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**INSTRUMENTS FOR CONFLICT PREVENTION
IN TODAY'S EUROPE. AN OVERVIEW**

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INSTRUMENTS FOR CONFLICT PREVENTION IN TODAY'S EUROPE. AN OVERVIEW

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Proposing an overview of the current instruments of conflict prevention is a difficult enterprise for three main reasons. First, there is no precise definition of "conflict prevention" (C.P.). Second, it is difficult to identify an appropriate criterion to select a list of C.P. instruments. Third, the current international and, more specifically, European "Security Architecture" - to use a fashionable term - is not clearly shaped.

As regards the first difficulty, I will for the moment base my overview on a broad idea of C.P. which includes instruments ranging from the actual prevention of war to the containment of an armed conflict.

The criteria which can be used to identify instruments of C.P. at disposal of the international community are multiple. For simplicity sake, I opted for an "institutional" selection: that is, for each of the major international institutions of the contemporary European Security Architecture, I will present the activities which can be seen as instruments of C.P.¹.

I then organised the activities of C.P. of the organisations according to what type of C.P. they actually serve to. For this purpose I will use the following, schematic, classification:

1. conflict avoidance and prevention: activity aimed at preventing disputes from arising and/or becoming violent²
2. conflict management:
 - 2a. conflict de-escalation = activity aimed at diminishing the intensity of the conflict so as to lead it to an end
 - 2b. conflict containment = activity aimed at preventing violent conflicts from spreading to other areas
 - 2c. conflict settlement/resolution = activity aimed at finding a long-term solution to the dispute
3. post-conflict conflict prevention = activity aimed at preventing a reemergence of a concluded conflict³.

The present uncertainty over the individual role of each institution in the current European security situation, as well as the unclarity about the relationship among different organisations inevitably make this overview a tentative exercise.

NATO

"the potential of dialogue and cooperation within all of Europe must be fully developed in order to help to diffuse crises and to prevent conflicts" (The Alliance's Strategic Concept, NAC, Rome 7-8/11/1991).

NATO's instruments of C.P. can be divided in two groups: (A) those attached to its traditional functions as mainly a "collective defence" institution, and (B) those emerging as "new tasks" of the organisation in the post-cold war era.

(A) NATO'S "CORE FUNCTIONS" as conceived in the Washington Treaty have a component of C.P.

(1) CONFLICT AVOIDANCE AND PREVENTION

NATO's core functions aim(ed) at preventing conflicts:

(a) between the Allies and eventual external aggressors (art. 4, 5, 6), and

The prevention of this first type of disputes is the ratio behind NATO's deterrent function.

(b) among the Allies (art. 1, 2).

The avoidance of inter-Allies disputes is less explicit but still fundamental. It was both the ratio behind the creation of a common security organisation among ex-enemies in the postwar period. At present this function has been de-emphasised especially in relation to the enlargement issue. As a matter of fact, one of the conditions for new membership is that the applicants have already solved their disputes.

(c) A further C.P. characteristic of NATO rests on its implicit guarantee of stable security trans-Atlantic relations. NATO's deterrent functions and its stabilising role of the Euro-American relations were strictly connected and the diminished threat of the post-cold war has led to fear of the break-up of both these aspects.

At present, however, although NATO is defining new security tasks, the original "core functions" have been re-affirmed and agreed-on (see The Alliance's Strategic Concept, NAC, Rome 7-8/11/1991).

(B) NATO'S POST-COLD WAR ROLE.

As of 1990, NATO has entered a period of reflection on its role in the post-cold war era. Identification of the new security threats and the response NATO that could possibly offer was the object of - in sequence - the London Declaration (on East-West cooperation, July 1990), the Rome Declaration on Peace and Cooperation and the definition of the New "Alliance's Strategic Concept" (November 1991), the establishment of the North Atlantic Cooperation Council (NACC, December 1991), the rising attention to inter-institutional relations (CSCE/OSCE-

NATO; UN-NATO; WEU-NATO) and the launching of the "Partnership for Peace" programme (PfP, December 1994).

In this newly-defined shape, NATO has developed or redefined some activities which have a strong C.P. component.

(1) CONFLICT AVOIDANCE AND PREVENTION

(a) NATO's increased transparency and cooperation with its new Central and Eastern European (CEE) partners plays an important role in building the basis for increasing confidence in the former "enemy".

As a matter of fact, the spirit of both the NACC and the PfP is that of "enhancing security and stability in the whole of Europe" (PfP Invitation Document, NAC, 10-11/1/94, Brussels). In the spirit of developing measures of confidence, NATO has not only promoted transparency and dialogue via the NACC and the PfP, but has also established special consultations with Russia: the so-called "16+1" meeting between Allied ambassadors to the Atlantic Alliance and a Russian delegation (the first meeting of this type was held on July 17, 1995). Special, rather intensive consultations were also held for management of the Yugoslav crisis. In addition, some of the military exercises undertaken in the framework of the PfP are to be regarded as attempts at increasing confidence and transparency.

(b) A further element of NATO's preventive diplomacy rests in its effort to support the development of democratic societies and the respect of international law ⁴. The states subscribing to the PfP programme signed a Framework Document in which they agreed to commit themselves to the preservation of a democratic society; respect of obligations undertaken in the field of arms control; respect of the principles of international law, of the UN Charter, of the Universal Declaration on Human Rights and of all CSCE/OSCE documents.

As far as intra-state conflicts are concerned, NACC's attention to the respect of human rights and to issues of economic development, as well as to democratic national institutions (see NACC's Work Plans) is a limited but interesting attempt at creating conditions for a peaceful international coexistence. In this context, a special interest reverts NATO's efforts at developing a democratic control of armed forces in the framework of the PfP.

(c) NATO's contribution to arms control ⁵ was not conceived in the Washington Treaty, but it was soon considered an implicit tool to develop "peaceful and friendly international relations" (Washington Treaty, art. 2). Arms control negotiations have always been considered instrumental to improving stability and enhancing long-term security interests of the Allies. There are two facets to NATO's contribution to arms control:

(i) NATO's political support to arms control. NATO's effort to reduce the level of armed forces in Europe (launched in 1986) paved the way to the CFE Treaty (November 1990).

