

OSCE Peace Operations: Soft Security in Hard Environments

WALTER KEMP



Cover Photo: Monitors of the OSCE Special Monitoring Mission to Ukraine conduct a foot patrol in Pavlopil, December 8, 2015. OSCE/Evgeniy Maloletka.

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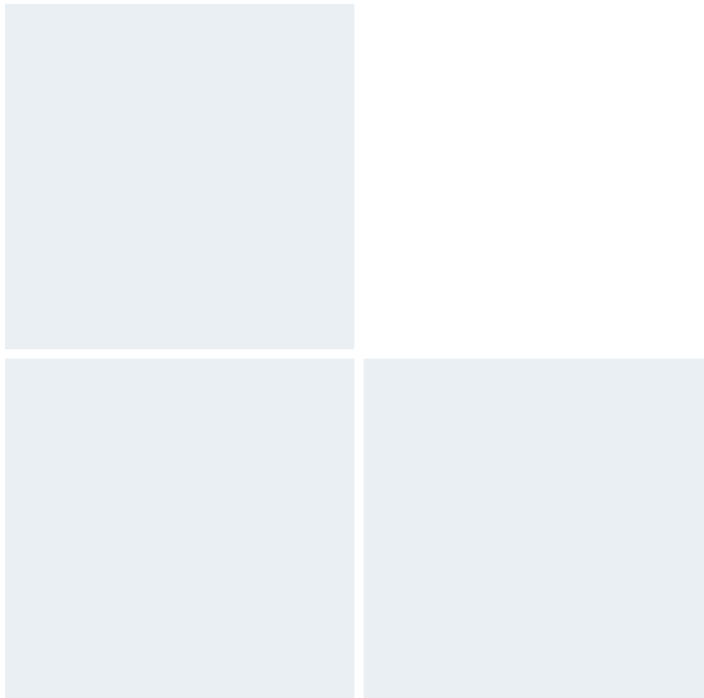
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Executive Summary

Although the OSCE has a mandate for peacekeeping, it has seldom invoked this mandate. The organization's mandate originated in the 1992 Helsinki Document, which included peacekeeping as a central element of the OSCE's role in conflict prevention and crisis management. The idea behind this mandate enjoyed widespread support, but states could not reach consensus on how an OSCE peacekeeping mission might work in practice, with particular concern that the mandate could serve as a cover for "third-party" peacekeeping.

While it has not undertaken peacekeeping operations per se, the OSCE has carried out a diverse and extensive range of activities that fall within what have been described as "peace operations." These have included verification, monitoring, and observation missions, particularly the Special Monitoring Mission (SMM) in Ukraine. Taking into account lessons from the OSCE's engagement in Ukraine, geopolitical shifts in the OSCE area, and debates within the UN on more effective conflict prevention and an enhanced role for regional arrangements, what are the future prospects for OSCE peace operations?

This report identifies a number of lessons learned and recommendations:

- **Link the political and the operational.** Ideally, the OSCE should be involved in any political process that leads to the deployment of peace operations. This link should be reflected in a flexible mandate for OSCE peace operations, as well as the professionalization and streamlining of leadership.
- **"Lighten" the operational presence.** The OSCE could open smaller or regional offices to reduce the stigma of field activities. At the same time, the option of "boots on the ground" should not be taken off the table.
- **Focus on prevention and analysis.** The OSCE should consider preventive deployment, such as monitoring missions, in response to rising tensions. Prevention and early warning would also be enhanced by better analytical capacity and the establishment of a planning cell.
- **Employ strategic communications and technology.** OSCE peace operations should consider

public information as public policy. They should also more widely adopt new technologies, such as unmanned aerial vehicles, to protect forces and improve surveillance, reconnaissance, and situational awareness.

- **Reconsider the composition of peace operations.** When appropriate, participating states should consider integrating military units and skills into civilian-led missions, ensuring they are robust enough to provide security for personnel. They could also explore hybrid operations between the OSCE and another organization. In addition, the OSCE should improve its capacity to engage with armed non-state actors and strengthen its executive police functions.
- **Take an integrated approach toward sustaining peace.** Other OSCE structures can complement peace operations as part of a broader approach to sustaining peace, such as by implementing economic confidence-building measures and promoting structural reforms.

As the OSCE has proven, most recently in Ukraine, it is well-positioned and well-qualified, though not fully equipped, to deploy peace operations. Therefore, the OSCE's political bodies should intensify their efforts to make situations ripe for peace. And if peace operations are needed, the OSCE should be ready, willing, and able to respond.

Introduction

The Organization for Security and Co-operation in Europe (OSCE) does not do peacekeeping. That is the conventional wisdom. True, the 1992 Helsinki Document added peacekeeping to the OSCE toolbox. But that was a different time, and the conditions have never existed to launch an OSCE peacekeeping operation, so the tool stays in the drawer. And yet the OSCE is carrying out a diverse and extensive range of field activities that fall within what have been described as "peace operations," particularly the more than 700 civilian monitors who are part of the Special Monitoring Mission (SMM) in Ukraine.

Taking into account lessons from the OSCE's engagement in Ukraine, geopolitical shifts in the OSCE area, debates within the United Nations on more effective conflict prevention, and debates on an enhanced role for regional arrangements under

Chapter VIII of the UN Charter, what are the future prospects for OSCE peace operations?

Conceptual Evolution of Peacekeeping in the OSCE

A MANDATE FOR PEACEKEEPING

At a summit of what was then the Conference for Security and Co-operation in Europe (CSCE) in Helsinki in 1992, heads of state and government grappled with how to cope with conflicts arising from the breakup of the Soviet Union and Yugoslavia. In 1990 they had gushed about how “the era of confrontation and division of Europe has ended” and “Europe is liberating itself from the legacy of the past.”¹ But just two years later they had to admit that “this is a time of promise but also a time of instability and insecurity.... For the first time in decades we are facing warfare in the CSCE region.”² They therefore agreed to a set of measures to more effectively prevent, manage, and settle conflicts, laid out in the Helsinki Document (see Appendix 1). These measures included the creation of the post of high commissioner on national minorities. They also provided for CSCE peacekeeping.

According to the 1992 Helsinki Document, “Peacekeeping constitutes an important operational element of the overall capability of the CSCE for conflict prevention and crisis management intended to complement the political process of dispute resolution.”³ A clear link was made between politics and operations: “CSCE peacekeeping activities may be undertaken in cases of conflict within or among participating States to help maintain peace and stability *in support of an ongoing effort at a political solution*” (emphasis added).⁴ It was agreed that CSCE peacekeeping operations could involve civilian or military personnel. CSCE peacekeepers could be used, inter alia, to supervise and help maintain cease-fires, monitor troop withdrawals, support the maintenance of law and order, provide humanitarian and

medical aid, and assist refugees.

The Helsinki Document stressed that CSCE peacekeeping activities would be undertaken “with due regard to the responsibilities of the United Nations,” particularly in the context of Chapter VIII of the UN Charter, which deals with regional arrangements. It is worth noting that, under Article 52, members of the United Nations entering into such arrangements “shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.” In other words, use the OSCE first.

This is implied in Chapter 3 of the Helsinki Document, which says “the Chairman-in-Office will keep the United Nations Security Council fully informed of CSCE peacekeeping activities.” It also says that the Council of Ministers “may conclude that because of the specific character of an operation and its envisaged size the matter should be referred by the participating States to the United Nations Security Council.”⁵ The OSCE would be in the lead and keep the UN informed and, if necessary, could ask for the UN’s help (not vice versa).

