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OSCE Conflict Resolution and Peacekeeping, Past and Future

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Aspirations for the OSCE to become involved in conflict resolution and peacekeeping date from the beginnings of the end of the Cold War and the initial transformation of the Conference on Security and Cooperation in Europe into today's OSCE. Over the course of a bit more than a decade OSCE participating states agreed on empowering the Organization with the capacity to intervene for the mediation and resolution of violent and non-violent conflicts and to adopt mandates for civilian or military peace observation, verification, and peacekeeping missions. During that same period the Organization deployed field missions to a number of potential and actual hot spots in the OSCE area, with mandates and capabilities tailored to the particular circumstances or emergency which occasioned the mandating of the mission. However, during this same period the staffing and physical capabilities of the OSCE's headquarters were developed much more gradually and slowly, in a manner that I would argue was not commensurate with the ambitions demonstrated by OSCE policy documents or the actual deployments in the field.

The gap between the OSCE's political ambitions (its reach) and the organization's institutional capacities (its grasp) has generally been filled by ad hoc contributions of individual participating states or like-minded groups of participating states, or by collaboration with other international organizations or institutions working in the OSCE area and comprised of or containing interested OSCE participating states. In other words, the OSCE for a couple of decades has been fully capable of debating and resolving political questions involving potential or actual conflicts and mandating specific responses. However, the OSCE has not developed the direct institutional, physical, personnel capacity for executing some of the decisions or strategies it adopts. Presuming interested participating states are willing to make available to the OSCE specific resources for implementing decisions in which these states have participated, the reach of the OSCE need not exceed its grasp.

Conversely, adding, strengthening, or refining mechanisms and institutional resources of the organization will not necessarily improve its performance in the fields of conflict resolution or peacekeeping. I would argue that it is far rarer that conflicts remain unresolved or peace agreements fail for lack of available resources, than because those with the resources cannot agree on where, when, how, or whether to apply them.

¹ The opinions and judgments expressed in this paper are the personal views of the author, and do not represent the views or policies of the National War College, U.S. Department of Defense, or U.S. government.

This does not mean that the knowledge, resources, capabilities, and expertise of institutions such as the OSCE cannot be improved, and thus produce improved performance and better results in conflict prevention, conflict resolution, and post-conflict reconciliation. In this paper, *inter alia*, I will review a number of specific cases and examples from the post-Cold War history of the OSCE in an attempt to demonstrate how changes in approaches, practices, and organization might help address conflict management more effectively. However, I also maintain that one must address both the political and operational aspects of conflict resolution and peacekeeping if one desires to obtain more than generally marginal improvements in these areas.

OSCE Framework for Mediation and Peace Operations

The annotated agenda and Food for Thought paper for this event do a fine job of enumerating the key documents and decisions that define OSCE roles and capabilities for peacekeeping. While there is no need to repeat the list offered by these papers, I would like to offer some comments on several substantive political and operational aspects of those agreed OSCE documents which address peacekeeping.

First of all, the 1992 Helsinki Document's Chapter III in my view provides sufficient overall political, procedural, and institutional guidance for the Organization to enable preparation, deployment, and maintenance of a wide range of peacekeeping operations. The Helsinki Document leaves room and flexibility for the details of any particular operation to be worked out by OSCE institutions (in particular the Permanent Council) and the participating states. The 1999 Charter for European Security (paragraph 46) reaffirmed the consensus of the participating states that the OSCE is capable of mandating and conducting peacekeeping operations.

In response to the 2002 Porto Ministerial Council's request for a report on the role of the OSCE in peacekeeping, the Chairperson of the Permanent Council's November, 2003 letter reviewed four potential generic options for OSCE peacekeeping operations and OSCE capabilities for involvement in such operations. The letter notes that there was no consensus on the key issues of command and control and what sort of capacity in this respect the OSCE itself should maintain. What this letter fails to note is that there was not then, nor has there ever been consensus among the OSCE participating states on the specific conflict in which to exercise the theoretical peacekeeping powers on which they have agreed.