NATO has always supported OSCE efforts in conventional arms control and the great powers negotiations for the reduction and control of the weapons of mass destruction (WMD).

(ii) NATO's technical contribution to arms control. NATO created instruments for the verification and monitoring of the signed agreements. Among them, the Verification Coordination Committee, created in 1990 to coordinate verification and implementation efforts among the allies on conventional arms. Later, the Committee assumed tasks directed at implementing the 1994 Vienna CSCE document (visits, inspections, observation of exercises,

etc.), sponsored verification courses for cooperation partners (1994) and agreed to give them access to NATO's verification database, Verity (Verity was opened to the partners in November 1993). On conventional armaments, NATO fully supports the UN Arms Register, established in June 1992.

As for WMD, several allies are providing technical and financial assistance for the elimination of nuclear weapons in the former USSR. Consultations on these assistance programmes take place in an Ad Hoc Group to Consult on the Nuclear Weapons in the Former Soviet Union (GNW), established by the NAC in February 1992.

NATO's efforts at harmonising strategies for the conversion of military industries can also be seen as a contribution to arms control.

(d) NATO's early warning system and contingency planning activity ⁶. Early warning capacity is based mainly on national intelligence-gathering, NATO Current Intelligence Groups and the exchange of information with other institutions.

Contingency planning is an ordinary NATO activity which has been extensively used in NATO's post-cold war functions. In particular, NATO has provided contingency planning for a number of possible operations in ex-Yugoslavia. The enforcement of the no-fly zone in Bosnia-Herzegovina, the establishment of safe areas, the eventual withdrawal of UNPROFOR troops, as well as the implementation of the peace plans were all the subject of NATO's contingency planning activity.

(e) NATO's enlargement eastward has frequently been presented as aimed at extending the

western security area to CEE countries. However, the enlargement seems to be two-sided. While it has been presented as an attempt at extending NATO's security coverage, on the one hand, it might create instability because of Russia's perception of such a decision on the other. As a matter of fact, Russia seems to interpret NATO's extension up to its borders not only as an attempt to isolate the former adversary, but also as a possible real threat. Furthermore, NATO's enlargement might undermine the internal cohesion and the efficiency of the institutional decision-making machinery.

(2) CONFLICT MANAGEMENT

(2a/b) Conflict de-escalation and/or containment:

(a) Development of a conflict management capacity. The management of crisis situations has been one of the tasks of NATO since its origins. The rapidity of the decision-making necessary for the management of crises is facilitated by permanent consultations among the allies. Such intensive consultation takes place through the Defence Planning Committee (DPC), the NAC, and the political committees. Support to the communication process is offered by the NATO Situation Centre which operates 24 hours a day.

Crisis management is one of the main fields of activity in the context of the NACC and the PfP, where crisis management courses, workshops, briefings, and joint exercises take place. Every two years, NATO organises its own crisis management exercise (CMX); the first exercise of this type within the NACC/PfP framework (christened PCM 95) was held in Brussels in October 1995. An considerable number of the exercises held within the NACC/PfP framework concerned strategies of crisis management or peacekeeping. The C.P. component of some of these activities is self-

evident, as in the case of the "Cooperative Light" exercise (Hungary, October 1995), whose goal was to train the allies' and partners' forces to control ethnic conflict between two neighbouring countries.

On peacekeeping, the 1993 Work Plan established an Ad Hoc Group on Cooperation and Peacekeeping. In June 1993 NACC meeting in Athens, the latter issued a report focused on peacekeeping activities which included a programme for practical cooperation in eventual peacekeeping operations under UN or CSCE/OSCE mandate. A second and a third report of the Ad Hoc Group on Cooperation on Peacekeeping were issued in December 1993 and June 1994.

(b) In order to undertake actual conflict management operations, however, NATO needs to cooperate with other institutions, each of which should contribute to European security according to its own specific characteristics. With the Alliance's new Strategic Concept (Rome, 7-8/11/1991), the Allies announced that in order to enhance NATO's crisis management and peacekeeping capabilities they would support the role of the CSCE and other international bodies such as the EC, the WEU and the UN. NATO's support, on a case-by-case basis to CSCE peacekeeping operations was formalised at the NAC meeting in Oslo (June 1992).

Several key decisions in support of UN peacekeeping activities in former Yugoslavia were adopted in 1992/93. At the January 1994 NATO Summit in Brussels, the Allies reaffirmed their support for UN and CSCE peacekeeping, and developed the concept of Combined Joint Task Forces (CJTFs) ⁷ as a means of strengthening another institution's C.P. capacity. Although the CJTF seems to be at a critical point, it is interesting to observe the Allies' concern over developing strong linkages between different institutions in order to make them "interlocking" and not "interblocking"! Although practical inter-institutional cooperation took place both in the Gulf (1991) and in the former Yugoslavia (1992-), it is still unclear to what degree NATO is actually willing to pay the costs of supporting other institutions' operations and to accept

outside constraints on its action.

Furthermore, NATO contributed to the OSCE's efforts to define criteria for conflict prevention and crisis management by taking part in the OSCE's seminar on the issue.

NATO does not have specific tools of conflict settlement/resolution. For these activities it relies on other institutions.

(3) POST-CONFLICT CONFLICT PREVENTION/PEACE-BUILDING

The most telling case of NATO's peace-building is the implementation of the Dayton/Paris peace agreement for former Yugoslavia.

The European Union (EU)

Among the tasks of the Common Foreign and Security Policy (CFSP) there is the preservation "of peace and strengthen[ing of] international security, in accordance with the principles of the UN Charter, [...] and the Helsinki Final Act" [Treaty on the European Union (TEU), art. J.1(2)].

The European integration process can be regarded as a successful example of C.P. in itself. The original European Steel and Coal Community as well as the European Economic Community responded mainly to the need to build confidence and construct linkages among the member states so as to avoid new conflicts among former enemies. Today, the EU plays an important role in trying to extend to other areas the stability and peace which it contributed to guaranteeing in Western Europe for forty years. However the type of C.P. the EU can best perform is sensibly constrained by its own institutional characteristics and original objectives. In the following, I will briefly describe the EU's main activities that can be regarded as C.P. instruments.