The 1992 decision on peacekeeping included a number of caveats. CSCE peacekeeping operations would not entail enforcement action. They would require the consent of the parties directly concerned, be limited in duration, and be impartial. Most notably, a decision to deploy a peacekeeping mission (to be taken by consensus) could only be made “when all parties concerned have demonstrated their commitment to creating favourable conditions for the execution of the operation, inter alia, through a process of a peaceful settlement and their willingness to cooperate.”⁶ Furthermore, the decision to dispatch the mission could only be taken after the establishment of an effective and durable cease-fire, agreement on a memorandum of understanding with the parties concerned, and provision of guarantees for the safety at all time of the personnel involved.

1 CSCE, *Charter of Paris for a New Europe*, November 21, 1990, p. 3.

2 CSCE, *Helsinki Document 1992: The Challenges of Change*, July 10, 1992, “Helsinki Summit Declaration,” para. 13.

3 Ibid., Chapter III, para. 17. For the full text of the section on peacekeeping, see Appendix 1.

4 Ibid., “Helsinki Summit Declaration,” para. 20.

5 Ibid., Chapter III, paras. 20–21.

6 Ibid., Chapter III, para. 30.

“THIRD-PARTY” PEACEKEEPING

The idea enjoyed widespread support. In the early 1990s, the United Nations had its hands full with a number of crises, including in Cambodia, Haiti, Liberia, Mozambique, and Somalia. Neither the European Union nor the North Atlantic Treaty Organization (NATO) were in a position to deploy peacekeepers to the former Soviet Union. But Western European countries did not want Russia to be given free rein to restore order in newly independent states like Georgia and Moldova or in the fight between Armenia and Azerbaijan over Nagorno-Karabakh. Russian forces could certainly play a role in stabilizing such situations, but as UK Foreign Secretary Douglas Hurd said at the time, “The British government will not underwrite Russian involvement unless it is sure that peacekeeping troops will not turn into occupying forces.”⁷ Therefore, the devil was in the details.

Discussions began in earnest, particularly within the (now defunct) Committee of Senior Officials. At the ministerial meeting in Rome on December 1, 1993, it was not possible to reach consensus on specific modalities, but the ministers agreed that “the CSCE could consider, on a case-by-case basis and under specific conditions, the setting up of CSCE co-operative arrangements in order inter alia to ensure that the role and functions of third party military force in a conflict area are consistent with CSCE principles and objectives.”⁸ This was already a step back from the ambitious mandate of the 1992 Helsinki Document—now the CSCE was being considered as a framework under which others would do peacekeeping rather than CSCE peacekeepers per se. This was probably a realistic direction to take considering that the CSCE Secretariat at the time lacked the capacity to organize and support a large peace operation. But even this more modest approach opened up a number of complex issues: Who would contribute troops? What would be the composition and posture of the force? Who would exercise command and control? Who would provide political oversight? And what would be the rules of

engagement?

Details were hammered out in preparation for the 1994 Budapest Summit. Negotiators were guided by the need for operations to have respect for sovereignty and territorial integrity, consent of the parties, impartiality, a multinational character, a clear mandate, transparency, an integral link to a political process for conflict resolution, and a plan for orderly withdrawal.⁹ While a substantive draft agreement was prepared (see Appendix 2),¹⁰ square brackets were kept around a number of key words, and consensus was not possible. Disagreements centered on the nature and composition of the force, who could request it, and the exit strategy. The main stumbling block was concern by the Americans, among others, that the Russians could use the CSCE as a fig leaf to legitimize Russian peace enforcement in its “near abroad.” As some sections of the press put it, CSCE-mandated “third-party” peacekeeping would become “red helmets,” resuscitating the Brezhnev Doctrine and waging war by other means.¹¹

That said, under the heading of “Intensification of CSCE action in relation to the Nagorno-Karabakh conflict” at the Budapest Summit, heads of state and government declared their political will to provide a multinational CSCE peacekeeping force, with an appropriate resolution from the UN Security Council and following a cessation of hostilities agreement.¹² It was agreed that a high-level planning group (HLPG) would be established in Vienna to make recommendations on, inter alia, the size and characteristics of the force, command and control, logistics, allocation of units and resources, rules of engagement, and arrangements with troop-contributing countries.

Unfortunately, to this day, conditions have not been ripe for a political settlement of the Nagorno-Karabakh conflict nor for the deployment of such a peacekeeping force. Furthermore, in the period after the Budapest Summit, relations between Russia and the West deteriorated. NATO, the UN, and the EU took the lead in peace stabilization

7 Douglas Hurd and Andrei Kozyrev, “Challenge of Peacekeeping,” *Financial Times*, December 14, 1993.

8 CSCE Council, *CSCE and the New Europe—Our Security Is Indivisible: Decisions of the Rome Council Meeting*, 1993, Chapter II, para. 2.

9 CSCE, *Budapest Document 1994: Towards a Genuine Partnership in a New Era*, December 21, 1994.

10 CSCE, *Further Development of the Capabilities of the CSCE in Conflict Prevention and Crisis Management* (draft agreement, June 8, 1994), CSCE Doc. 300, Rev. 6.

11 See, for example, “All This Is Ours,” *The Economist*, November 26, 1994.

12 CSCE, *Budapest Document 1994*, Chapter II.

efforts in the OSCE area, including in Bosnia and Herzegovina, Eastern Slavonia, Georgia, and Tajikistan.

That said, the option of peacekeeping remained part of the OSCE *acquis*. For example, at the 1999 Istanbul Summit, heads of state and government confirmed that the OSCE can, on a case-by-case basis and by consensus, decide to play a role in peacekeeping, including a leading role. The OSCE could also decide to provide the mandate for others to undertake peacekeeping and provide a coordinating framework for such efforts.¹³ But while everyone likes coordination, no one wants to be coordinated. This initiative gained little traction.

At the ministerial meeting in Porto in 2002, the Permanent Council was tasked with conducting a review of peacekeeping, with a view toward assessing OSCE capacity to conduct peacekeeping operations and identifying options for potential OSCE involvement in peacekeeping in the OSCE region.¹⁴ An “Informal Open-Ended Group of Friends of the Chair on the OSCE Role in the Field of Peacekeeping Operations” was established. The group, chaired by the Netherlands in 2003, identified four potential types of OSCE peacekeeping:

- Type A: Traditional armed peacekeeping operations of the “blue-helmet” type
- Type B: Unarmed observer/monitoring peacekeeping operations
- Type C: Combinations of Types A and B
- Type D: Peacekeeping operations with other international organizations, including turnkey operations

But participating states could not reach consensus on which one of these to pursue, as well as on more specific issues like command and control, the role of the Forum for Security Cooperation, and capacity issues.¹⁵

The exception was the high-level planning group, which continued planning different scenarios for a possible multinational OSCE peacekeeping force in Nagorno-Karabakh.

