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THIRD PARTY PEACEKEEPING

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1. The origin of the concept of «third party peacekeeping». The decisions of the 1993 Rome Council.

The 1992 Helsinki document which has introduced peacekeeping as an «operational element of the overall capacity of the CSCE for conflict prevention and crisis management» foresaw two types of peacekeeping operations which could be carried out under the aegis of the organization: the operations conducted under a set of defined CSCE procedures and a CSCE chain of command and those conducted in «cooperation with regional and transatlantic organizations». The inclusion of the «peacekeeping mechanism of the Commonwealth of Independent States (CIS)» among the instruments which could be used for the second type of operations reflected Russia's desire to obtain international political blessing and material support for its growing military involvement in the hot spots of the former Soviet Union (FSU) - the so-called «near abroad» - as well as the recognition by the other participating states - notably the Western states - that Russia's role could have a stabilizing function in the area especially if it had been developed in cooperation with other FSU countries. It must be recalled that at the time of the Helsinki summit the Western states were strongly encouraging the cooperation projects which were emerging in the CIS framework.

In any case, Russian 'peacekeeping' in the FSU area was already a geopolitical reality and the Western countries were neither willing nor able to effectively oppose it. In this context, Russia's search for international approval of its military interventions in the FSU area was regarded as a promising development. The assumption was that the newly established CIS could provide the appropriate framework for some multilateralization and hence international control of Russian military operations. However, from the very beginning the problem was to reconcile the recognition of Russia's special responsibility with regard to the CIS area with the need to avoid the establishment of a Russian exclusive sphere of influence which would be in blatant contrast with such key OSCE's principles as the indivisibility of security and the co-equality of states.

Soon after the Budapest summit it became clear that the potential for development of the CIS, especially of its military component, had been overestimated. The CIS peacekeeping mechanism proved to be a hollow shell whilst Russian 'peacekeeping' operations continued to develop in a unilateral manner or on the basis of loose agreements with a limited number of CIS states.

It was basically the recognition of this reality which led to the introduction of the concept of 'third party peacekeeping' at the 1993 Rome meeting of the CSCE Council. It indicates operations conducted neither directly by the OSCE nor by a regional organization acting in cooperation with the it but by a country or a group of countries with the political blessing of the OSCE. This would be provided on the basis of a specific cooperative arrangements between the pan-European organization and the states participating in the operation. Whilst the OSCE does not direct the operation - not being involved in its chain of command - the cooperative arrangements with the participating states shall ensure that the role and function of the peacekeeping force be consistent with OSCE principles and objectives. To this end they shall, *inter alia*, contain provisions which provide the OSCE's with an actual capacity to 'observe' or

'monitor' the operation.

The Rome Council established a set of conditions for the OSCE political support of a third party peacekeeping: respect for sovereignty and territorial integrity; consent of the parties; impartiality; multinational character; clear mandate; transparency; integral link to a political process for conflict resolution; plan for orderly withdrawal. As these conditions were still rather vague, the Council mandated the CSO and the PC to their further elaboration. In fact, most of these criteria had been already established in the 1992 Helsinki document as general criteria for any type of OSCE peacekeeping missions.

2. The unsuccessful attempts to develop guidelines for third party peacekeeping

The concept of third party peacekeeping was introduced at the Rome Council not without resistance by some participating states, in particular the Baltic states, Ukraine, Azerbaijan and Turkey. All of them were concerned about Russian new military assertiveness in the FSU area. Their opposition became even stronger in the following months. A specific concern was that the third party peacekeeping formula could be adopted for the operation in Nagorno-Karabach thus allowing Russia to dominate it.

At the same time, as the negotiation on the further elaboration of the guidelines sketched out by the Rome Council proceeded, it became also clear that the Russians themselves were losing interest in the exercise. This change of attitude had two main motivations. First, they realized that the legitimation of their military operations could have obtained only in exchange of the acceptance of an effective capacity of the OSCE to control the conformity of the operations with international standards. During a CSCE meeting in June 1994 Russia rejected a plan aimed at allowing the organization to carry out effectively the monitoring of third party peacekeeping operations. Secondly, and not less important, any automatic OSCE funding of the Russian operations was excluded. On the contrary, the principle of voluntary financial contributions was adopted. Moscow had instead placed a big emphasis on the need for an institutional financial and material support for its operations. It must also be noted that, given the obstacles encountered within the CSCE the Russians developed a parallel campaign to obtain the legitimation of their peacekeeping activities from the United Nations. By and large, for the Russians the UN context proved more promising. This accentuated their loss of interest in the CSCE.