(1) CONFLICT AVOIDANCE AND PREVENTION:

(a) The EU's activity aimed at promoting democratic institutions is based on the conviction that these help avoid conflicts within and between countries. The EU's efforts to promote democracy are multifaceted and include:

(i) the democratic conditionality of economic and political arrangements as in the case of the Cooperation and Association Agreements (also referred to as "Europe Agreements"), in view of a possible future membership. This incentive seems to have functioned as a real "carrot" for CEE states to accelerate the process of institutional democratization. Furthermore, both the Europe Agreements and the Partnership and Cooperation Agreements opened a political dialogue which helped putting economic cooperation into a political context.

The European Community/Union also used the tool of democratic conditionality in the case of recognition of new states. The Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union, adopted by the Union in December 1991 included respect of the rules of international law, democracy and human rights (see. EPC Press Release, p. 128/91); (ii) economic assistance per sé⁸. Since 1990, the EU, the EBRD, the G-24 and the IMF have provided CEE countries with humanitarian aid, but also with practical support for their market systems through technical and administrative advice, training, investment capital, etc. This type of "practical" support has been offered through two main EU programmes for the CEE: Phare and Tacis (the latter is limited to the former Soviet Union). In this framework, democratic assistance programmes started in 1992 (by 1994 they were managed by the European Human Rights Foundation). In contrast to the bulk of Tacis/Phare assistance, the democratic assistance

programmes were directed at non-profit organizations in civil society rather than at governments.

The EU-US Joint Action Plan signed in Madrid in December 1995 includes an agreement over closer coordination of the micro- and macro-economic assistance of the EU and the US. The document also contains reference to future joint initiatives with respect to countries that violate human rights.

(iii) direct assistance in the development of democratic institutions. With this aim, the European Parliament (EP) set up a programme to train the elected members and the staff of CEE parliaments. Another form of assistance to democratic development consists in monitoring elections, as in the case of Russian elections, when a EU team of observers (made up of experts and diplomats of the member states, representatives of the Commission and a delegation of the EP) joined the OSCE mission (CFSP Joint Action, Council Decision 93/604).

(b) Particular attention should be given to the "Stability Pact". The Stability Pact is not properly an EU instrument of C.P. any longer, but it was conceived in the EU framework as one of the first EU "Joint Actions". The concrete project (presented in June 1993) consisted in the organisation of a pan-European conference aimed at stabilizing "the CEE countries which may eventually be associated to varying degrees with the EU" (par. 3). The immediate aim was the definition of principles to solve minority and border disputes. The goal was the signature of bilateral agreement between countries with border and minority problems.

The Final Conference took place in May 1995. At present, 100 new and existing agreements have been signed, including the bilateral agreement on Hungarian minorities in Slovakia and Rumania. The pacts do not have binding force on signatory states, but the bilateral agreements do. Since January 1995, the OSCE has been entrusted with the pact's follow-up and implementation, but this will inevitably happen in cooperation with the EU.

In the future, the two regional round tables might be revitalized as fora for discussion and negotiation.

(c) Arms Control. The EU has recently undertaken a CFSP "common action" on the Non-Proliferation Treaty (NPT), entangling the Union in a difficult negotiating process. A further CFSP Joint Action goes in the direction of limiting and controlling arms transfers concerning so-called "dual-use goods" (Council decision 94/942/CFSP). The Council decision 95/170/CFSP (12/5/1995) on anti-personnel mines can also be regarded as an arms control initiative.

(d) Early Warning

The EU's timely warning is made possible by a set of instruments. Among them:

- the European Commission's diplomatic missions abroad;
- the Commissions DG1A's high-level diplomatic contacts;
- the European Parliament's contacts with third countries' parliamentarians or foreign ministers;
- the President of the Commission's participation in international institutional fora (such as the G7), contributing to exchange of information and enhancing the possibility of early warning;
- the member states' intelligence and external contacts;
- the information provided by the diplomatic delegations to the EU of the countries concerned;
- the fact-finding missions of the Presidency or the Troika;
- the EU observers' missions.

However, the fact that the Council Secretariat lacks its own information and planning capacity is frequently felt to undermine the results of the CFSP machinery.

New life was given to a EU-US exchange of information by the Joint Action Plan (Madrid,

December 1995), which establishes an early warning system for refugee crises and asylum seekers. The system per sÇ is not one of C.P., but it will surely increase the EU's early warning capacity.

(e) In the case of the EU, as for NATO, the issue of enlargement is proposed as a means of extending security and welfare eastward. However, a precipitous enlargement of the Union could lead both to a weakening of the internal stability of the Union - and its decision-making capacity - and to the worsening to the relationship between the admitted and the non-admitted CEE countries. As for NATO, once more, enlargement of the Union is a double-edged tool.

(2) CONFLICT MANAGEMENT

(2a/b) Conflict de-escalation and containment

There is no explicit reference to the management of external conflict in the EC/U Treaties, but there is general attention to the "preservation of peace". In terms of military capacity, the TEU aims at strengthening the EU-WEU relationship - at least in the future - although in a tentative and undefined way. Ex art. J. 4(1), mechanisms which enable the EU to ask the WEU to work out and implement decisions in the field of defence have not been used so far -

not even in the case of the administration of Mostar. Furthermore, if the administration of Mostar envisages a relationship between EU and WEU which is close to the ratio of art. J.4(1), the EU request for convocation of the NAC in order to implement a no-fly-zone over Bosnia-Herzegovina (8/2/1995) acted as a complete dismissal of art. J.4(1).

The actual terms of the future relationship between the EU and the WEU, and between them and other international organisations should be debated within the next Intergovernmental Conference (IGC).

A specific tool of conflict management which the EU was able to use is the imposition (or the threat of) economic sanctions on countries which do not respect the rules of international law⁹.

