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PEACEKEEPING WITHIN THE FRAMEWORK OF THE CSCE

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1. *THE HELSINKI DOCUMENT*

The mandate for CSCE peacekeeping contained in the Helsinki Document 1992 draws from the UN experience. Indeed, it is based on the traditional concept of 'peacekeeping' which the UN had developed during the Cold War (beginning with the operation in Sinai). According to this concept, peacekeeping forces had to play an interposition role between the warring parties, with their consent and after a stable cease-fire had been achieved.

The Helsinki document has codified this particular concept of 'peacekeeping'. However, it must be stressed that it does not appear in the UN Charter and that in the last few years it has become largely obsolete as some important current UN operations, such as those in Somalia and Bosnia, are taking place in a non-permissive environment and hence on the basis of mandates which authorize some enforcement actions.

The conditions to which implementation of CSCE peacekeeping missions have been made subject - consent of the parties, exclusion of enforcement action, existence of an effective and durable cease-fire etc. - have made them highly improbable. Therefore, a preliminary problem which cannot be overlooked is whether the mandate itself must and can be changed, making it more suitable to realistic scenarios.

Furthermore, the procedures established in the Helsinki document for the deployment and control of peacekeeping missions are rather complicated, reflecting the debate between the participating states. These procedures - in particular, the chain of command, the respective roles of the Chairman-in-Office, the Head of Mission and the ad-hoc group, and the financial arrangements - should be carefully analyzed in order to evaluate possible ways of streamlining them. A comparison could be made with the procedures established by the UN. It must be stressed that the Rome Council Decisions have committed participating states to «review the relevance and operation of existing mechanisms with a view of increasing their effectiveness».

2. *CSCE AND PEACEKEEPING IN THE TERRITORY OF THE FORMER SOVIET UNION*

Russia has repeatedly asked CSCE to provide financial support and political legitimation for its peacekeeping activities in the territory of the former Soviet Union. Indeed, most hot spots in Europe are located in the territory of the former Soviet Union. Furthermore, several CSCE missions are present in that area. However, Russia's request was opposed by some CSCE countries, particularly the Baltic states, the Ukraine and Turkey.

The Rome Council has introduced the possibility of multilateral agreements aimed at guaranteeing that the role and functions of a third military force in zones of conflicts be compatible with the objectives and principles of the CSCE. Very strict conditions have been established for the

signing of these agreements: the respect of sovereignty and integral territory of the host country, the consent of the parties in conflict, impartiality, multilateral character of the peacekeeping force, limited duration of the mandate, linkage to a political process for conflict resolution.

On several occasions, Russia has shown its attitude to regard the 'near abroad' - the new states on the territory of the former Soviet Union - as its natural sphere of influence and its willingness to play a role of policeman in the region. According to Moscow's official position, its ongoing military operations in the 'near abroad' were launched with the consent of the parties and at their request. Furthermore, it has tried to present them as based on the CIS peacekeeping agreements.

The presence of Russian troops have undoubtedly had a positive effect on the conditions of civilian population and contributed to stabilizing the situation in the countries concerned (Georgia, Moldova, Tajikistan). There are however many difficulties relating to a CSCE legitimation of the Russian operations in the territory of the former Soviet Union.

1) There is clear evidence that Russian peacekeeping troops have committed repeated violations of human rights and humanitarian law.

2) Russia tends to support one of the parties in conflict. This is somewhat unavoidable when a Russian minority is involved. In particular, Russian troops backed the secessionist forces in Moldova and the governments of Tajikistan and Georgia against the rebel armies.

3) The Russian military presence is not based on clear CIS decisions but on bilateral agreements (with the exception of Tajikistan). This creates an additional problem for a legitimation based on the provisions of Helsinki document concerning the utilization of CIS capabilities.

4) Although the Russian troops have so far had a stabilizing function, they could become a factor of instability in the longer run, as they could exacerbate the ethnic and political rivalries.

5) A CSCE legitimation of Russian peacekeeping activities in the 'near abroad' entails the risk of an indirect recognition of a Russian regional hegemonism (some have spoken about a Russian Monroe doctrine). A division of Europe in spheres of influence is clearly incompatible with the CSCE cooperation principles, in particular with the fundamental concept of the indivisibility of security.

6) The control of Russian civilian power on the armed forces is far from firm and reliable. Indeed, there are many uncertainties surrounding the current direction of Russian civil-military relations. The Russian armed forces are clearly seeking greater autonomy.

