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PEACEKEEPING WITHIN THE FRAMEWORK OF THE OSCE

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by Ettore Greco

In the last few years the OSCE has confirmed its special competence and role in some of its traditional fields of action such as political consultation, arms control negotiation and the promotion and monitoring of human rights. At the same time, in the security field it has also specialized mainly, if not exclusively, in early warning and conflict prevention. This specialization should be seen as a positive and promising development. Indeed, it derives from one of the most important features of the organization: the close link it has established between the promotion of security and the protection of human rights. It is the capacity to ensure this functional link which has made the OSCE, in some limited but emblematic situations, an effective instrument of conflict prevention.

The military component of the OSCE action in the security field has instead remained underdeveloped, although the ambitious programme launched in the 1992 Helsinki summit had called for the involvement of the OSCE in all activities aimed not only at conflict prevention but also at crisis management. In particular, a specific mandate and a set of related mechanisms for peacekeeping operations within the framework of the OSCE were included in the chapter III of the Helsinki final document.

## **The mandate for peacekeeping in the 1992 Helsinki document**

The OSCE mandate concerning large-scale peacekeeping operations is modelled on the concept of peacekeeping that the United Nations had developed during the Cold War, notably since the operation in the Sinai. According to this concept the task of peacekeeping forces is essentially to keep the conflicting parties apart after having obtained their consent and a stable ceasefire. In the Helsinki document the emphasis was also placed on the need for any peacekeeping operation to be linked to a political process aimed at solving the root causes of the conflict.

However, it must be noted that the particular concept of peacekeeping which was for the first time codified by an OSCE document - it is indeed absent in the UN Charter - has become largely obsolete in the UN practice itself. As a matter of fact, some important UN operations have recently taken place in a hostile or non-benign environment on the basis of mandates authorizing limited enforcement measures. In fact, restricting peacekeeping operations to mere interposition in areas affected by civil and interethnic conflicts is hardly conceivable.

In general, the pre-requisites established at the Helsinki summit - and confirmed later - for any OSCE peacekeeping mission - in particular, the consent of the parties, the exclusion of coercive actions and the existence of an effective and durable ceasefire - have made the missions unlikely. It is therefore hardly surprising that the part of the Helsinki document concerning large-scale peacekeeping missions has not yet put into practice.

## **The unsuccessful effort to mount a mission in Nagorno-Karabach**

At the Budapest summit in December 1994 the OSCE states decided to send a peacekeeping force to Nagorno-Karabach on the condition that the UN Security Council would adopt a resolution on that matter. Following this decision, a High Level Planning Group for the preparation of the mission was set up. In the meantime, the mediation effort of the so-called Minsk Group has continued. Unfortunately, however, no real progress has been achieved on the negotiation table. Rather, recently the negotiation seems to have entered a complete deadlock. In particular, a solution for the political status of Nagorno-Karabach is not yet in sight.

This leads us to the tricky and widely discussed question of finding an appropriate balance between the principle of self-determination and that of territorial integrity of the states. The OSCE Secretary-General Wilhelm Höynck has rightly stressed that the OSCE should hold on the principle that the right of self-determination is not identical to the right of secession and that the federal solutions have a remarkable potential which has to be explored. However, it is exactly this type of political solution which is proving difficult to implement in the case of Nagorno-Karabach, thus making also extremely difficult the launching of what would be the first OSCE large-scale peacekeeping operation. It must be added that considerable obstacles have also emerged concerning the availability of the financial resources needed to mount the operation in Nagorno-Karabach.

### **«Third party peacekeeping»**

Given the difficulties connected with the organization of large-scale peacekeeping operations managed directly by the OSCE, other concepts and possibilities have been envisaged since the Helsinki summit. For some time a special attention was placed on the so-called «third party peacekeeping», a concept which very early proved to be highly controversial. It applies to peacekeeping operations conducted by a group of countries without involvement of the OSCE in the chain of command but which are politically supported by the OSCE provided that they are consistent with its principles and objectives.

This concept has emerged as an attempt to deal with the problem of Russia's military activities in the so-called «near abroad». The crucial point is that the OSCE should have the capacity to work out and implement cooperation arrangements which can ensure that those missions are conducted in accordance with its principles. In fact, the 1993 Rome Council established a set of conditions for the OSCE's blessing of a third party peacekeeping: *inter alia* impartiality, the multinational character of the force and, again, the integral link to a political process for conflict resolution. However, as these conditions were still rather vague, the Council mandated the Permanent Council and the Senior Council to their further elaboration. Several subsequent versions of a text have been worked out, but none has obtained the necessary consensus.