After the Rome Council the Italian delegation, acting in its capacity as CSCE chair, elaborated several subsequent drafts for a OSCE document containing the guidelines for third party peacekeeping. However, given the described political resistance, the effort was unsuccessful. At the Budapest Summit renewed political divergencies prevented the adoption of any decision concerning third party peacekeeping. In particular, Turkey and Azerbaijan continued to develop a strong opposition to any practical implementation of the concept. In fact, it was not given any serious attention during the summit. Most of the attention was concentrated on the mission in Nagorno-Karabach which was to be an OSCE-directed undertaking.

No progress has been made after the Budapest summit. Russia continues to be reluctant to resume negotiation on the guidelines. A certain interest is however shown by the delegations of some Western countries in light of the difficulties the OSCE continues to have in mounting the operations in Nagorno-Karabach. Indeed, as for peacekeeping in the CIS area the only possible alternative to OSCE-directed operations continues to be the development of some forms of cooperation between the pan-European organization, Russia and, possibly, other CIS states.

The negotiations on the «Security Model for the 21^o Century» which, as decided at the

1995 Budapest Council, will concern also peacekeeping, could provide the opportunity for a renewed effort to establish rules for the peacekeeping operations which are being conducted in the CIS area.

3. Main problems emerged during the negotiations

During the negotiation on the guidelines for the conduct of third party peacekeeping a number of delicate - often controversial - problems have emerged.

- Link to a political process for conflict resolution. This has proved to be a highly controversial issue as Moscow is reluctant to accept a prominent OSCE's role in conflict resolution activities. Instead, it is essential for the OSCE to ensure that the third party peacekeeping operations be complemented by a serious effort to solve the root causes of the conflict. Practically in all areas where it is conducting a peacekeeping operation, Russia has repeatedly tried to keep the OSCE at the margin of the political negotiation, claiming its preminence in this field. The most telling example of this attitude are Russia's unilateral efforts to solve the conflict in Nagorno-Karabach. It is therefore of vital importance that the rules for third party peacekeeping contain precise provisions on the OSCE's contribution to the process of conflict resolution.

- International agreements on which the presence of the peacekeeping force is based. The key problem is the participation of the OSCE in the development of these agreements. The text prepared by the Italian chair states that this participation should take place whenever possible but it does not set it as a necessary condition. In any case, the agreements should be communicated to the OSCE as one of its tasks is to ensure that their provisions are fully respected. This is one of the key aspects of the relation of mutual transparency that should be established between the organization and the countries participating in the operation.

- Multinational participation. 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. Russians instead tend to prefer a massive presence of their troops with some small units provided by the other participating countries as in the case of the mission in Tajikistan. In the latest versions of the draft prepared by the Italian chair the multinationality principle has been remarkably softened. The last version states that the force should be «in principle multinational in character and, in every case, open to multinational participation». Thus, the multinational character would not be a necessary pre-requisite. This point has however remained highly controversial. Apart from the sheer number of troops provided by each participating state, there is the need to ensure an appropriate balance in their individual involvement in the chain of command of the operation.

- Participation of the parties to the conflict. Originally the draft envisaged the possible participation of the parties to the conflict in the peacekeeping operations, as happens in the tripartite force in South Ossetia. However, the evident risk was to compromise the impartiality of the force. Thus, the participation of the parties to the conflict was excluded. Indeed, the action of both the Georgian and the South Ossetian contingents in South Ossetia has proved to be destabilizing (only the Russian contingent is accomplishing a truly peacekeeping function).