OSCE Peace Operations in Practice

PAST PEACE OPERATIONS

Although the OSCE has never launched a peacekeeping operation per se, it has carried out a number of activities that fall within the definition of what the UN High-Level Independent Panel on Peace Operations (HIPPO) calls “peace operations.” According to the HIPPO report, such operations range from “special envoys and mediators; political missions, including peacebuilding missions; regional preventive diplomacy offices; observation missions, including both ceasefire and electoral missions; to small, technical-specialist missions; multidisciplinary operations both large and small drawing on civilian, military and police personnel to support peace process implementation;... as well as advance missions for planning.”¹⁶

Examples of OSCE operations that fit this description include the Assistance Group to Chechnya between April 1995 and December 1998; the Kosovo Verification Mission between October 1998 and July 1999, when 1,400 unarmed verifiers were rapidly deployed; border monitors along the line of contact in Nagorno-Karabakh; the Border Monitoring Operation that observed and reported on movement across the border between Georgia and Russia (particularly Chechnya) between December 1999 and December 2004; and the observer mission at the Russian checkpoints of Gukovo and Donetsk, which started its work in the autumn of 2014. It also appears as though, in 2003, the Dutch chairmanship was exploring the idea of a peace consolidation mission to Moldova.¹⁷

One could add some of the OSCE’s police work, like the Community Security Initiative in Kyrgyzstan between November 2010 and December 2015, or support for community policing in Kosovo. The definition could also be interpreted more broadly to include special representatives of the chairmanship, who have

13 OSCE, *Istanbul Document 1999*, November 16, 1999, “Charter for European Security,” para 46.

14 OSCE, *Tenth Meeting of the Ministerial Council*, “Decision No. 4: Reviewing the OSCE Role in the Field of Peacekeeping Operations,” December 6–7, 2002.

15 See OSCE, *Eleventh Meeting of the Ministerial Council*, “Letter from the Chairperson of the Permanent Council to the Minister for Foreign Affairs of the Netherlands, Chairperson of the Eleventh Meeting of the Ministerial Council of the OSCE,” December 1–2, 2003.

16 United Nations, *Uniting Our Strengths for Peace—Politics, Partnership, and People: Report of the High-Level Independent Panel on United Nations Peace Operations*, June 16, 2015, para. 18.

17 The author has seen an undated non-paper outlining a joint civilian-military Peace Consolidation Force that anticipated a strong EU component.

engaged in troubleshooting in various parts of the OSCE area.

THE MISSION IN UKRAINE: A TEST FOR THE OSCE—AND EUROPE

The introduction of the term “peace operations” creates an opportunity to take a fresh look at the innovative role of the OSCE in the field without getting hung up on whether or not the OSCE does peacekeeping. But an even bigger game changer is the OSCE’s role in Ukraine.

On March 21, 2014, Switzerland, which held the chairmanship-in-office of the OSCE, brokered a consensus agreement to deploy a Special Monitoring Mission (SMM) to Ukraine. The mandate of the mission is to contribute to reducing tensions and fostering peace, stability, and security. Its tasks are to gather information and report on the security situation, monitor and support respect for human rights and fundamental freedoms, facilitate dialogue on the ground to reduce tensions and to promote normalization of the situation, and report on any restrictions on the mission’s freedom of movement. In order to fulfill its tasks, the mission was urged to establish contact with local, regional, and national authorities, civil society, ethnic and religious groups, and members of the local population.¹⁸ The first monitors were deployed within twenty-four hours.

As the situation deteriorated on the ground, the mission became the eyes and ears of the international community.¹⁹ It was also on the spot when Malaysian Airlines Flight 17 was shot down in July 2014 and provided international experts access to the crash site. As fighting intensified, the unarmed civilian mission stayed put and even increased its size from a few dozen to almost 400 by the autumn. Paradoxically, OSCE monitors were now operating in an environment where even armed CSCE peacekeepers could not have been deployed, since there was no durable cease-fire and no guarantees for their security. In effect, this was a civilian mission in a war zone.

The deployment of the SMM—against the odds and under fire—has demonstrated that the OSCE

can move quickly and deploy a sizeable mission of civilian monitors in a hostile environment. It raises both practical and political issues, provides a number of useful lessons (both for future OSCE operations and for the UN and Chapter VIII arrangements), and reopens the debate on the possibilities and limitations of the OSCE’s operational contribution to the maintenance of peace and security. This is not an academic exercise. It will shape the future of the OSCE and could have an impact on the future of security and cooperation in Europe.

That said, all discussions on OSCE peace operations should not be viewed through the prism of eastern Ukraine. What may be possible for the OSCE to do there may be unlikely elsewhere, and vice versa. For example, resistance to sending peacekeepers to Ukraine to protect election monitors or SMM staff should not cloud judgment on preparing for a possible peacekeeping operation in Nagorno-Karabakh.

Recommendations and Lessons Learned

With these recent and ongoing peace operations in mind, what are the prospects for OSCE peace operations in the future? What are some of the lessons learned, particularly from the OSCE’s experience in Ukraine? And what issues deserve special attention?

LINK THE POLITICAL AND THE OPERATIONAL

A key consideration moving forward is how to maintain the link between the political and the operational. As the HIPPO report states, “Politics must drive the design and implementation of peace operations” and “politics must have primacy.”²⁰ The OSCE Panel of Eminent Persons made this point as clearly, saying “an operation designed to build or keep peace should be backed by a political strategy. Reciprocally, political work should be informed by operational realities on the ground.” The panel suggested that “this is a method that

¹⁸ OSCE Permanent Council Decision No. 991 (March 21, 2014), OSCE Doc. PC.DEC/1117.

¹⁹ See Thomas Greminger, “The 2014 Ukraine Crisis: Curse and Opportunity for the Swiss Chairmanship,” in *Overcoming the East-West Divide: Perspectives on the Role of the OSCE in the Ukraine Crisis*, edited by Christian Nünlist and David Svarin (Zurich: Center for Security Studies, ETH Zurich, and foraus, 2014), pp. 11–12.

²⁰ United Nations, *Report of the High-Level Independent Panel on United Nations Peace Operations*, “Summary.”

should be retained as best practice, or as an operational doctrine.”²¹

It is worth recalling that, already in 1992, the Helsinki Document said that CSCE peacekeeping activities should be carried out “in support of an ongoing effort at a political solution.” The 1994 draft decision on peacekeeping from the Budapest Summit (which was never adopted) says that “the Presence of the Forces <must> <should> be integrally linked to, and in support of, an ongoing political process...aimed at achieving a freely negotiated settlement of the conflict.”²²

Ideally, the OSCE should be part of that political process. This is the case, for example, in the “5+2” talks of the Transdniestrian settlement process²³ and the Geneva International Discussions on Georgia (concerning Abkhazia and South Ossetia). However, in these two cases there are no multinational peace operations.

Conversely, there are examples of OSCE peace operations being initiated through a political process that took place outside the organization’s negotiating bodies. For example, the OSCE was not part of discussions in NATO and the UN that led to the deployment of the Kosovo Verification Mission in 1999.

The case of the SMM is somewhere in between. The OSCE agreed on the mandate of the SMM in March 2014, well before the creation of the Normandy Group in June. But the Normandy Group, which includes France, Germany, Russia, and Ukraine (but not the OSCE), has given political weight to the SMM’s work. The OSCE has also led the political process through the Trilateral Contact Group (including Russia and Ukraine and chaired by the OSCE), which seeks to facilitate dialogue and coordinates working groups on humanitarian, security, political, and economic affairs.

Another example of the OSCE sharing political leadership with other international actors is Italy’s effective use of both the OSCE and the UN in 1997 to deploy a multinational protection force to Albania. It is worth noting that the OSCE Permanent Council decision authorizing the

force,²⁴ which preceded the UN Security Council resolution,²⁵ rather boldly stated that the overall coordination of the efforts of the international community would be ensured by Franz Vranitzky as personal representative of the OSCE chairman-in-office.

In theory, the OSCE’s engagement toward settling the conflict in Nagorno-Karabakh is a good example of how an OSCE peace operation could support an OSCE peace process. The OSCE Minsk Process (led by co-chairs France, Russia, and the United States) is supposed to convene a peace conference that could lead to a settlement, including a durable cease-fire to be overseen by a multinational OSCE peacekeeping force. But in practice, the Minsk Process has lasted more than twenty years without achieving a settlement, while a high-level planning group has been planning various scenarios for an OSCE-led peace operation to Nagorno-Karabakh that can only be deployed when there is peace to keep.