3. COOPERATION WITH OTHER INSTITUTIONS

3.1. CSCE AND THE UN

A key element for a CSCE role in the field of peacekeeping is the further development of the existing agreements concerning the cooperation and coordination with the UN. The main objective should be the practical application of the subsidiarity principle established by Chapter VIII of the UN Charter in favour of regional arrangements.

The possible distribution of roles between UN and CSCE peacekeeping should be based on the principle of comparative advantages.

The following political factors have to be taken into consideration:

1) The UN is already burdened with too many tasks. It has become increasingly clear that the UN system is not equipped to manage several complex peacekeeping operations simultaneously. Some have suggested that the CSCE should become a sort of subcontractor of the peacekeeping operations in Europe on behalf of the UN.

2) The political interest and resolve to launch and manage peacekeeping operations in Europe could be, in some cases, higher in the CSCE Council than in the UN Security Council. A number of European problems can be seen by some SC members as not important enough for collective actions.

3) Within the SC a decision to resort to military action can be blocked by a veto placed by China. The likelihood of a veto by China could increase in the future, if the Chinese leadership should adopt a more confrontational approach towards the Western countries (or Russia).

3.2. CSCE AND TRANSATLANTIC COOPERATION

The initiatives undertaken by NATO in view to establishing a more structured cooperation with the new democracies of Eastern Europe have raised the problem of a possible overlapping of functions with the CSCE in the field of conflict prevention and crisis management.

This problem became evident especially after the creation of the North Atlantic Cooperation Council (NACC). In 1993 an Ad-Hoc Group on Cooperation in Peacekeeping was established within NACC. It was enlarged to 41 countries, including some NNA countries (Austria, Finland and Sweden). The group is attended by a representative of the CSCE Chairman-in-Office.

Cooperation in the field of peacekeeping is also foreseen within the framework of Partnership for Peace Programme approved by NATO in January 1994. It must be noted that the PFP programme is offered by NATO to all CSCE states. It has already been signed by 20 countries, including Sweden and Finland. A Partnership Coordination Cell, inaugurated on 18 April, has been assigned the task of undertaking preparatory and planning work for joint activities with a special emphasis on peacekeeping. A number of joint peacekeeping exercises will be held by the end of 1994.

Some countries see the PFP programme as the most effective and appropriate instrument for a coordination and military control of peacekeeping activities in Europe. In particular, there is a clear US attitude to develop crisis management activities (including peacekeeping) in the framework of PFP programme and to concentrate the CSCE role on conflict prevention and settlement of disputes. This view is shared by many CSCE countries - in particular the new democracies of Central Europe. However, other countries such as Russia and France would prefer the CSCE to control and manage the crisis management activities as much as possible.

3.3. CSCE'S LEGITIMIZING FUNCTION

One of the major contributions the CSCE can make for the management of crisis situations is the legitimization of actions promoted by other international organizations. The Helsinki Document has codified this important CSCE function with regard to peacekeeping.

The CSCE's ability to legitimize international actions is mainly based on its broad membership. The political value of its legitimation is also strengthened by the consensus rule which makes it difficult for the participating states to dissociate from a decision once it has been taken. This is another advantage the CSCE enjoys in comparison to the UN.

An interesting practice of legitimizing decisions by the CSCE is available. It does not concern peacekeeping missions, but an analysis of it can be useful to assess to what extent a legitimation by the CSCE can make possible or facilitate peacekeeping activities in Europe.

As for the practice, three examples can be mentioned:

- The EU monitoring mission in the former Yugoslavia is working under a CSCE mandate.
- The CSCE is cooperating intensively with the EU in carrying out the sanctions assistance missions in the countries bordering on Serbia and Montenegro. The CSCE approval made possible the acceptance of the mission by all member states, including Russia and the participation in the mission by non-EC countries.

- The WEU operation on the Danube was also established under a CSCE mandate. It must be stressed that the CSCE mandate was requested by the riparian states as a condition for accepting the mission.

These examples show that the CSCE legitimation can prove useful: (i) to convince reluctant states to accept the missions; (ii) to enlarge the participation to them.

4. FINANCIAL PROBLEMS

The multiplication of CSCE missions in recent times has created serious budgetary problems. These would clearly become more acute if the CSCE should organize peacekeeping missions. Thus, a reform of the financial system of the CSCE seems to be an essential pre-requisite for a CSCE peacekeeping role. A number of recommendations for a more efficient management of CSCE resources have been worked out by an ad-hoc group created at the Council's meeting in Stockholm. They are based on the assumption of a gradual enlargement of the CSCE activities.

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