- Terms of reference. They have to be agreed by the parties to the conflict and by the states providing the forces. According to the draft, they shall however be communicated to the OSCE. This may, in turn, provide its advice and information for their elaboration. Clearly, especially the rules of engagement (Roe) are a key element as they have to be in accordance with the basic principles of the OSCE peacekeeping. It must be noted that the Roe of Russian forces are often extremely flexible concerning the use of the force. In addition, they are equipped with arms which are heavier than those required for traditional peacekeeping.

- Chain of command. By definition, the OSCE does not have any role in the chain of command. However, in order to ensure transparency, the chain of command shall also be communicated to the OSCE.

- Withdrawal of the force. It is essential that there be credible plans for the earliest possible withdrawal of the force of the third party in order to avoid that its presence may turn into a permanent military occupation of the country concerned. It must be recalled, for example, that the 14th Russian Army is still active in Trans-Dniestria although an agreement for its withdrawal was reached a long time ago.

- Financial support. As noted above there is a broad agreement that the OSCE states should provide it on a voluntary basis. The draft also foresees the possibility of establishing a voluntary fund.

- OSCE monitor mission. It is the main instrument the OSCE may activate in order to ascertain whether the peacekeeping force acts: i) in accordance with the OSCE principles and objectives; ii) within its own terms of reference.

The main problem connected with the monitor mission is the degree of intrusiveness of its activities. In particular, there are different interpretations of the term «monitoring» (i.e. what types of activities it entails). The Russians tend to interpret it in a restrictive sense.

Furthermore, of crucial importance are the coordination mechanisms to be established between the OSCE monitor mission and the command of the forces. The draft calls for the conclusion of a memorandum of understanding. Both mutual transparency and the respect of each other's terms of reference have to be ensured. The OSCE is clearly interested that the monitoring mission have access to the highest possible level of the chain of command and that it be given the greatest freedom of movement. However, it is exactly on this point that the Russians have shown the stiffest resistance to accept the requests of the other states.

The OSCE missions for the monitoring of a third party peacekeeping operation would be established and operate in accordance with the provisions of the 1992 Helsinki document concerning peacekeeping missions directed by the OSCE. They would therefore be typical small-scale peacekeeping missions as envisaged by the Helsinki document.

- Exit clause. Of great importance are also the procedures for the cessation of the operation in case the necessary conditions for the continuation of the OSCE monitoring mission no longer exist or there have been violations of OSCE principles. A key problem is the respective roles of the Chairman-in-Office (CIO) and the Senior Council (SC) or the Permanent Council (PC). As in the case of the other OSCE missions it seems quite natural that the CIO shall have the task of reviewing the activities of the force and reporting regularly to the PC. Similarly, the final decision

on the cessation of the mission shall rest with the main political bodies (the PC and the CIO).

4. Practice

In the absence of agreed guidelines for the conduct of third party peacekeeping operations, there has been clearly no formal implementation of the concept. However, the practice of some OSCE's monitor missions has a considerable relevance.

This is particularly true for the OSCE monitor mission in South Ossetia (Georgia). After the Rome meeting the attention concentrated on the case of South Ossetia as it satisfied some basic requirements: a ceasefire had been agreed and then substantially respected; the OSCE was already active in the political process for conflict resolution; the peacekeeping force had a multinational character (being composed of Russian, Georgian and South Ossetians). After an initial opposition, Moscow accepted the deployment of the OSCE mission with the task of monitoring the operation, i.e. the conformity of the participating forces with the declared terms of reference and with the OSCE principles and objectives. As noted above, the military operation in South Ossetia is only formally tripartite as the only actual peacekeepers are the Russians. However, the cooperation established between the OSCE mission and the Russian forces has been considered fruitful by the OSCE's officials on the ground.

A similar case study is provided by the United Nations monitor mission in Abkhazia (Georgia). It also takes place in a situation where some basic requirements for the OSCE third party peacekeeping are met. The UNOMIG has the mandate to monitor the multinational peacekeeping force deployed in Abkhazia. On the contrary, the dispatch of a mission for the monitoring of the military activities led by the Russians has proved impossible in the Trans-Dniester region (Moldova) and Tajikistan. In particular, the UN observer mission active in Tajikistan provides a liaison between the OSCE mission and the peacekeeping forces but does not have the mandate to monitor the latter.

