The OSCE and the Federal Republic of Yugoslavia: Chances and challenges

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Introduction
The five-year old decision of the OSCE to suspend the active participation of the Federal Republic of Yugoslavia (Serbia and Montenegro, hereafter referred to as FRY) in its work is still in force. This is the only case of suspension in the history of the OSCE and the first where the controversial rule 'consensus minus one' was applied. The fact that there are no rules concerning suspension in any of the OSCE documents makes this problem additionally important for possible similar cases in the future.

This article will give a short overview of the relations between the OSCE and the FRY and analyze modalities for the possible return of the FRY to the OSCE. It will argue that some recent developments in the region (the gradual stabilization of the peace process in Bosnia-Hercegovina, normalization of bilateral relations between the successor states of the former Yugoslavia, removal of the UN sanctions against the FRY) and in Serbia itself (the role of the OSCE in the crisis after the local elections, the forthcoming presidential and parliamentary elections) have opened up some new possibilities to end the suspension, to the benefit of both sides.

From Helsinki 1992 to Lisbon 1996
Several weeks after the war in Bosnia and Hercegovina had started (early April 1992) representatives of the states participating in the CSCE Follow-Up Meeting in Helsinki adopted a declaration which established the 'pattern of clear, gross and uncorrected violations of CSCE commitments' by the authorities in Belgrade and by the Yugoslav Army (JNA) and insisted that elements of the JNA in Bosnia-Hercegovina must 'either be subject to the authority of the Government of Bosnia-Hercegovina, or else withdrawn or disarmed'. On the basis of this document and the attitude of the Belgrade authorities the Committee of Senior Officials (CSO) of the CSCE decided on 8 July 1992 that no representative of Yugoslavia would be present at the forthcoming Summit in Helsinki and other subsequent CSCE meetings.

In accordance with the same decision, this suspension would be reviewed in the light of the compliance of the FRY with the 'principles, commitments and provisions of the CSCE'. As a part of its review on compliance, the OSCE would also take into account 'the acceptance by, and co-operation of the FRY with the CSCE Mission to Kosovo, Sandzak and Vojvodina' whose establish-

2. Decision of the Committee of Senior Officials of the CSCE, Helsinki, 8 July 1992, ibid, p. 22.
ment was announced.

This Mission was established by the Decision of the CSO adopted on 14 August 1992 in Prague. The Memorandum on Understanding with the FRY was signed for an initial period of six months and was renewed for another three months. The fact that the FRY has not been readmitted to the OSCE during that period was used by the Yugoslav government as an explanation for the non-renewal of its mandate. This Mission was operative from 8 September 1992 until 28 June 1993.

The Stockholm meeting of the CSCE Council in December 1992 reiterated that the leaders of Serbia and Montenegro bear the main responsibility for the conflict in the former Yugoslavia and stated that only after radical changes of their policy towards their neighbours and their own people, as well as their real cooperation in the peace process, would their country be gradually readmitted to the international community.

The CSCE Council in Rome (December 1993) asked for an urgent and unconditional return of the Mission of Long Duration to the region and encouraged talks concerning the future status of Kosovo. The Budapest Summit (December 1994) on the other hand, did not reach any consensus on the former Yugoslavia because of the different positions of the Russian Federation and the Western countries.

The General Framework Agreement for Peace in Bosnia and Herzegovina, which created realistic opportunities to bring and consolidate peace to the region, opened a new phase in the mandate of the OSCE and in its own development. As one of the key parties to this Agreement, FRY was involved in cooperation with the OSCE, especially in the field of confidence and secu-

3. The mandate of this mission was to: (1) promote dialogues between the authorities concerned and representatives of the populations and communities in the three regions; (2) collect information on all aspects relevant to violations of human rights and fundamental freedoms and promote solutions to such problems; (3) establish contact points for solving problems that might be identified; (4) assist in providing information on relevant legislation on human rights, protection of minorities, free media and democratic elections. See: Decision of the Committee of Senior Officials, Prague, 14 August 1992, Review of International Affairs, Belgrade, no. 1007-8/1992, p. 24.


5. The Peace agreement was reached in Dayton, Ohio, in November 1995 and signed in Paris on 14 December 1995. The full text of this Agreement and its eleven annexes are to be found in Review of International Affairs, no. 1041/1996.

6. The size of the OSCE mission in Bosnia (more than 200 members, compared with less than 100 members in all the other nine OSCE long-term missions) and its budget (25 million dollars, compared with the current OSCE budget of 33 million dollars) illustrates the importance of the Dayton peace agreement for the OSCE. See: M. Sica. 'The role of the OSCE in the former Yugoslavia after the Dayton Peace Agreement', Helsinki Monitor, 1996, no. 2, pp. 5-13.