There are various sentences, phrases, and snippets about peacekeeping in a wide range of OSCE documents, but these basic texts tell the essential story. In principle the OSCE has the ability to be involved in the generation, deployment, and operation of peacekeeping missions. In practice, the OSCE has never been involved in a peacekeeping operation mounted and run under its own flag. I would argue that this has not been for lack of personnel, technical, or physical resources. Instead, it has been the continued inability of the participating states to reach consensus on any particular case that has prevented the OSCE from exercising the theoretical capabilities it gave itself first in 1992.

By this point a jaundiced or temperamentally cynical observer might conclude that OSCE's participating states will never reach consensus on exercising in practice the peacekeeping authorities which the organization possesses in principle. In the relatively near future, especially

in the case of classic blue helmet type missions, this may well be the case. One might also note that in 2013, as opposed to 1992, there are thankfully a significantly fewer number of conflicts in the OSCE area which might conceivably have the need of armed peacekeepers.

OSCE Peace Operations to Date

Nonetheless, over the twenty one years since the Helsinki Summit, the OSCE has deployed a number of missions of various types into the field that have engaged in a wide variety of conflict resolution and unarmed peace operations. I think it is worthwhile to look at the experience of a selection of various OSCE field operations over the past two decades, with an eye to determining: (1) what specific expertise and capabilities the OSCE may have developed over the years; and (2) how this experience and these capabilities might be refined and developed in the future to make the OSCE a more viable and capable actor in the general fields of conflict resolution and peace operations.

The OSCE became involved early on in a number of the conflicts that tore apart the former Yugoslavia in the early 1990s. In fact, one might argue that it was these conflicts that to a great extent motivated the participating states to take up the OSCE role in peacekeeping at Helsinki in 1992. While the European Community and the UN took the lead in Croatia and Bosnia in 1991-1992, the OSCE played a key role in efforts to prevent the spread of these conflicts to Kosovo and Macedonia in 1992. An initial OSCE CPC fact-finding mission to Kosovo in late May 1992 helped prepare the ground for the Mission of Long Duration to Kosovo, Vojvodina, and Sandzak. Although FRY authorities withdrew host nation consent to this mission after a year in the field, the outside analysis of the situation on the ground and then a neutral civilian presence arguably assisted in preventing the spread of hostilities from the first of the post-Yugoslav wars to the South.

Similarly, the mandating and deployment of the initial OSCE Mission to the FYROM, in coordination with the small military United Nations Preventive Deployment (UNPREDEP) helped shield the former Macedonian republic from the violence that swept much of the northern portions of federal Yugoslavia. One key factor in both these cases, in my estimation, was the inclusion of both civilian and military experts, which enhanced the ability of the OSCE to provide both early warning and early intervention, in addition to liaison with other international efforts in the region.

One of the most notable early cases of OSCE involvement in conflict resolution and peace operations came in efforts to address the conflict between Armenia and Azerbaijan over Nagorno-Karabakh. After the Ministerial decision in Helsinki in March 1992 to convene a peace conference in Minsk, in April 1992 the CSCE Chair deployed an advance team to the region to prepare for the deployment of an OSCE Monitor Mission, which it was expected would observe and verify a ceasefire between the conflicting parties.

In preparing this paper, I took the opportunity to glance back at the Final Report of the Advance Team. It is an impressively detailed document, prepared over the course of less than a month, yet specifying the size, location, and logistical needs of deployments of unarmed observers or monitors over sizeable territories in Azerbaijan and Armenia. The OSCE Chair was able to

assemble on short notice on an *ad hoc* basis sufficient expertise to provide a convincing, detailed plan for observing and implementing a ceasefire and peace agreement, should these be reached.

We all know the following, unfortunate history of this conflict. The IOPG and HLPG subsequently produced detailed sets of plans that could facilitate implementation of any peace agreement. Instead, what we have today is a line of contact between the conflicting parties, still without a formal ceasefire, with the only outside intermediary in the field being the miniscule staff of the Chairman's Personal Representative for this conflict. The fact that the parties to the conflict are unable even to agree on a name for it in official documents demonstrates the disconnect that can occur when on the one hand, great efforts are made to improve operational capabilities, when on the other hand a political standoff in reality prevents these capabilities from ever being used.