5. Problems connected with possible OSCE's legitimization of Russian military operations in the «near abroad» through the third party peacekeeping mechanism

Moscow has consistently seen the OSCE as an instrument for obtaining both political support (legitimation) and financial support of its peacekeeping role in the CIS area; at the same time, it is reluctant to carry out this role in full respect of the OSCE rules.

When presenting its proposal for «Increasing the Effectiveness of the CSCE» in the Summer of 1994, Moscow explicitly requested that a special right be assigned to it for the peacekeeping in the FSU area. Russia's idea of a division of labour between the CIS, NACC, NATO and the WEU with the OSCE playing the role of an overarching security organization clearly implies the recognition of special Russian geopolitical responsibilities over the FSU. In particular, it stresses the right to act unilaterally in case of serious danger for ethnic Russians living outside the country. This is highly alarming for such countries as the Baltic states and Ukraine. Furthermore, Moscow has made it clear that it is ready to accept only very broad rules for its peacekeeping and emphasized the need for flexibility in their application given the big differences existing between the individual crisis situations.

The dilemma faced by the other countries (especially the Western countries) is somewhat

specular to that faced by the Russians. In principle, they 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 violate international rules. There is the risk of compromising basic OSCE's principles such as sovereign equality of the states and indivisibility of security. These principles were recently reaffirmed in the Decision of the Budapest Council concerning the Security Model for the 21st Century: «Within the OSCE, no state, organization or grouping can have any superior responsibility for maintaining peace and stability in the OSCE region, or regard any part of the OSCE region as its sphere of influence». Indeed, the pan-European organization has a traditional special responsibility for the protection of smaller states against larger ones.

On the other hand, there is an evident unwillingness of Western countries to provide substantial peacekeeping forces in the CIS area. This became evident, in particular, during the planning of the operation in Nagorno-Karabach. Furthermore, some think that a partial acceptance of Russian peacekeeping role could also be a way of convincing Moscow to accept, in turn, effective international monitoring.

An overall assessment of the basic features of the Russian peacekeeping activities in the CIS areas highlights a number of major obstacles to a cooperation with Moscow in the field of peacekeeping within the normative framework established by the OSCE.

- Respect of human rights. There is clear evidence that Russian troops have committed a number of violations of human rights in several areas. These were very serious in both Tajikistan and Moldova.

- Consent of the parties. Russia's interventions have sometimes taken place without a prior consent of the parties; in general, Russia is not particularly concerned about the definition of formal agreements with the conflicting parties.

- Exclusion of enforcement action. The rules of engagements of Russia's troops are flexible enough to allow for enforcement actions; as a matter of fact, they are far more heavily armed than in usual peacekeeping operations. Indeed, Russian peacekeeping doctrine does not make a clear-cut distinction between traditional 'peace-keeping' and peace-enforcement.

- Impartiality. Russia tends to back one of the conflicting parties. This seems unavoidable, in particular, if a Russian minority is involved. Russian peacekeeping forces sided with the secessionist forces in both Georgia and Moldova. Moscow also supports the Tajik government, which pursues a repressive policy against the opposition groups, thus jeopardizing the efforts to promote national reconciliation.

- Actual contribution to security of the states and areas concerned. Although Russian troops have had a stabilizing effect in some cases, their presence could, in the longer run, turn into a factor of instability as it could exacerbate political and ethnic rivalries. Indeed, especially in the first phase (1992-1993) of its intervention in the «near abroad», Russia followed a policy aimed at stirring up communal conflicts and encouraging secessionist drives in order to advance its national interests.

- Civilian control of armed forces. This is one of the key principle of the «Code of Conduct» approved at the Budapest summit. However, civilian control of the Russian armed forces is far from being stable and guaranteed, as demonstrated by many recent events, chief among them the performance of Russian army in the Chechen conflict. The state of confusion and deep organizational crisis of the Russian army entails the concrete risk that regional military commanders make use of military operations to pursue their own policies separate from those of the government.