In short, ideally the OSCE should be involved in any political process that leads to the deployment of peace operations. Otherwise, it risks looking like only a service provider (with the exception of being mandated by the UN under Chapter VIII of the charter). Furthermore, a weak link to a political process could undermine the peace operation by resulting in a lack of clear objectives and an exit strategy, and potentially in less support from participating states when taking crucial decisions on the budget or prolongation of the mission’s mandate. On the other hand, a political process with no credible peace operation reduces the potential buy-in of parties seeking a credible security guarantee.

The mandate of a peace operation should translate the political into the operational. Experience suggests that a short, relatively general mandate enables a degree of flexibility later on. It is impossible to foresee the future when agreeing on a mandate, but a clear link to a political process makes it easier to develop an exit strategy at a later stage. It is vital that a field activity is seen to

21 Panel of Eminent Persons on European Security as a Common Project, *Lessons Learned for the OSCE from Its Engagement in Ukraine*, June 2015, p. 12.

22 CSCE, *Further Development of the Capabilities of the CSCE in Conflict Prevention and Crisis Management*, para. 4.

23 Members of the “5+2” talks include Moldova, Transdniestria, the OSCE, Ukraine, and Russia, plus the EU and US as observers.

24 OSCE Permanent Council Decision No. 160 (March 27, 1997), OSCE Doc. PC.DEC/160.

25 UN Security Council Resolution 1101 (March 28, 1997), UN Doc. S/RES/1101.

complement rather than substitute for a political settlement process. Otherwise, the operational arm will be blamed for the absence of a political solution. Under such conditions, there is a danger that protracted settlement processes could be replaced by long missions that could politically and financially bankrupt the OSCE.

To strengthen the link between the political and the operational, the OSCE should consider moving from a system of politically appointed ad hoc and short-term personal or special representatives of the chairmanship to professionally recruited special representatives of the OSCE secretary general (SRSG). At the moment, the OSCE system relies on secondments, mostly of diplomats. Diplomatic experience is necessary but not always sufficient to lead complex peace operations. Professionalization of leadership recruitment would create a broader pool of candidates (including more women), as well as people from a wider spectrum of backgrounds with the necessary management skills and experience to deal with complex environments.

Having the Secretariat recruit and appoint senior staff of peace operations would also increase the accountability of heads of field operations, who are currently appointed by the chairmanship but guided by the Secretariat's Conflict Prevention Centre. In the process, it would enhance the role of the secretary general without diminishing the potential of the chairmanship (particularly the chairman-in-office personally) to provide key political impulses to settlement processes. If this is too radical a step, an improvement would at least be the further professionalization of special representatives, following the current trend, whereby experienced diplomats (not necessarily from the chairmanship country) are appointed for several years and supported by the Secretariat and chairmanship.

Similarly, in politically sensitive field activities (like in Moldova) the post of head of mission should be merged with that of the SRSG or special representative of the chairmanship. This would unite political and operational leadership in the field. At the same time, other field activities should simply have a head of office, thereby reducing the sense of stigmatization that some host states have about an OSCE presence on their territory. The heads of such offices should also be professionally

recruited rather than seconded.

“LIGHTEN” THE OPERATIONAL PRESENCE

Based on this “lighter” operating model—more like a liaison office or a contact point for technical assistance—the OSCE could open other small offices, for example in Brussels, New York, Minsk, Moscow, and Ulaanbaatar. It could also consider setting up regional offices (for Southeastern Europe, the Caucasus, and Central Asia) rather than national ones, thereby maintaining a cooperative presence while reducing costs. Indeed, it might then become prestigious for states to host such an office.

Sometimes, it may not be necessary to open an office at all. It is worth recalling that the first OSCE missions, in the early 1990s, were so-called missions of short duration made up of small teams of experts deployed for fact-finding or reducing tensions (similar to the high commissioner on national minorities). This model should be revived. At least one member of such teams should have expertise in carrying out threat assessments.

FOCUS ON PREVENTION AND ANALYSIS

Where there are signs of tensions, the OSCE should consider preventive deployment. Most crises evolve in slow motion, and there are usually warning signs. Therefore, to prevent tensions erupting into violent conflict, the OSCE should consider deploying monitors to be on the ground, to demonstrate that an international presence is watching, and to work to de-escalate tensions at an early stage. There are precedents in the United Nations, such as the UN Preventive Deployment Force (UNPREDEP) in Macedonia. One could argue that the OSCE Border Monitoring Operation in Georgia was also a preventive deployment. Perhaps the presence of such a peace operation could have reduced the risk of a flare-up in Kyrgyzstan in 2010. Within such teams, it would be useful to have mediators with expertise in local de-escalation, as well as police, gendarmerie, or even military monitors. Depending on the situation, it would also be useful to have experts on border management, interethnic tensions, or organized crime.

Prevention and early warning would be enhanced by having better analytical capacity

within the Secretariat. Even one dedicated individual could play a key role in gathering and synthesizing field reports and open sources to help the Secretariat, chairmanship, and participating states better anticipate, prepare for, and manage risks and crises. Such a focal point could also gather lessons learned from past experiences in order to strengthen the organization's institutional memory.

There is also a greater need for real-time analysis of fast-breaking situations, particularly when civilians are operating in dangerous areas or mediators are interacting with armed groups. In such situations, it is essential that political leaders (for example, in the chairmanship or Secretariat) rely on the antennae of field staff and act on the latter's firsthand views of what is possible considering the on-the-ground political and security situation.

GIVE OPERATIONS ADEQUATE TIME, RESOURCES, AND CAPACITY

When a mission mandate is approved, it would be helpful if it were longer than six months. A mission like the Kosovo Verification Mission or the SMM will usually be needed for more than half a year. It would also make it easier to recruit staff if there were a longer-term perspective.

If participating states decide to deploy a peace operation, they should provide the OSCE with the resources to do the job. Since there can be a delay between when pledges are made and when the money arrives—costing precious time—a contingency fund should be established to give the Secretariat a quick-start capacity. The fund would be based on voluntary contributions, and only the secretary general could trigger its use on the basis of strict criteria previously agreed by participating states but without a consensus decision every time. To ensure transparency, the secretary general would have to inform participating states when using the fund.

Furthermore, special administrative measures should be put in place to enable rapid deployment. This is an area where advice from the internal auditor would be helpful to speed up the process without breaking too many rules.

One lesson learned, most recently in the rapid deployment of monitors to Ukraine, is that the OSCE needs greater planning capacity, particularly

for large, quick-onset missions. Such missions have only been deployed about once every decade, like in Kosovo in 1999 and Ukraine in 2014. Therefore, there is no point in establishing a large permanent planning team. Rather, a dedicated individual in the Conflict Prevention Centre (ideally with a military background) could be the focal point and develop a network of experts within participating states. This network—in close collaboration with the OSCE's Forum for Security Co-operation—could meet once a year to discuss planning-related issues. In the event of a crisis, members of the network could, at short notice, be seconded by their home state to augment the planning team in the Conflict Prevention Centre or in the field. Another idea could be to downsize the high-level planning group and merge it with the proposed planning cell in the Conflict Prevention Centre. Once a mission is up and running, the planning capacity should be moved to the field, with light support from the Secretariat.

Experience shows that the success of peace operations depends a great deal on getting the right people—and fast. Relying on rosters is risky, as they become outdated quickly. The OSCE should therefore continue the practice of calling on participating states to put forward candidates, as well as recruiting publicly. It is essential to have people with the right skill set, language skills, temperament, and experience, especially to work in hazardous environments. Ensuring that the staff of OSCE peace operations are geographically representative is also crucial.