At the Budapest summit fundamental political divergencies prevented the adoption of any decision concerning third party peacekeeping. A first major issue is the already mentioned problem of the link to a political process of conflict resolution: the countries conducting the operation can be reluctant to accept a central role of the OSCE in this field. A second problem is the active participation of the OSCE in the development of the

international agreements on which the presence of the peacekeeping force has to be based. Even the acceptance of this role of the OSCE cannot be taken for granted. Indeed, it has been questioned. A third problem is the multinational composition of the peacekeeping force. Some countries have placed a special emphasis on this requirement, insisting that the contribution of any one country should not be more than a given percentage of the total force. Finally, in order to ascertain whether the peacekeeping force acts in accordance with the OSCE principles and objectives and also within its own terms of reference the OSCE may activate a monitoring mission like those sent to South Ossetia and Transnistria. However, during the negotiation concerning third party peacekeeping different views emerged on the degree of intrusiveness the activities of the OSCE missions should have. As a result of these divergencies the concept of third party peacekeeping seems to have lost much of its initial attractiveness. Russia itself seems now less interested than in obtaining results on this subject.

As a matter of fact, Russia has seen the OSCE as an instrument for obtaining both political and financial support of its peacekeeping role in the CIS area. In principle, the other countries are not against Russia playing a stabilizing role in the CIS area, but they are unwilling to give Moscow carte blanche to carry out actions which can violate international rules as actually happened in the past. There is the risk of compromising basic OSCE's principles such as sovereign equality of the states and indivisibility of security. On the other hand it must be stressed that there is an evident unwillingness on the part of western countries to provide substantial peacekeeping forces in the CIS region. Therefore, even in this area, there is no easy solution in sight.

The possible utilization of the CIS mechanisms in the context of the OSCE peacekeeping has also been questioned. The CIS' involvement may be helpful for ensuring the multinational character of a peacekeeping force. It may also be seen as a way for avoiding an exclusive dependence on Russia. However, the international status of the CIS remains highly uncertain. Its multinational dimension and decisionmaking procedures remain very weak. There is instead a growing emphasis on bilateralism. Finally, and perhaps most important, some CIS states, including a key country like Ukraine, officially reject any competence of the CIS in the security field.

### **Peacekeeping in cooperation with other organizations**

Given these difficulties, the main options to be explored is the development of the OSCE's capability to act in cooperation with other international organizations, such as the WEU and NATO. There is clearly the distinct possibility for the OSCE to act simply as the mandating or legitimizing institution, although this would also entail some degree of OSCE's political control on the operations. But other practical arrangements can also be envisaged. In particular, the OSCE could make use of some assets developed within the context of the PFP programme. Indeed, one of the main purposes of the PFP is the developments of arrangements and capabilities for multinational peacekeeping operations. In this context, a valuable experience has been gained with the PFP multinational exercises. At the same time, as NATO lacks conflict prevention or resolution mechanisms, the necessary connection between the military effort and the diplomatic one should be ensured by the OSCE. It is worth noting that the former Russian Minister of Foreign Affairs, Andrei Kozyrev, came up with the proposal to use the North Atlantic Cooperation Council (NACC) as a forum for the

development of a collective peacekeeping potential for the benefit of the OSCE.

### **Small-scale activities**

Finally, it has to be stressed that some current OSCE missions which are different from traditional peacekeeping can be seen as implementing at least partially the mandate approved in Helsinki. In fact, the mandate makes reference also to such activities as monitoring of troops' withdrawal, provision of humanitarian aid and the assistance of refugees. A case in point was the OSCE monitoring of the withdrawal of Russian troops from the Baltic states. More recently mechanisms were adopted for the monitoring of military agreements concluded between Latvia and the Russian Federation.

The OSCE should probably concentrate also on these small-scale activities which have both a peacekeeping component - as defined in the Helsinki document - and a conflict prevention one. In general the potential OSCE peacekeeping should be seen as an activity which can develop only in strict connection with the fields of growing OSCE's specialization, i.e. conflict prevention and preventive diplomacy. Only in this way can the OSCE peacekeeping develop in tune with the widely felt need for an effective complementary with other security organizations.