(2c) Conflict settlement/resolution

Efforts at mediating between two or more fighting parties have been undertaken by the EC/U on various occasions. The Yugoslav crisis offered the occasion for three new peacemaking attempts: the Troika mediation, the nomination of a special EU representative (first Lord Carrington, then Lord Owen, followed by Mr. Bilt), and the EC-sponsored / EU/UN co-sponsored Peace Conference. The Peace Conference did not have "only" a peacemaking aim, however, as it attempted to define a long-term settlement of the entire Yugoslav problem. In a sense, it aimed at creating the basis on which peace could be built.

(3) PEACE-BUILDING

As seen above, the activity of mediation and negotiation sometimes entails aspects of peace-building. The most important experience of peace-building ever undertaken by the EU is the European Administration of Mostar. The administration seems to be an interesting case study of the EU's capacity to play a role in reconstructing peace and confidence, thereby avoiding further conflicts, between former enemies.

A further way in which the EU has attempted to prevent conflicts is by financing the initiatives of other organisations which have a C.P. component. These are usually activities of NGOs such as the Red Cross or Medicin Sans Frontiere.

The Western European Union (WEU)

" Ministers reaffirm their countries' dedication to the principles upon which the democracies are based and are resolved to preserve peace, stability and freedom in Europe and elsewhere"
[Noordwijk Declaration, 14 November, 1994]

The WEU, like NATO, was first created as a collective self-defence institution and only later adapted its "security concept" to the post-cold war era by undergoing a deep transformation. Therefore, like NATO, it has "core functions" and functions developed in response to postcold war needs. In both cases, there are activities/objectives which can be considered as conflict preventing.

Before introducing the WEU's C.P. activities, it might be worth noticing that the WEU is probably the international organisation, amongst those analyzed here, which is in the deepest process of self-definition. The WEU's relationship with NATO and the EU, as well as its actual tasks in the future European Security architecture are still being defined. The next IGC will also touch on the relationship between the Union and the WEU, while NATO is defining the conditions under which an actual CJTF is feasible.

(A) THE C.P. COMPONENT OF WEU "CORE FUNCTIONS": Article X of the modified Brussels Treaty (October 1954) provides for an agreement among the signing states for a peaceful settlement of disputes. This responded not only to an obvious need for peace and stability within the alliance, but also to the necessity to develop confidence and cooperation between former enemies such as France and Germany. A practical, historical example of the WEU's activity of peaceful settlement of disputes between these two states is the Saar question, solved by a WEU-organised referendum in 1955.

(B) POST-COLD WAR TASKS. The two Gulf wars and the Yugoslav crisis opened a new era for the WEU. WEU's new role was institutionalised in the Maastricht Treaty plus the WEU annexed Document (adopted in December 1991) and the Petersberg Declaration of June 1992. In the latter, the WEU Council supports the implementation of CSCE or UN C.P. and crisis management initiatives, including peace-keeping activities. However this line of "interlocking institutional cooperation" - confirmed by the CSCE Helsinki Summit (July 1992) - was denied in another part of the Petersberg Declaration, in which the WEU does not seem to accept the subordination of its capabilities to other institutions (Petersberg Declaration II, par. 4). The WEU "White Paper" on the future of European security restated WEU's attempt to develop crisis management capacities and clarify the relationship between the WEU and the EU.

(1) CONFLICT AVOIDANCE AND PREVENTION

(a) WEU activity aimed at enhancing confidence and transparency, as well as guaranteeing stable future relations.

The WEU, like NATO, has developed institutional links with CEE countries. In June 1992, WEU Council ministers and the defence and foreign ministers of eight CEE countries decided to establish a "Forum of Consultation". In May 1994, the WEU Council accorded the nine CEE members of the Forum the status of "associate partners" (Kirchberg Declaration), thereby delineating a system of variable geometry: members (WEU and NATO and EU members), associate members (NATO but not EU members), associate Partners (neither NATO nor EU members), observers (members of NATO and/or EU).

(b) Early Warning and Arms Control. At the Vianden meeting of June 1991, the WEU

Council created a centre for the interpretation of satellite data on issues related to arms control, verification, crisis management and environmental monitoring. The Satellite Centre in Torrejon is now a permanent WEU body. A Situation Centre and an Intelligence Section, both within the WEU Planning Cell, were decided at the WEU Council meeting in Lisbon, May 1995. Further exchange of information takes place directly among the member states. The WEU plays a further role in arms control through its system of Confidence and Security Building Measures (CSBM) and mits diplomatic efforts for the implementation of the Open Skies Agreement. The Arms Control Agency was closed in 1995.

(2) CONFLICT MANAGEMENT

(a) The post-cold war process of self-redefinition of the WEU has included development of operational capacities to intervene in crisis/conflict situations (which do not come under art. 5 of the Brussels Treaty). For this purpose, in June 1992, WEU member states decided that their own forces could be used to support "the effective implementation of conflict prevention and crisis management measures including peace-keeping activities of the CSCE or the UN Security Council" (WEU Defence Ministers meeting, Bonn, 18 June 1992). Furthermore, the WEU can now call on the "forces answerable to the WEU" (FAWEU) - such as the Eurocorps, the Euroforce and Euromarforce - for operations such as peace-keeping and humanitarian aid (Lisbon Declaration, May 1995, par. 5).

(b) Among the actual operations of conflict management already undertaken by the WEU, of particular importance are those in ex-Yugoslavia. In particular, the monitoring of the arms embargo on the Danube (Sanctions Assistance Mission, SAM) and in the Adriatic (Operation Shape Guard, in cooperation with NATO) and the police operation in Mostar. Furthermore, at the WEU Council meeting in Lisbon (May 1995) a document was approved on a WEU intervention force in humanitarian crises. In summary, if on one hand the WEU has been limited by the lack of consensus among its member states, on the other hand in the recent years the WEU has explored new types of operation which include police and gendarmerietype units.

(c) In order to test WEU's operational mechanisms and procedures, the WEU launched its first crisis management exercise, the "CRISEX WEU 95/96", in December 1995. The exercise includes all 10 full members of the WEU and sees the participation in varying degrees of some of the other members of the WEU family.

(3) PEACE-BUILDING

For the WEU, as for the EU, the administration of Mostar represents an unprecedented peace-building operation (see also EU section).

The Council of Europe (C.o.E.)

"The aim of the C.o.E. is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress" (Statute of the C.o.E., art. 1).