The OSCE has worked alongside peacekeeping operations of other international organizations and other countries both in the Balkans and in the former Soviet Union. In particular, the OSCE mission to Bosnia and Herzegovina deployed and operated in tandem with the military SFOR and IFOR and the civilian EU High Representative's mission. In Georgia and Moldova, the OSCE Missions in those countries collaborated with Joint Peacekeeping Missions, largely dominated by forces from the Russian Federation, especially through participation in Joint Control Commissions which offered supervision and guidance of these peacekeeping operations. These OSCE Missions included unarmed military members, working largely in civilian attire, who performed functions of liaison with the conflict parties, monitoring, observation, and verification of the ceasefires in place.

Insofar as I am aware, the OSCE came closest to involvement in classic military peacekeeping in Moldova. There are several points and incidents that arose during the operation of the OSCE Mission to Moldova that are relevant to this discussion. First of all, the Joint Peacekeeping Operation established by the 1992 Ceasefire Agreement involved a small number of mobile military observers (in addition to a fixed number of static posts) designed to deploy rapidly to investigate and defuse dangerous incidents. Through the OSCE Mission's participation in the Joint Control Commission, the OSCE's military mission members took part informally but actively in the work of the military observers, making an effective contribution to monitoring and confidence-building in the conflict zone.

In 2000 Russian Federation former Prime Minister Primakov, in his capacity as Chairman of the Russian State Commission for a Transdnestrian Settlement, proposed to the leaders from Chisinau and Tiraspol that they appeal jointly to the OSCE to adopt a mandate for a peacekeeping operation as envisioned in paragraph 46 of the Charter for European Security adopted at the November 1999 Istanbul Summit. The Primakov proposal in essence would have provided formal OSCE endorsement of the parameters and size of the existing operation, and as such, would have given the peacekeeping operation in Moldova a broader international legal foundation than the July 1992 Russia-Moldova Ceasefire Agreement. Both President Lucinschi and Transdnestrian leader Smirnov rejected Primakov's initiative, and the Russian Federation made no follow-on proposals.

In 2003, in conjunction with OSCE preparation of the so-called Mediators' Document in the Transnistrian settlement negotiations, the Dutch Chair prepared and circulated a Food for Thought Paper on possible peacekeeping operations to implement and monitor and settlement that might be reached. This paper reviewed a couple of possible options and recommended that the OSCE mandate a turnkey military and civilian peacekeeping operation to be provided by another international organization. The Dutch had in mind for this the European Union, and I participated in consultations during that year with Dutch and EU officials on that subject. Russian Federation and Transnistrian negotiators were not receptive to the Dutch proposal, although Russian negotiators did agree to language in the Mediators' Document that called for transformation of the peacekeeping operation into an international effort in connection with attainment and implementation of a political settlement. In the so-called Kozak Memorandum, the Russian Federation proposed a bilateral treaty with Moldova, to which other countries could accede, as the means for transforming and internationalizing peacekeeping in Moldova after a political resolution.

After Moldova rejected the Kozak Memorandum discussion of transforming the peacekeeping operation halted for a couple of years. Chisinau called for replacement of the Russian Federation troops in the Transnistrian region with international observers, and gradually began to specify that these should be civilians. In 2006, after resumption of political settlement negotiations in the wake of discussion of the Ukrainian "Yushchenko Plan," the OSCE attempted to revive discussion of transforming the peacekeeping operation on a broader international basis, and to that end revised and updated the Dutch Food for Thought paper. These efforts went without result, as have later efforts by the OSCE to revive discussion of changes in peacekeeping in Moldova.

Future OSCE Peace Operations

I have cited these historical examples for the purpose of demonstrating that the OSCE has no lack of legal authority and – arguably – physical capacity to analyze conflict situations at various phases, determine appropriate responses, including military and civilian peace operations, and to deploy such operations in to the field. Indeed, the capabilities of the OSCE Secretariat and Conflict Prevention Center are vastly superior to those available when the Organization performed its first evaluation of the situation in Kosovo or compiled a detailed plan for the deployment of monitors between the conflicting sides on the territory of Armenia and Azerbaijan. The combination of permanent OSCE staff, special contributions, and secondments was basically sufficient to respond to the challenges posed by the array of conflicts that broke out at the end of the Cold War. I believe he same to be true today.

