That conference met between 21 August and 7 October 1944 in Washington, DC, where the Charter of the UN was drafted. One of the key questions addressed at the time was precisely the question we are grappling with today: the relationship between the global and the regional mechanisms in their effort to resolve the issues of peace and security.

The question, at the time, was whether an effective global instrument of peace could be hoped for and what could be expected from the regional security mechanisms. The experience with the League of Nations was disappointing. A regional approach seemed to be more realistic, closer to the needs of “realpolitik”.

The works of historians like Robert Hilderbrand and Stephen C. Schlesinger recount in some detail the arguments and the differences of opinion between the holders of the “regional”, as opposed to the “global” approach to the system of collective security designed for the post World War II era.

The result of those discussions and subsequent negotiations was a compromise. The United Nations’ Security Council was endowed, in Article 24 of the Charter, with the “primary responsibility” for the maintenance of international peace and security. In addition, according to Article 52, nothing in the Charter precluded the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that they and their activities are consistent with the purposes and principles of the United Nations.

Much water has flown under the bridges of Potomac and Hudson rivers since the formulation of the quoted compromise. Much experience has been gained since then. The Charter of the United Nations has generally stood the test of time.

The special responsibilities of the five permanent members of the UN Security Council for the maintenance of international peace and security have been reaffirmed time and again – both in the situations dealt with by the UN and in those addressed by the regional organizations.

On the other hand, the notion that the UN Security Council holds primary and not exclusive responsibility for the maintenance of international peace and security has become better understood. With the evolution of the regional security systems and their practice a subtle rebalancing has started to take place. The emphasis on the role of regional arrangements has become stronger and the

idea of partnership between the UN and the regional organizations ever more important. The element of hierarchy, on the other hand, has become weaker.

Let us remind ourselves of a few examples.

In Africa, the UN has coordinated closely its activities in practically all the situations involving threats to international peace and security with the African Union and with several sub-regional organizations. From the wars between Ethiopia and Eritrea and in the DRC to situations in Liberia, Sierra Leone, Darfur and, most recently Central African Republic and South Sudan different types of cooperation of the United Nations with the African Union as well as with ECOWAS, SADDC and IGAD have been a vital ingredient of the search for solutions. In addition, the development of legal norms and institutions within the African Union has added to the role and responsibility of that organization in dealing with challenges to peace and security in Africa.

New methods of work are being introduced, such as the meeting of the members of the UN Security Council and the members of the EU Political Security Committee. At the latest such meeting, held last week, the agenda included the UN Multidimensional Integrated Stabilization Mission in Central African Republic (MINUSCA) and the EU element to be added to the African and French forces already deployed in the area.

In the Middle East, the cooperation of the UN and the Arab League has a long history and has been given a particularly important role in the effort to stop the war in Syria. This cooperation remains fully relevant now and for the future.

In the Americas, the UN has worked closely with the OAS as well as with the Rio Group, the CARICOM and other organizations to address a variety of

situations in the Andean region, in Central America and in Haiti, the latter being probably one of the most intractable situations of the past decades.

In the South East Asia, the UN has learned much from the experience of the ASEAN and the much appreciated “ASEAN way” in dealing with the situation in Myanmar, which has been for more than two decades on the agenda of the General Assembly, as well as a matter of diplomacy of the Secretary General. More recently it has been placed on the agenda of the Security Council. Since two years ago it has been developing in a positive direction.

And in the northern hemisphere the UN and the OSCE have developed a set of useful models of cooperation and of division of labor. This cooperation has been given the most practical expression in the Balkans and the Caucasus, in particular in the cooperation between the respective field presences of both organizations. At the same time, in such broad areas of work as conflict prevention and mediation, electoral assistance, strengthening the democratic institutions and promotion of human rights, both organizations have learned from each other’s experience.

I have mentioned only a few examples and some of the most visible cases. It is important to understand that the global system of collective security functions today as a system of the United Nations and the regional organizations. Both segments of collective security are vitally needed. It is never certain which one will take the lead. Only an adequate cooperation and synergy between the UN and the relevant regional organizations can produce adequate results, consistent with the purposes and principles of the United Nations.

This result-oriented cooperation among the segments of the global system of collective security should be seen in a mutually reinforcing and not in a

hierarchical relationship. After all, what matters are results expressed in the strengthening of international peace and security and in effective crisis resolution when crises erupt. Result-oriented cooperation between the UN and the regional organizations is needed to give the true expression to the spirit of Chapter VIII of the UN Charter.

While this conclusion is not new, it certainly needs to be stressed strongly and clearly today, in a meeting held in the OSCE, the hemispheric organization which represents a strong pillar of global cooperation for peace, stability and prosperity. For the OSCE, the UN represents the vital normative framework for its effective action.

The practical experience accumulated in the decades of work of the United Nations is important for effective work of the regional organizations. The unique legitimacy of the UN, the only global and fully inclusive organization with a mandate in the field of maintenance of international peace and security, represents an important asset in crisis management and conflict resolution.