Like the other institutions examined here, the C.o.E. has enlarged and deepened its contacts with CEE countries since the end of the cold war. Some CEE states joined the Council and had their legislation examined by the Council for evaluation of its compatibility with European standards in human rights.

Furthermore, the Council also developed closer links with other international organisations, such as the EC/U and the OSCE .

(1) CONFLICT AVOIDANCE AND PREVENTION

(a) the production of norms has been one of the main tasks of the European Council since the beginning. Of particular importance, as far as C.P. is concerned, was the European Convention on Human Rights (1950) and its various protocols. The European Commission on Human Rights and the European Court on Human Rights, created to monitor the implementation of the Convention, play an important role in this field. Beyond the human rights field, it might be worth recalling the Social Charter - a catalogue of social and economic rights, which has a monitoring mechanism as well.

Furthermore, since the end of the cold war, the system of Conventions and treaties regulating the international cooperation developed within the C.o.E., has been extended to some CEE countries that have joined the Council. Of particular importance is the Framework Convention for the Protection of National Minorities (adopted in November 1994 and opened to signature since January 1995), whose implementation will be monitored by the Committee of Ministers of the C.o.E., assisted by an advisory committee of minority experts.

(b) Confidence building on the basis of permanent political consultation.

(c) Transborder cooperation. The C.o.E. has sponsored cooperation among provinces on sensitive borders, and to this end it has created several "Euro-Regions".

(d) Support to newly democratic states. Since 1994, the C.o.E. has extended its joint programme with the EC Commission (Phare), including assistance in the drafting of new constitutions and examining the CEE countries' records of human rights.

The United Nations (UN)

"The aim of the United Nations are: 1. To maintain international Peace and Security[...]; 2. to develop friendly relations among nations [...]; 3. to achieve international cooperation in solving international problems [...]; and 4. to be a centre for harmonizing the actions of nations in the attainment of these common ends" [The UN Charter, art. 1]

The UN was created with the aim of preventing a new world war. Therefore, C.P. was conceived as the organisation's main aim.

Yet, even though the UN mandate on C.P. has not changed in the past 50 years, the nature of C.P. has, especially since the end of the cold war. As a matter of fact, the UN now has the possibility of assuming a more active role in peace-keeping, peacemaking, and, most of all, peace-enforcement, activities which were more or less explicitly contained in the Charter, but whose implementation was blocked by the paralysis of the Security Council.

(1) CONFLICT AVOIDANCE AND PREVENTION

(a) The UN activity of international norms production is to be considered an important although not necessarily "efficient" - instrument of C.P. The declarations of principles of the UN General Assembly, since its well-known 1948 Universal Declaration on Human Rights, are a significant example of this UN activity. These Declarations of principles are not per se norms of international law, but they may become so if the members of the international community embody their intent into a treaty.

Recently the UN has produced a Handbook on the Peaceful Settlement of Disputes between States (46/58) and a Declaration on Fact-finding by the UN in the Field of the Maintenance of International Peace and Security (46/59 of 1991).

(b) The UN efforts at developing democracy and the respect of human rights.

(i) UN monitoring of elections. In 1990, the UN mounted its first electoral observation mission in a member state, Nicaragua.

(ii) Economic and social cooperation. The Economic and Social Council (ECOSOC) is to serve as the major organ for the promotion of economic and social cooperation, with the support of the General Assembly, international specialised agencies, subsidiary bodies of the ECOSOC, and NGOs.

The UN Economic Committee on Europe (UNECE) - one of the nine regional commissions of the ECOSOC - is currently assisting CEE countries in their transition to market economy. The programme (in conjunction with other organisations such as the EBRD and the OECD) includes training seminars, technical cooperation for the development of industry and infrastructures.

As far as the promotion of the respect of human rights, the Charter does not provide any stringent guideline for implementation of the reference made in art. 1, 55 and 56. At present, major responsibilities for the respect of human rights are assigned to the Human Rights Commission (established as one of the commissions with special responsibilities set up under ECOSOC) and the Sub-Commission on the Prevention of Discrimination and Protection of the Minorities. The third Committee of the General Assembly, the UN High Commission for Refugees (UNHCR), and specific NGOs also play an important role.

In the last years, the UNHCR has been mobilised in the general framework of UN peacekeeping operations, as in the case of ex-Yugoslavia.

(iii) Cooperation to the development of democratic institutions in post-conflict areas. The 1989 UN supervision of the Namibian elections marked a turning point in the UN activity in this field. As a matter of fact, the UN not only was involved as territorial trustee, but undertook a new, broader type of democratic intervention which included peacekeeping, civilian police operations, civic education, post-election assistance in institutional development. A further departure from the past was represented by the UN intervention in Haiti, in 1991, which was justified on the basis of restoring democracy.

The UN involvement in monitoring elections was institutionalised with the creation of an Electoral Assistance Unit. The missions undertaken by the Unit, however, were not limited to the observation of the correctness of the elections, but included monitoring of human rights, cease-fires, peacekeeping and police assistance. That is, these type of interventions (El Salvador, Cambodia, Angola, ...) are a combination of more tools of C.P., however, in most cases they take place after an armed conflict. For this reason they can be regarded as "peace-building" operations.

(c) UN contribution to arms control.

In spite of the UN Charter's lack of emphasis upon disarmament and arms control, a number of proposals and mechanisms have been profuse and varied since 1946. However, in reality the most important arms control agreements (cfr. SALT and START) have been concluded outside the UN framework. At present the UN is contributing to the transparency of conventional arms earnings and transfers with the 1993-established UN Register of Conventional Arms. Furthermore, the UN offers various fora of discussion among its member states on these issues (among them: the General Assembly's annual discussion on the transparency in armaments; the UN Institute for Disarmament Research - UNIDIR; part of the activity of the International Economic Energy Agency).

Furthermore, the Security Council can delegate the Secretary general to issue fact-

finding/verification missions to monitor WMD.

(d) Early Warning. The UN activity of early warning is performed by different UN offices according to the problematic areas of interest. A sort of "political" early warning was the task of the Office for Research and the Collection of Information (ORCI) until March 1992¹⁰.