The intervention in Chechnya has further eroded Russia's credibility as a guarantor of peace and stability in the CIS areas. Rather surprisingly, it accepted a role of the OSCE in

Chechnya and this was seen as a promising sign of a possible growing role of the organization in the area. The Osce Assistance Group in Chechnya also took over a limited mediating role. However, it is proved to be completely unable to influence the course of the events. Furthermore, there is the evident risk that the presence of the OSCE could serve as an implicit legitimization of Russian intervention.

6. Possible role of the CIS in peacekeeping operations

A closely connected question concerns the possible (residual) utilization of the CIS mechanisms for peacekeeping operations which could be legitimized by the OSCE.

In principle, the CIS's involvement may be helpful for ensuring the multinational character of the force. It may also be seen as a way for avoiding an exclusive dependency on Russia.

However, the international status of the CIS remains highly uncertain. Its institutional structure and decision-making procedures are very weak. They suffer from a general lack of transparency which is instead a basic pre-requisite for any workable cooperation with the OSCE. At the operational level the CIS as such does not seem to have anything substantial to offer especially after the abandonment of the original plan for the creation of joint task forces.

The multilateral dimension of the CIS is also quite underdeveloped and, in general, unclear. There is instead a growing emphasis on bilateralism. As a matter of fact, Russia tends to use the CIS as an instrument for promoting its interests with regard to the individual CIS states. Furthermore, some of them, including a key country like Ukraine, officially reject any competence of the CIS in the security field.

In general, Russian-led peacekeeping in the CIS area has developed on the basis of bilateral or strictly regional arrangements without any actual utilization of collective structures of the CIS. Peacekeeping operations were launched following more or less defined agreements between Moscow and the states concerned. CIS countries with no connection with or interest in the individual conflicts have consistently rejected Russia's pressure to participate in the related peacekeeping operations.

7. Utilization of the NACC/PFP programmes

A distinct possibility to promote an international control of Russian military activities in the CIS area is the utilization of some expertise and resources which have been developing within the frameworks of the North Atlantic Cooperation Council (NACC) and the Partnership for Peace (PFP) programmes.

One of the main purposes of both NACC and PFP is the development of arrangements and capabilities for multinational peacekeeping operations. In particular, a valuable experience has been gained with PFP multinational exercises. The PFP can thus provide technical means for peacekeeping in the CIS area that OSCE lacks. On the other hand, the OSCE has a unique capability and a growing specialization in conflict resolution mechanisms. What is needed is an increasing closer interconnection between the programmes generated in the OSCE context and in the NACC/PFP one as well as a more structured institutional link between NATO and OSCE.

It must be noted that Russian leaders have repeatedly stressing their interest in the utilization of the NACC as an instrument for the development of peacekeeping capabilities to be made available to the OSCE. The positive experience of the cooperation between NATO forces

and Russian troops within the context of the IFOR operation in Bosnia could also be seen as an encouraging sign.

Nevertheless, there remains the problem of the strong reluctance of Western countries to get involved in military operations in the CIS areas. The possibility of making use of some procedures and capabilities developed in the NACC/PFP context could at least attenuate this negative attitude.

8. Concluding remarks

The obstacles which have prevented the implementation of the concept of third party peacekeeping reflect a more general difficulty in identifying and creating effective and appropriate instruments for the interaction between the OSCE and Russia in the various types of operations in the CIS area. This difficulty became evident especially with the failure to mount the OSCE peacekeeping operations in Nagorno-Karabach.

Although the work on the third party peacekeeping seems to have little prospect to be resumed in the near future, there remains the problem of activating instruments capable of ensuring some degree of international control on Russian peacekeeping operations.

In the CIS area the OSCE could continue to concentrate its efforts in the development of small-scale missions with a limited mandate such as those which are active in many crucial hot spots including Chechnya. But it should also promote more advanced forms of cooperation with NATO making use of the expertise which have been developing through the NACC and PFP programmes. The strategic objective should be to gradually develop a capability to mount multinational peacekeeping operations in the CIS area with a substantial Russian participation but with a parallel effective OSCE capacity to control their developments and the overall political process for the resolution of the conflicts.