Training is essential. Professionally recruited senior staff should go through a short, standardized leadership training course. Similar courses could also be offered to people interested in joining OSCE peace operations to widen and deepen the qualified pool of candidates. Former heads of mission could be used more effectively for training and mentoring. Staff being sent to dangerous regions should receive hostile environment awareness training (HEAT). There is also a need for specialized training, for example in dealing with criminal groups or identifying types of weapons and ordnance.

Since equipment is key to quickly building up a mission, and the OSCE has almost no standby or storage capacity, effective procurement is crucial. The experience of deploying the SMM shows the

usefulness and flexibility of window contracts. It also highlights the possibilities and limitations of lend-lease agreements for equipment with participating states. In Ukraine, it quickly became apparent that the OSCE required specialized technical expertise, such as in using unmanned aerial vehicles (UAVs) and analyzing satellite images. Since these skills are in short supply and will no doubt be needed in future OSCE peace operations, it would be useful to retain such expertise in-house.

As the Panel of Eminent Persons pointed out, the OSCE's lack of legal capacity is a serious handicap when deploying field operations.²⁶ For example, it makes it very difficult to conclude status of forces agreements with troop-contributing countries and to make agreements with contractors or the host country. Agreement on a document on legal privileges and immunities has, thus far, been linked (particularly by Russia) to agreement on a legally binding OSCE charter. But such a charter is not foreseen in the near future due to lack of consensus. To get around this problem, individual countries could unilaterally recognize the OSCE as an international organization.

EMPLOY STRATEGIC COMMUNICATIONS AND TECHNOLOGY

In a world of 24/7 news and hybrid warfare, information is increasingly serving a strategic function. Therefore, peace operations should consider public information as public policy. In the case of Ukraine, there was a lack of neutral information. The OSCE filled that gap by making public its daily monitoring reports. Nevertheless, the OSCE found itself as a target in an information war. It was accused by both sides of bias. This can have both political and security implications. Therefore, in the future, the OSCE should pay greater attention to strategic communications, especially in the start-up phase, so that people clearly understand what the organization is, and is not, doing.

The OSCE's experience in Ukraine also underlines the growing impact of technology on peace operations. The SMM has used unarmed UAVs for monitoring, although these have suffered

occasional setbacks from jamming and poor visibility due to the weather, as well as from being shot down. It has also used satellite images (provided by others, like the EU). Other technological solutions could be used more widely, including night-vision equipment for monitoring in the dark, fleet-management and vehicle-tracking systems, ground-based radar to identify and track mortar and artillery fire, and cameras and sensors for force protection (particularly in forward positions).²⁷ Such technology can help protect forces and improve surveillance, reconnaissance, and situational awareness.

The use of technology like UAVs has raised questions about where such assets should come from and who should operate them. In theory, military units could provide and operate UAVs—and several participating states offered such assistance to the SMM. But since the SMM is a civilian mission, it could not include military units. It therefore bought UAVs from a private supplier. It encountered the same dilemma in medical evacuation. Participating states were willing to provide medical units, but only if they had force protection. Therefore, the OSCE had to use a private supplier.

RECONSIDER THE COMPOSITION OF PEACE OPERATIONS

In the future, when drafting mission mandates, participating states should consider leaving open the possibility of having military units, or at least people with specialized military skills, integrated into a civilian-led mission. After all, there may be skills (like engineering, communications, mine clearance, mountaineering, and medical assistance), as well as equipment (like for airlift, reconnaissance, and medevac) that military personnel could provide. That said, it may not be necessary to involve armed, preformed units. They could be unarmed and in uniform (or not) as part of the OSCE mission. And it may not be necessary to have an entire unit. The issue should be looked at in terms of functions rather than forces in order to escape the binary logic of civilian (good) and military (bad) that often bogs down debates about peace operations.

²⁶ Panel of Eminent Persons on European Security as a Common Project, *Lessons Learned for the OSCE from its Engagement in Ukraine*.

²⁷ See A. Walter Dorn, "Smart Peacekeeping: Toward Tech-Enabled UN Operations," International Peace Institute, July 2016; and Panel of Experts on Technology and Innovation in UN Peacekeeping, *Performance Peacekeeping*, February 19, 2015, available at www.performancepeacekeeping.org.

Furthermore, while the term “peace operations” gets away from a loaded debate about whether or not the OSCE does peacekeeping, the option of “boots on the ground” should not be taken off the table. As described above, the OSCE has a mandate to carry out “classic” peacekeeping operations, and the day may come when they are needed (perhaps in Moldova, Georgia, or Nagorno-Karabakh). Such peacekeepers could, for example, observe or monitor a cease-fire, provide security guarantees as part of a peace process, or patrol a demilitarized zone. A much bigger Conflict Prevention Centre would be required to backstop such an operation. While this is unlikely, never say never.

An alternative would be a hybrid operation where the OSCE works together with another organization, like the UN, EU, or Collective Security Treaty Organization (CSTO). In such a situation (which has been suggested in the context of Ukraine), the OSCE could continue its civilian operations while others would provide force protection and other military skills and assets. Precedents exist, like the OSCE Mission in Kosovo (OMiK) within the UN Interim Administration Mission in Kosovo (UNMIK) or the OSCE’s participation in the multinational protection force in Albania in 1997. While this should be considered as a model in the future, in the case of Ukraine it is unlikely that Russia would agree to the involvement of the UN or the EU (which it sees as part of the problem), while Western European countries and Ukraine would have a problem with the CSTO.

But would the involvement of armed peacekeepers really de-escalate the situation? Or would they, and the monitors that they are supposed to protect, become a target for armed groups?

This raises a fundamental question. Should OSCE peace operations, like the SMM, become more robust? The deployment of civilian monitors (including election monitors) into a war zone has brought with it considerable risks. At the beginning of the SMM’s deployment, two teams of OSCE monitors were kidnapped. OSCE vehicles have also been caught in the cross fire or even, allegedly, targeted. Fortunately, to date, no monitors have been seriously injured or killed. However, the vulnerability of operating in a war zone has led

some to call for a “hardening” of the mission. This has resulted in the procurement of more armored vehicles and body armor (protective jackets and helmets) for monitors operating in dangerous regions and heightened security precautions. But the mission has stopped short of seeking force protection or adding military components. This would require amending the mandate of what is explicitly a civilian mission and could change the perception of the OSCE in the eyes of its interlocutors, potentially making it a target. In the words of the chief monitor, the SMM’s “softness” is its strength.²⁸

That said, if the OSCE does not have robust capacity and the host state is not able to provide security, it may be prudent to have support from an over-the-horizon capacity, like the NATO Extraction Force that was stationed in the former Yugoslav Republic of Macedonia to protect OSCE monitors in Kosovo.

An important lesson learned from previous field activities is that the OSCE needs greater capacity to engage with armed non-state actors. As demonstrated in Kosovo and Bosnia in the 1990s, in Kyrgyzstan in 2005 and 2010, in the breakaway regions of Abkhazia, South Ossetia, Nagorno-Karabakh, and Transdniestria, and in eastern Ukraine, such actors are a force to be reckoned with—or even the de facto authorities—in regions where the OSCE is active on the ground. As a result, the OSCE needs to take the necessary security precautions and train staff accordingly.