ORCI's components were then integrated into the newly established Department of Political Affairs and the Department of Humanitarian Affairs. The new system is divided into several channels for information and advice to the Secretary General. In 1991, the Administrative Coordinating Committee set up the Working Group on early warning in the humanitarian field. In the same year, the General Assembly resolution 46/182 provided the basis for establishing the post of Emergency Relief Coordinator to head the new Department of Humanitarian Affairs. Early warning - stated the resolution - should be one of his guiding principles. However, a general capacity to alert the UN Security Council is also envisaged for the Member States (art. 35), the General Assembly (art. 11.3) and the Secretary General (article 99).

(2) CONFLICT MANAGEMENT

The basis for UN action in conflict management is contained in Chapters VI and VII of the UN Charter. However, the actual implementation and interpretation of these chapters have changed considerably since 1989. Not only is the UN more active and involved in the management of numerous conflicts, but it also has developed more principles to share the burden of conflict management with other international organisations¹¹.

Although the type of relationship between the different organisations is far from being clear, the Yugoslav experience, more than any other, has seen the cooperation of different institutions working for the maintenance of peace and security in Europe. However, if at the beginning a sort of EU/UN burden-sharing seemed to be at work, later on the terms of this division of labour were no longer clear. As a matter of fact, the EU-peacemaking / UN-peacekeeping division of labour could not but be an illusion. Just as the idea of the UN being able to keep the different functions which it performed in ex-Yugoslavia (humanitarian aid, peace-keeping, peace-enforcement, mediation) separated was an illusion.

A further type of UN cooperation with other organisations is represented by NGOs' support for UN peace-keeping and humanitarian operations (as has been the case with relief operations in Somalia).

As regards UN legitimation to "intervene" within the borders of a state, the barrier to intervention represented by art. 2.7 of the UN Charter finds significant "exceptions" in the following cases:

- collective action under Chapter VII;
- concerned country's agreement to the involvement of the UN in domestic affairs (as for the monitoring of elections in various countries; the mediation of the Secretary General in El Salvador; the monitoring of the peace agreements in Angola and Mozambique);
- recognised international dimension - and threat to international peace - of a local conflict (as in the case of Cambodia);
- denunciation of human rights abuses in a given country.

Although UN intervention may be considered legitimate in these cases, it is more difficult to clarify the conditions under which intervention under art. 41 and 42 is legitimate. As a matter of fact, both the doctrine and the practice in this field are undergoing change. As the issue touches on the fundamental concept of state sovereignty (on which the modern international system is based), a normative solution to this problem will be slow develop. For the moment, the decision over intervention in a third country is due to be mainly a political decision of the Security Council's member states.

(2a/b) Conflict de-escalation and containment (peace-keeping and peace-enforcement)

* Peace-keeping

Peace-keeping was not specifically stipulated in the UN Charter, but it soon started to be considered an adequate means for the UN's task of maintaining peace.

The term originally referred to interpositional deployment of forces such as that practiced in Cyprus, the Sinai and the Golan Heights. However, new types of peace-keeping have appeared recently. On the one hand, a newer, more robust peace-keeping closer to peacemaking and/or peace-enforcement (this was the case of the Blue Helmets deployment in Bosnia and Somalia); on the other hand, a peace-keeping which happens in a framework of peace-building (as in the case of El Salvador).

* Actions of the Security Council to enforce peace

The UN Charter gives the UN absolute primacy in enforcement actions (art. 53), unless they respond to the need of self-defense (art. 51). Regional organisations should provide the forum for peaceful settlement of disputes (art. 52) but cannot undertake a forceful action against a state, unless the UN has given its consent (art. 53). This implies that the underlying division of labour between regional bodies and the UN has its ratio in the type of tool used (military force requires UN authorisation) and the agreement of the warring parties (without it, the UN has to provide the necessary mandate).

Security Council actions aimed at enforcing peace can take various forms: sanctions, deployment of UN troops or authorisation to states (acting individually or jointly within an organisation) to deploy troops in application of a UN resolution (as in the case of NATO implementation of the no-fly-zone over Bosnia-Herzegovina). Authorisation of the use of force could regard protection of humanitarian relief, as in the case of the protection of relief convoys in Bosnia (UN Res. 770, August 1992) and Somalia (UN Res. 794, December 1992); military protection of populations under siege, as in the case of the safe havens for the Kurds in Northern Iraq (UN Res. 688, April 1991) and for the civilian population in former Yugoslavia (Res. 819 and 824, April/May, 1993); enforcement of a peace or cease-fire agreements, as in the case of the implementation of the Dayton/Paris agreements in ex-Yugoslavia (Res. ...); finally, intervention to re-build a collapsed state, as in the case of Somalia and Liberia.

(2c) Conflict settlement/resolution (peacemaking)

On the basis of art. 33, the UN can call upon the parties of any dispute to settle it by means of negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, or other peaceful means of their own choice¹². The Secretary General and/or his representatives are responsible for peacemaking. Their work is supported by task forces which study the dispute and the appropriate means of settlement. Since 1991, the newly-established Department for Humanitarian Affairs also undertakes mediation missions.

The experience of the UN shows that peacemaking is most successful when a number of instruments of peaceful settlement are use at the same time.

(3) POST-CONFLICT CONFLICT PREVENTION/PEACE-BUILDING

The UN is involved in a number of operations whose aim is the construction of peace through development. This activity is frequently coordinated with that of peacekeeping as there is the need to oversee the agreement reached while constructing the social and cultural conditions for the peace to last. For a rapid overview of the type of operations the UN has undertaken, see (1/b/iii).

OSCE

"The CSCE will be a primary instrument for early warning, conflict prevention and crisis management" [Budapest Summit Declaration, 6 December 1994]

At the Helsinki Review Meeting in 1992, the CSCE came up with a number of important reforms aimed at strengthening the institution's capacity to perform C.P. tasks. The creation of the High Commissioner on National Minorities (HCNM), the revision of CSCE mechanisms and procedures for political consultation, for peaceful settlement of disputes and for review of compliance with human rights commitments are all decisions which go in the direction of a stronger role of the OSCE in C.P. The Permanent Council, established in December 1992 and strengthened in December 1993 has an analogous function. Furthermore, ad hoc and long-term missions have been set up in response to specific crisis situations in Europe.