The OSCE, on the other hand, brings an additional value into the picture. The next year will mark four decades from the conclusion of the Helsinki Final Act, a document which has had a truly transformative effect. The human rights provisions adopted in Helsinki in 1975 were strongly supported by the people and proved to have an enormous mobilizing potential. The idea of comprehensive security, embodied already in the UN Charter itself, was developed further in the Helsinki Final Act.

Seen in a historical perspective it is impressive – almost paradoxical - that a document which was, at its time, an epitome of subtle diplomacy and compromise, helped to produce the most far reaching transformation. Today

Europe is a much better place than it had been before 1975 and much of this improvement is due to the transformative effects of the Helsinki Final Act and its follow-up. These are achievements of historic proportions. Moreover, this historic success created a genuine opportunity for the coexistence, cooperation and partnership of the evolving forms of Euro-Atlantic and Euro-Asian mechanisms of regional cooperation. An opportunity it is, but not yet a reality.

At the same time, it is understood that the organizations working in the field of security have to be able to effectively address political crises as they arise and to help resolving the ongoing violent conflicts. All efforts need to be made to resolve the crisis unfolding before our eyes in Ukraine. The OSCE is in the lead among the international organizations engaged in these efforts. A variety of its mechanisms are already taking part. Indeed, the OSCE is addressing the crisis on a very broad front and is using all the instruments and mechanisms from its tool box to help finding good and lasting solutions.

In a situation of this level of gravity and importance it is necessary to take advantage of all the lessons available from the past. Which aspects of the UN experience can be helpful in this broad effort? In my opinion, there are three lessons which can help.

First: act early. The earlier the action is taken the more likely it is that it will eventually be effective. Crisis situations tend to become more difficult by every day passed. The OSCE engagement in Ukraine started as soon as the consensus allowed it and the whole range of instruments is being used. This is encouraging.

Second: ensure inclusiveness. The more inclusive is the process of search for solutions, the more likely it will conclude with an agreement. The crisis in

Ukraine has shown, once again, the quick growth of polarization within a society at a time of crisis. When people don't feel secure and when they start losing hope for in a better future, people turn to other loyalties, and emotions start running high. The only effective remedy in such dangerous circumstances is dialogue, organized in an inclusive process, one that leaves no ethnic, religious or other relevant group outside. Such a dialogue has to address the difficult issues of organization of state power, its decentralization and power sharing. It is important to ensure an adequate involvement of women in the process. It is never too late to secure their participation.

Third: territorial integrity requires effort. As we have seen in the post - cold - war era in East Europe and as we continue to see in different other parts of the world, the territorial integrity of states is no longer an axiomatic basis in conflict resolution. In some situations in the recent past the circumstances have degenerated to a point at which the dissolution of states - multiethnic, multi religious or otherwise complex states - presented itself as a necessity and therefore a part of the solution. In order to avoid such unwelcome scenarios, the questions of inclusion of all political actors, and, as the case may be, geographically defined autonomy and federal arrangements need to be addressed sufficiently early, with a sense of realism and political creativity. Although decentralization can be perceived as a step towards ultimate partition, it could, in fact, be necessary to keep a country together.

Admittedly this is a sensitive matter. However, real political issues have to be addressed and real solutions must be preferred to avoidance and delays. Specific experiences - both good and bad - of diplomacy leading to 1995 Dayton Peace Agreement in Bosnia and Herzegovina and the 2001 Ohrid Framework Agreement in Macedonia are worth keeping in mind.

Today, the crisis in Ukraine is a fundamental challenge to the international system. The importance of a stable solution cannot be overemphasized. Ukraine must not become a geopolitical battlefield. It should be allowed to play an independent and globally important role as a bridge of cooperation. Ukraine has the potential for such a role. And in order to use this potential, Ukraine should develop an inclusive constitutional arrangement and an appropriate international status. All efforts have to be motivated by this objective. Let us not forget: Even in the hard times of the Cold War it was possible to build bridges. This should not be an impossible task today.

And, let me add a final thought. In matters of maintenance of international peace and security there is no substitute for cooperation among the Permanent Members of the UN Security Council. They continue to bear a special responsibility for the functioning of the international system as a whole. The accumulation of global security problems today calls for a renewed effort. A global strategic compact among the permanent members of the UN Security Council is called for. Admittedly, such a compact was due but could not materialize in the immediate aftermath of the Cold War. However, the intervening years have brought additional experience and wisdom. This could help developing a consensus regarding the main challenges to international peace and security and would help the international institutions, above all the United Nations and the OSCE, to play an effective role in an increasingly multipolar world.

The ideas which guided the conference at Dumbarton Oaks seventy years ago continue to be inspiring and should be given a modern meaning. Discussions like ours today provide a good opportunity to exchange ideas which could help.

I thank you for your attention.