Furthermore, it is vital to understand the motivations of the differing groups: Are they separatists or criminals? What kind of support do they enjoy? What kind of control do they exert? The OSCE should also not get too caught up in the legal implications of negotiating access to regions under the de facto authority of groups that are not formally recognized by participating states. Since the OSCE is not a state, strictly speaking, it does not have to worry about conferring status on its interlocutors by engaging with them. As the OSCE Panel of Eminent Persons pointed out, “The OSCE’s ability to engage with people and bodies whose status is disputed without prejudice to the position of participating States should be recognized.”²⁹

28 Interview with the author, November 3, 2014.

29 Panel of Eminent Persons on European Security as a Common Project, *Lessons Learned for the OSCE from its Engagement in Ukraine*, p. 12.

On a related point, the OSCE should strengthen its executive police functions. There may be situations where it is not politically or operationally expedient to deploy military personnel but where the OSCE needs a skill set that goes beyond community policing. Therefore, the OSCE should consider establishing a gendarmerie network that could develop and exchange good practices on managing borders, coping with refugees and migrants, and combating transnational organized crime. That said, the deployment of armed police should not jeopardize the safety of OSCE personnel or compromise the tasks of the mission.

TAKE AN INTEGRATED APPROACH TOWARD SUSTAINING PEACE

Economic development, as well as specific tension-reducing projects, can promote transformation toward peace. There is considerable scope to enhance economic confidence-building measures as part of, or complementary to, OSCE peace operations. This would help to address the needs of affected populations and give the OSCE more leverage when promoting a settlement to a conflict.

The further elaboration of OSCE peace operations follows a trend toward making more effective use of regional arrangements to enhance international peace and security and reduce the burden on the UN. As the HIPPO report says, “A stronger global-regional peace and security partnership is needed to respond to the more challenging crises of tomorrow.”³⁰ It also says that the UN “should embrace a future role of not only working alongside regional organizations but also enabling them to share the burden in accordance with the United Nations Charter.”³¹ The advantage of the OSCE is that it has a comprehensive toolbox of instruments to deal with all phases of the conflict cycle, it has the buy-in of the relevant actors, and it is fast and flexible enough to respond rapidly to signs of instability.

Of course, peace operations should not be regarded as an end in themselves. As the HIPPO report points out, “The international community must sustain high-level political engagement in support of national efforts to deepen and broaden

processes of inclusion and reconciliation, as well as address the underlying causes of conflict.”³² OSCE executive structures—including its institutions and its peace operations—have an important role to play in preventing conflict and consolidating and building peace.

For example, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) helps to promote the structural reforms so badly needed to improve governance and strengthen resilience. It also carries out election observation missions. Although ODIHR does not carry out peace operations per se, it could, in theory, support a peace operation designed to monitor implementation of human-dimension commitments in a post-conflict environment, on the model of the UN Verification Mission in Guatemala (MINUGUA). Of course the challenge (as in eastern Ukraine) is to ensure the security of election and human rights monitors. More generally, the work of OSCE institutions, including the Parliamentary Assembly, can play a key role in ensuring that peace is sustained. In this way, a virtuous circle of building peace could help break the conflict cycle.

Conclusion

Logically, there would be less need for peace operations if there were less conflict. Therefore, the key is prevention. As it says in the UN Charter, the highest priority is to save future generations from suffering the scourge of war. And as the HIPPO report points out, “At the global level, the United Nations must mobilize a new international commitment to preventing conflict and mobilizing partnerships to support political solutions.”³³

The OSCE has been doing this for twenty-five years. Its institutions have been promoting structural prevention, including enhancing democratic institutions and human rights, protecting the rights of persons belonging to national minorities, defending and promoting media freedom, monitoring elections, and facilitating parliamentary diplomacy. The high commissioner on national minorities takes early action to

30 United Nations, *Report of the High-Level Independent Panel on United Nations Peace Operations*, “Summary.”

31 Ibid.

32 Ibid.

33 Ibid.

reduce tensions and prevent conflicts stemming from interethnic tensions. And the chairmanship, and to a lesser extent the secretary general, undertake preventive diplomacy to address problems that could lead to conflict. One could say that when it comes to prevention, the OSCE is ahead of the curve. Indeed, the UN and regional arrangements in other parts of the world could learn a great deal from the OSCE's prevention work. When it comes to peace operations, the OSCE demonstrates the potential of both Chapter VI and Chapter VIII of the UN Charter, not just Chapter VII.

Lessons learned from the SMM could also be applied in other parts of the world, for example as the UN prepares to send personnel to monitor the peace treaty in Colombia or observers to Syria and Yemen. But for the OSCE to deploy further peace operations, especially taking into consideration the polarized political environment in Europe, it will

need to generate the necessary political will, not least with the host country and parties to a conflict. This reinforces the need for OSCE chairmanships, in particular, to focus on the primacy of politics.

Although the OSCE may not do peacekeeping, it certainly has peace operations. As the OSCE has proven, most recently in Ukraine, it is well-positioned and well-qualified, though not fully equipped, to deploy peace operations. Therefore, the OSCE's political bodies should intensify their efforts to make situations ripe for peace. And if peace operations are needed, the OSCE should be ready, willing, and able to respond.

Furthermore, taking into account recent UN reports related to peace operations, evolving security challenges (like the recent flare-up of violence in Nagorno-Karabakh), and the lessons learned from the OSCE's engagement in Ukraine, perhaps it is time to once again review OSCE peace operations.

Appendix I:

Provisions on Peacekeeping in the 1992 Helsinki Document³⁴

CSCE PEACEKEEPING

- (17) Peacekeeping constitutes an important operational element of the overall capability of the CSCE for conflict prevention and crisis management intended to complement the political process of dispute resolution. CSCE peacekeeping activities may be undertaken in cases of conflict within or among participating States to help maintain peace and stability in support of an ongoing effort at a political solution.
- (18) A CSCE peacekeeping operation, according to its mandate, will involve civilian and/or military personnel, may range from small-scale to large-scale, and may assume a variety of forms including observer and monitor missions and larger deployments of forces. Peacekeeping activities could be used, inter alia, to supervise and help maintain cease-fires, to monitor troop withdrawals, to support the maintenance of law and order, to provide humanitarian and medical aid and to assist refugees.
- (19) CSCE peacekeeping will be undertaken with due regard to the responsibilities of the United Nations in this field and will at all times be carried out in conformity with the Purposes and Principles of the Charter of the United Nations. CSCE peacekeeping will take place in particular within the framework of Chapter VIII of the Charter of the United Nations. The CSCE, in planning and carrying out peacekeeping operations, may draw upon the experience and expertise of the United Nations.
- (20) The Chairman-in-Office will keep the United Nations Security Council fully informed of CSCE peacekeeping activities.
- (21) The Council, or the CSO [Committee of Senior Officials] acting as its agent, may conclude because of the specific character of an operation and its envisaged size that the matter should be referred by the participating States to the United Nations Security Council.
- (22) CSCE peacekeeping operations will not entail enforcement action.
- (23) Peacekeeping operations require the consent of the parties directly concerned.
- (24) Peacekeeping operations will be conducted impartially.
- (25) Peacekeeping operations cannot be considered a substitute for a negotiated settlement and therefore must be understood to be limited in time.
- (26) Requests to initiate peacekeeping operations by the CSCE may be addressed by one or more participating States to the CSO through the Chairman-in-Office.
- (27) The CSO may request the Consultative Committee of the CPC [Conflict Prevention Centre] to consider which peacekeeping activities might be most appropriate to the situation and to submit its recommendations to the CSO for decision.
- (28) The CSO will exercise overall political control and guidance of a peacekeeping operation.
- (29) Decisions to initiate and dispatch peacekeeping operations will be taken by consensus by the Council or the CSO acting as its agent.
- (30) The Council/CSO will only take such decisions when all parties concerned have demonstrated their commitment to creating favourable conditions for the execution of the operation, inter alia, through a process of peaceful settlement and their willingness to co-operate. Before the decision to dispatch a mission is taken, the following conditions must be fulfilled:
 - establishment of an effective and durable cease-fire;
 - agreement on the necessary Memoranda of Understanding with the parties concerned, and

³⁴ CSCE, *Helsinki Document 1992: The Challenges of Change*, July 10, 1992, "Helsinki Summit Declaration."