(1) CONFLICT AVOIDANCE AND PREVENTION

(a) Promotion of human rights and democratic institutions

(i) Norm setting. Permanent consultations within the OSCE are developing a common space of agreed principles.

The OSCE's activity of norm setting is mainly relative to the field of arms control, human rights and the recent practice of "humanitarian intervention". Although OSCE commitments are not legally binding, an increasing number of documents signed in the OSCE framework are associated with a specific mechanism which monitors the implementation of the agreement.

The "Code of Conduct on Political-Military Aspects of Security", approved at the Budapest Summit in December 1994, enriched the OSCE normative acquis. The Code of Conduct includes a set of principles regarding the democratic control of military forces and the possibility of ensuring human rights to military and paramilitary forces.

(ii) OSCE activity aimed at promoting the respect of human rights is one of the OSCE's main activities and a tool of C.P., both because it aims at promoting general principles of "respect" and because the system includes mechanisms of early warning and monitoring of violations of human rights.

A specific function of vigilance of human rights is performed by the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw. Among other things, the office can set up missions to monitor elections and require a debate on human rights issues within the consultation fora. The ODIHR also provides support for democratic institutions.

The consensus-minus-one procedure (approved in January 1992) entitles the Council of Ministers to take political measures against the state which violates the agreements without the assent of the state itself (as happened in the case of the suspension of Serbia and Montenegro).

An important role in the monitoring of the respect of human rights is played by the HCNM, although it is formally considered an instrument of the security dimension. The HCNM ensures a prealarm and a preventive action in case of tensions concerning a national minority which might lead to a conflict.

(iii) The OSCE provides support to the newly-independent states. In particular, it provides recommendations and technical support for the establishment of democratic institutions and free market principles. Thereby, the OSCE performs a "pedagogic" activity, facilitating the new democracies' compliance with the membership requirements of the other international organisations. With this purpose,

(b) Political consultation. The OSCE permanent consultations provide the necessary framework for enhanced confidence. Consultations can be activated through three main mechanisms: the military mechanism (in case unusual military activities are discovered), the human mechanism (in case of major breaches of human rights); and the emergency mechanism (in case of serious emergencies). At present, however, permanent consultation is guaranteed by the collective political bodies - the Ministerial Council, the Senior Council, the Permanent Council, the Forum for Security and Cooperation (FSC) - each of which has consultation and alert procedures which allow it to discuss situations of threats to peace" at an early stage and respond with the tools at its disposal.

(c) Arms Control. The CSCE played a central role in the process of negotiation which led to the signing of the 1990 and 1992 agreements of Confidence and Security Building Measures (CSBM). Other agreements were then signed in the framework of the FSC - established in September 1992. The declaration on non-proliferation signed at the Budapest Summit had a strong influence on the possible removal of the NPT.

Furthermore, the FSC provides not only the forum within which consultation on arms control takes place, but also the mechanism which monitors the implementation of the CSBM. As far as the CFE is concerned, the monitoring function takes place out of the OSCE framework, as the agreement was not signed by all OSCE member states.

(d) The monitoring of the implementation, negotiation and supervision of the mechanisms of the Stability Pact agreements (see section on the EU).

(e) Early Warning. The 1992 Helsinki document attributed the main role of early warning to the regular political consultations which take place - since December 1994 - in the Permanent Council and the Prague Senior Council. However, nearly all OSCE institutions have an early warning function. In particular:

- The HCNM (according to the Helsinki Document, Decisions, II, 3);
- the FSC;
- the ODIHR;
- the Permanent Council;
- the CSBM system;
- the NGOs.

(2) CONFLICT MANAGEMENT

(a) The OSCE's competences of conflict management are far less developed than its competences in "conflict avoidance and prevention". The OSCE does not have the power to intervene in a country without its assent. It can only undertake a "traditional" type of peacekeeping, which requires the agreement of the warring parties, a cease-fire, and the neutrality of the OSCE troops. If this seems to constrain the OSCE's capacities in conflict management, it also enables this institution to appear to the warring parties to be a less threatening and more convenient third party than other international organisations. This has been the case, for instance, with OSCE efforts in Chechnya.

(b) The missions. These represent one of the main forms of third party intervention at the disposal of the OSCE. They usually have more than one function (mediation, monitoring, technical support, etc.) and can be of three types: long-term (e.g. Macedonia, Kosovo and Sandjak in 1992), ad hoc (e.g. the sanctions assistance mission to ex-Yugoslavia's

neighbouring states), and fact-finding.

All the missions must have a humanitarian dimension. They generally have more than one conflict management function as they may represent a deterrent to the transformation of a dispute into a violent conflict, provide early warning, support both peace-keeping and peacemaking operations. The function of the missions, therefore, is rather enlarged and the record so far shows an important role in the prevention of violent conflicts.

(b) Peaceful settlement of disputes. The Convention on Conciliation and Arbitration, signed by 33 states, entered into force on December 5, 1994. The Court of Conciliation and Arbitration is operational...

(c) Peace-making role of the Chairman in Office (CiO) and his/her staff (Troika, special representatives and missions). The CiO is the OSCE body with the greatest role in mediation. In practice, the HCNM provides support for the mediating efforts of the CiO.

(3) POST-CONFLICT CONFLICT PREVENTION

This is an important role of the OSCE, but the organization's limited resources represent a serious constraint to its actual impact in post-conflict areas. The type of action which the OSCE can undertake in post-conflict areas is one of mediation among the civilians, support to the development of democratic institutions (starting with the preparation of regular elections, the definition of legal documents), monitoring of disarmament and CSBMs. The OSCE is currently involved in the implementation of the Dayton/Paris agreements in former Yugoslavia. Its roles range from providing support to the coming elections to offering a connection between the European Administration of Mostar and the citizens of the city through the figure of the ombudsman. Analogous figures have been established to promote dialogue within the Croat-Muslim federation in Bosnia-Herzegovina.

Notes

1) I will focus mainly on organisations whose principle task is related to the creation and/or maintenance of security in Europe; I will not include the contribution that other types of organisations make to the prevention of conflicts. Therefore the International Monetary Fund (IMF), the World Bank, the G-4, the European Bank for Reconstruction and Development (EBRD) and churches, to quote but a few, will be excluded. Furthermore, the "institutional character" of this selection also excludes the C.P. activities of national diplomacies - acting both individually or within regional semi-institutional arrangements such as the Central European Initiative, the Visegrad Group etc. - and Non-Governmental Organisations (NGOs).

2) In reality, these are two quite different types of activity. On the one hand, there are the permanent activities aimed at enhancing transparency and cooperation, as well as democratic values and the respect of international law; on the other hand, there are the responses to crisis situations, that is, to disputes which threaten to become violent. Both activities aim at preventing the emergence of a violent conflict, but in two completely different types of setting and with different instruments. The reason why I decided not to take this difference into consideration is the difficulty in distinguishing the two in practical cases. Furthermore, for the purpose of this paper, I felt that such a distinction could be dismissed although it should be kept in mind for further steps of research.

3) Far from being complete or accurate, this classification responds only to my immediate needs of presentation. If I were to put this in relation to the far better known classification by

Boutros Ghali (*An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping*, New York, United Nations, 1992), I would consider Ghali's "preventive diplomacy" as covering activities 1 and 2b of my classification; peacekeeping, peacemaking and peace-enforcement as different means of activity 2 of the above classification; and "peace-building" as coincident with my C.P. activity 3.

As a matter of fact, according to Boutros Ghali, "preventive diplomacy" includes all those actions aiming at preventing disputes from (i) arising, (ii) turning violent or (iii) spreading beyond their current borders. "Peacekeeping" is the deployment of third-party troops in a territory at war, with the assent of the fighting parties; "peacemaking" and "peace-enforcement" are attempts at bringing hostile parties into compliance with UN Resolutions in the first case, via peaceful means (ex Chapter VI of the UN Charter), in the second case, through forceful means (ex Chapter VII of the UN Charter). Finally, "peace-building" refers to those actions aiming at strengthening the solidity of a post-war peace agreement.

4) Although it is debatable whether democracies are less war-fighters than non-democratic states, it is certain that respect of the principles contained in the UN Charter or other sources of international law are a necessary - although not sufficient - condition for peaceful inter-state relations. However, the relationship which I make in this paper between C.P. and the promotion of human rights and democratic institutions is challengeable.

5) Here, again, the assumption which links low levels of armaments to lower possibility of armed conflicts is far from being demonstrated. The recent examples of Somalia and Rwanda are telling events of cruel wars fought with rudimentary weapons.

6) Early warning and contingency planning are not *per se* instruments of C.P., as they lead to C.P. only in so far as they originate appropriate measures of C.P. in case a conflict is alerted. However, it is also true that no prevention is possible unless a potential conflict is identified and that the response to the conflict needs an appropriate clarification of the possible alternative courses of action and their implications. In this sense I would encourage including instruments of early warning and contingency planning in a study on C.P. instruments.

7) In the document of the January 1994 NAC meeting, the logic behind the implementation of this concept is to develop and adapt NATO's structures and procedures to respond to the new tasks. This would happen by developing separable but not separate military capabilities for use by both NATO and WEU.

8) Needless to say, the idea according to which economically developed countries are more peaceful than others is an assumption - perhaps a credible one - but still no more than an assumption.

9) For instance, the EC reacted immediately to the Iraq invasion of Kuwait by setting up an embargo against Iraq. A similar measure was adopted in the case of the Serbs in ex-Yugoslavia.

10) It had been created in 1987 in order to "provide early warning of developing situations requiring the Secretary General's attention" (UN DOC. A/41/3241 3 May, 1986).

11) See: *Handbook for Peaceful Settlement of Disputes Between States* (doc. 46/58); *An Agenda for Peace*, op. cit.: Secretary General's address on peace-keeping on May 13, 1992 in Washington.

12) The *Handbook on the Peaceful Settlement of Disputes Between States*, op. cit., addresses six types of instruments for peaceful settlement of disputes: negotiation, good offices, enquiry and fact-finding, mediation and conciliation, arbitration, judicial settlement.

Acronyms

ACC = Administrative Coordination Committee (UN) C.o.E. = Council of Europe
C.P. = Conflict prevention
CEE = Central and Eastern Europe/European CFE = Conventional Forces in Europe (OSCE)
CFSP = Common Foreign and Security Policy (EU) CiO = Chairman in Office (OSCE)
CJTF = Combined Joint task Force (NATO/WEU) CMX = Crisis Management Exercise (NATO)
CSBM = Confidence and Security Building Measures (OSCE)
CSCE/OSCE = Conference/Organisation on Security and Cooperation in Europe DPC = Defence Planning Committee (NATO)
EBRD = European Bank For Reconstruction and Development
EC/U = European Community/Union
ECOSOC = Economic and Social Council (UN)
FAWEU = Forces Answerable to the WEU
FSC = Forum for Security and Cooperation (OSCE)
GNW = Group on Nuclear Weapons (NATO)
HCNM = High Commissioner on National Minorities (OSCE) IGC = Intergovernmental Conference (EU)
IMF = International Monetary Fund
NAC = North Atlantic Council (NATO)
NACC = North Atlantic Cooperation Council (NATO) NATO = North Atlantic Treaty Organisation (NATO) NGOs = Non-Governmental Organisations
NPT = Non Proliferation Treaty
ODIHR = Office for Democratic Institutions and Human Rights (OSCE)
PCC = Partnership Coordination Cell (PfP, NATO)
PfP = Partnership for Peace (NATO)
PMSC/AHG = Political-Military Steering Committee / Ad Hoc Group on Cooperation in Peace-keeping (NATO)
SAM = Sanctions Assistance Mission
SEA = Single European Act (EC)
START = Strategic Arms Reduction Treaty
TEU = Treaty on the European Union (EU)
UN(O) = United Nations (Organisation)
UNHCR = UN High Commission for Refugee
UNIDIR = UN Institute for Disarmament Research (UN) WMD = Weapons of Mass Destruction
WTO = Warsaw Treaty Organisation