- provision of guarantees for the safety at all times of personnel involved.
- (31) Missions will be dispatched as soon as possible following such a decision.
 - (32) Decisions by the CSO to establish a peacekeeping operation will include the adoption of a clear and precise mandate.
 - (33) When establishing a mission, the CSO will take into account the financial implications involved.
 - (34) The terms of reference of a peacekeeping operation will define practical modalities and determine requirements for personnel and other resources. Preparation of the terms of reference will be carried out, as appropriate, by the Consultative Committee of the CPC. They will be adopted by the CSO unless it has agreed otherwise.
 - (35) All participating States are eligible to take part in CSCE peacekeeping operations. Appropriate consultations by the Chairman-in-Office will take place. Participating States will be invited by the Chairman-in-Office of the CSO to contribute, on an individual basis, to an operation case by case.
 - (36) Personnel will be provided by individual participating States.
 - (37) Parties concerned will be consulted about which participating States will contribute personnel to the operation.
 - (38) The Council/CSO will regularly review an operation and make any necessary decision related to its conduct, taking into account political developments and developments in the field.

CHAIN OF COMMAND

- (39) The Council/CSO will assign overall operational guidance of an operation to the Chairman-in-Office assisted by an ad hoc group established at the CPC. The Chairman-in-Office will chair the ad hoc group and, in this capacity, be accountable to it, and will receive, on behalf of the ad hoc group, the reports of the Head of Mission. The ad hoc group will, as a rule, consist of representatives of the preceding and succeeding Chairmen-in-Office, of the participating States providing personnel for the mission and of participating States making other significant practical contributions to the operation.
- (40) The ad hoc group will provide overall operational support for the mission and will monitor it. It will act as a 24-hour point of contact for the Head of Mission and assist the Head of Mission as required.
- (41) Continuous liaison between the operation and all participating States will be ensured by the Consultative Committee of the CPC through the regular provision of information to it by the ad hoc group.
- (42) In all cases where the CSO assigns tasks related to peacekeeping to the CPC, the Consultative Committee of the CPC will be responsible to the CSO for the execution of those tasks.

HEAD OF MISSION

- (43) The Chairman-in-Office, after appropriate consultations, will nominate a Head of Mission for endorsement by the CSO.
- (44) The Head of Mission will be responsible to the Chairman-in-Office. The Head of Mission will consult and be guided by the ad hoc group.
- (45) The Head of Mission will have operational command in the mission area.

FINANCIAL ARRANGEMENTS

- (46) Peacekeeping operations require a sound financial basis and must be planned with maximum efficiency and cost-effectiveness on the basis of clear cost projections.
- (47) Costs of CSCE peacekeeping activities will be borne by all CSCE participating States. At the beginning of each calendar year, the CSO will establish a reasonable ceiling for the cost of peacekeeping operations to which the CSCE scale of distribution will be applied. Beyond that limit, other special arrangements will be negotiated and agreed to by consensus. Full and timely payments will be required.
- (48) Additional contributions could be provided by participating States on a voluntary basis.

- (49) Financial accountability will be ensured by the Chairman-in-Office through regular reports to the participating States.
- (50) A start-up fund will, if appropriate, be established to cover the initial costs of an operation. Contributions by a participating State to the start-up fund will be deducted from that State's regular assessed share of the costs relating to the operation.
- (51) The Consultative Committee of the CPC is charged to submit to the CSO by the end of 1992 a recommendation with regard to financial modalities of CSCE peacekeeping operations, specifying, inter alia, the costs to be shared among participating States in accordance with the preceding paragraphs.

CO-OPERATION WITH REGIONAL AND TRANSATLANTIC ORGANIZATIONS

- (52) The CSCE may benefit from resources and possible experience and expertise of existing organizations such as the EC [European Commission], NATO and the WEU [Western European Union], and could therefore request them to make their resources available in order to support it in carrying out peacekeeping activities. Other institutions and mechanisms, including the peacekeeping mechanism of the Commonwealth of Independent States (CIS), may also be asked by the CSCE to support peacekeeping in the CSCE region.
- (53) Decisions by the CSCE to seek the support of any such organization will be made on a case-by-case basis, having allowed for prior consultations with the participating States which belong to the organization concerned. The CSCE participating States will also take into account the consultations by the Chairman-in-Office regarding prospective participation in the mission, in light of the envisaged size of the operation and the specific character of the conflict.
- (54) Contributions by such organizations will not affect the procedures for the establishment, conduct and command of CSCE peacekeeping operations as set out in paragraphs (17) to (51) above, nor does the involvement of any such organization affect the principle that all participating States are eligible to take part in CSCE peacekeeping operations as set out in paragraph (35) above.
- (55) Organizations contributing to CSCE peacekeeping would carry out defined and mutually agreed tasks in connection with the practical implementation of a CSCE mandate.
- (56) The ad hoc group will establish and maintain effective communication with any organization whose resources may be drawn upon in connection with CSCE peacekeeping activities.

Appendix II:

Draft CSCE Decision on Further Development of the Capabilities of the CSCE in Conflict Prevention and Crisis Management³⁵

INTRODUCTION

- (1) At Helsinki in 1992, Heads of State and Government established for the CSCE a mandate and structure in the fields of conflict prevention and crisis management [which, inter alia, provided for peacekeeping operations where necessary in order to complement the political process of dispute resolution], and stated that efforts in this field would have at all times to be carried out in conformity with the Purposes and Principles of the Charter of the United Nations (Chapter III of the Helsinki Document 1992). They determined that, since security is indivisible, such efforts should be based on the principle of sovereign equality of participating States and no State should seek by them to strengthen its security at the expense of the security of other States. Such efforts will therefore not entail a special status or rights for any participating State in any part of the CSCE area, nor should a State seek any such status or rights.
- (2) Experience gained since Helsinki in the fields of conflict prevention and crisis management has shown the need to further enhance the role of the CSCE as a key body for international co-operation among States in these fields, [including peacekeeping], as a means of contributing to stability in the CSCE area. Consequently, CSCE capabilities should be further developed to deal with situations that were not originally foreseen and involving conflicts and crises, both between and within States, arising from a variety of causes including those mentioned in the Rome Council Meeting Decisions.

THIRD PARTY MILITARY FORCES

- (3) In exceptional cases, in some of these conflict situations CSCE principles and objectives in conflict prevention and crisis management may be advanced by [a comprehensive political process supported by] the presence of [third party] military forces operating impartially (hereinafter referred to as “Forces”) provided by CSCE participating States and meeting the conditions set forth in paragraphs 4–6. The CSCE’s own role and the arrangements it may decide upon in relation to these situations, and especially in relation to the presence of such forces, are described in the remainder of this document.

LINK TO A POLITICAL PROCESS AND OTHER CONDITIONS OF THE FORCES

- (4) The presence of the Forces <must> <should> be integrally linked to, and in support of, an ongoing political process [initiated by or brought under the aegis of the CSCE] which is aimed at achieving a freely negotiated settlement of the conflict, thus bringing about an end to the destruction of lives and property and establishing conditions for a lasting and effective resolution of the dispute. In the light of Chapter III of the Helsinki Document the CSCE <will play an active role in this political process, including pursuing negotiations in consultation with all interested parties> <will participate in all phases of this political process, including all negotiations>, and will keep it under review to ensure its compliance with CSCE principles and objectives.
- (5) The presence of the Forces <must> <should> be requested, consistent with international law, by the CSCE participating State(s) that is/are parties to the conflict, and any other parties to the conflict must agree to it. It <must> <should> be based on freely negotiated international agreements. It <must> <should> have a specific duration agreed with the parties to the conflict and there <should> <must> be a plan for the timely and orderly withdrawal of the Forces. Their terms of reference—including deployment, modus operandi and rules of engagement—<shall> <must> <should> be agreed by the parties to the conflict as well as by the States providing the Forces, and <shall> <must> <should> be formally

³⁵ CSCE, *Further Development of the Capabilities of the CSCE in Conflict Prevention and Crisis Management* (draft agreement, June 8, 1994), CSCE Doc. 300, Rev. 6.

communicated to the CSCE. They <must> <should> be clear and fully compatible with the United Nations Charter and with CSCE principles and objectives, in particular as regards respect for the sovereignty and territorial integrity of the receiving State(s) and for humanitarian international law, as well as any relevant decision of the United Nations Security Council.

- (6) The Forces <must> <should> be open to multinational participation [and have a multinational character], with all participating States not parties to the conflict being eligible to offer contributions to them. [In special cases, this need not preclude support by the parties to the conflict, in a balanced way and through ad hoc arrangements, provided this does not prejudice the impartial nature of the Forces]. The chain of command of the Forces with an overall commander effectively responsible for the conduct of their activities in conformity with the terms of reference will be identified and communicated to the CSCE. The size and composition of the Forces, <must> <should> be proportionate to their tasks and available personnel resources, as well as their location <should> <must> be agreed among contributing States and parties to the conflict and communicated to the CSO or the Permanent Committee as part of the terms of reference for the Forces. Whenever possible, the CSCE should provide expert advice and information for the elaboration of the terms for the Forces and their training.

COMPREHENSIVE PROGRAMME

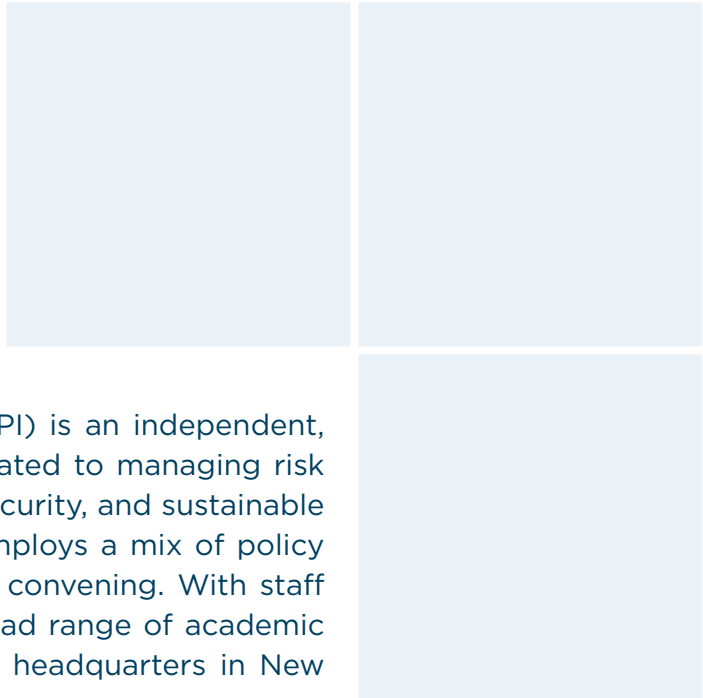
- (7) The CSCE support will be in the context of a comprehensive programme of coordinated actions aimed at addressing the root causes of the conflict and putting in place a democratic foundation for lasting peace. In support of these objectives, and taking into account requests by the interested parties in each individual case, CSCE participating States will [be prepared to] consider [individual] [voluntary] financial and other material contributions to further all operational aspects of the settlement process. Special attention will be paid to the protection of fundamental human rights and the satisfaction of basic human needs.

CSCE MONITOR MISSION

- (8) In such situations, provided that the CSO or the Permanent Committee is satisfied that the presence of the Forces meets the conditions set forth in paragraphs 4–6 of the present document and can serve the goals and purposes of the CSCE, it will be prepared, on a case by case basis, to consider the sending of a CSCE monitor mission to establish, inter alia, whether the Forces act impartially and in accordance with CSCE principles and objectives, including those set forth in Chapter II of the Decisions of the Rome Council Meeting, and with their own terms of reference referred to in paragraph 5 of the present document.
- (9) Other necessary criteria for a decision to establish the monitor mission include:
- that a CSCE monitoring role in relation to the Forces is accepted by the parties to the conflict [and the States providing the Forces];
 - that a cease-fire has been agreed;
 - that Memoranda of Understanding have been concluded according to paragraph 12 of the present document.
- (10) The mandate of the monitor mission will be based, as applicable, on Chapter III of the Helsinki Document, paragraphs 17–56, and will be fully compatible with Chapter VIII of the United Nations Charter. The monitor mission, whose objectives would be as set out above, constitutes one of the forms of CSCE [peacekeeping] activities which, as envisaged in paragraph 18 of Chapter III of the Helsinki Document, could also be used, inter alia, to supervise and help maintain cease-fires, monitor troop withdrawals, support the maintenance of law and order, provide humanitarian and medical aid and assist refugees.
- (11) The monitor mission will be financed according to the CSCE agreed rules and will be established for a specified time period, which can be extended by decision of the CSO or the Permanent Committee.
- (12) Memoranda of Understanding between the CSCE and the parties to the conflict, as well as with the States

providing the Forces, will:

- establish the forms and mechanisms to ensure [full] transparency in the conduct and activities of the Forces and freedom of movement for the monitor mission. These will include CSCE liaison officers having full and free access to all appropriate levels of command of the Forces, including headquarters;
 - provide for guarantees for the safety at all times of personnel involved;
 - provide for a Joint Co-ordination Commission (JCC), <which the central involvement of a representative of the Chairman-in-Office of the CSCE and the command of the Forces and the participation> <under the chairmanship of a representative of the Chairman-in-Office of the CSCE and with the participation of the command of the Forces and> of representatives of the parties to the conflict. The relevant procedures and tasks will be specified in the Memoranda of Understanding.
- (13) In carrying out their respective roles, the monitor mission and the command of the Forces will cooperate, fully respecting each other's terms of reference.
- (14) The Chairman-in-Office will continuously review the activities of the Forces in the framework of the political process and on the basis of the information available to him/her, in particular the reporting of the monitor mission and will report regularly to the CSO or the Permanent Committee. He/she will also verify whether the conditions and criteria that are necessary to establish the monitor mission continue to exist. Participating States will be kept informed in this regard, without prejudice to their right to raise any issue concerning the monitor mission or other aspects of the process at their own initiative at any time. Should the Chairman-in-Office, in consultation with the Troika, find, at any time, that there are deliberate and repeated violations of the CSCE principles and objectives or of the terms of references of the Forces, or that the said conditions for the CSCE monitor mission no longer exist, he/she will submit the matter without delay to the CSO or the Permanent Committee. In this case, the continuation of the monitor mission will be possible only if the CSO or the Permanent Committee reconfirms its mandate.
- (15) Once a year, the implementation of this document will be reviewed by the Permanent Committee, on the basis of experience gained.



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