None of this is meant to argue that the OSCE cannot improve its capabilities or increase its resources. Rather, I would maintain that the OSCE does not need to develop standing physical and personnel resources to respond to all aspects of every problem posed by conflict management, including military peacekeeping. In particular, the OSCE does not need a peacekeeping department similar to that maintained by the United Nations. The OSCE has already found what I believe to be a perfectly satisfactory solution in principle, in the combination of adequate legal authority and basic analytic and operation staff in the organization, along with the ability to draw upon the military and civilian capabilities of its

participating states when the need arises. Other regional organizations have found similar solutions to the challenges of conflict management and peacekeeping. For example, while some of its structures are more developed, the African Union also essentially relies upon contributions from member states in response to and commensurate with individual cases.

Given the current legal authorities, institutional experience, and physical and personnel resources, today's OSCE in my view is capable of a broad range of actions in the general area of conflict management, including civilian and military peace operations. The following list of options, while not exhaustive, may serve to illustrate the range of activities which the current OSCE might contemplate without the need for dramatic expansion in legal authority, budget, or personnel:

Civilian and/or military observation and monitoring missions: The OSCE is clearly already supporting several missions in various states which engage in such activities. The OSCE and participating states maintain rosters of qualified personnel and can supply adequate numbers on quite short notice. The organization's experience in Kosovo in particular shows that this can be done. (I might note that the political results in Kosovo, however one evaluates them, were not a result of the speed or extent of deploying observers.)

Civilian and/or military inspection and verification missions: The OSCE already has considerable experience in this field, and could do more, depending on the participating states agreeing to such operations. For example, the OSCE Mission to Moldova organized the observation and verification of the destruction or withdrawal of vast quantities of Russian weapons and ammunition from Moldova's Transnistrian region. The OSCE and the Russian Federation agreed to use the CFE Treaty as the legal framework for this verification activity. The OSCE Mission used its own members and personnel made available by participating states from the NATO Arms Control Verification Unit to conduct inspections in Moldova and the Russian Federation. The OSCE, NATO, and the Russian Federation worked easily and effectively together in this effort. Political circumstances halted this operation before it was fully complete. Even so, the results are impressive.

The OSCE has funded, arranged, and assisted in other demilitarization and verification projects in other locations. This is a field in which further activity is possible, should the participating states desire and decide to act.

Confidence-building measures of all kinds: Examples of OSCE activities in this field are numerous. Projects organized, facilitated, or sponsored by the OSCE in Georgia and South Ossetia come immediately to mind. In 2004-2005, OSCE, Russian Federation, and Ukrainian mediators worked out an elaborate set of civilian and military confidence-building measures, modeled on the accumulated body of OSCE CSBMs, which they proposed to Moldovan and Transnistrian negotiators. Had they been accepted, these measures might have removed suspicions about alleged illicit arms production and trading. Unfortunately this set of CBMs remained an intellectual exercise, and was never tested in practice.

At present, the OSCE Mission to Moldova is managing and facilitating the negotiation and implementation of an ambitious set of confidence-building contacts and measures between

Moldovan and Transdniestrian authorities. This program, if it succeeds, could possibly help change the calculus in this long-running conflict. There are no legal, budgetary, or personnel reasons why the OSCE cannot apply similar approaches elsewhere in the future, should the need be identified and the will be present.

Liaison and facilitation of track two and NGO conflict resolution efforts: The increased involvement of civil societies and non-governmental entities in conflict resolution and peace building activities offers the OSCE a real opportunity. The Organization already has considerable experience in this area in a number of the conflicts with which it had dealt over the past two decades. Examples come to mind from Bosnia and Herzegovina, Kosovo, Georgia, and Moldova, of contacts and collaboration with NGOs and citizens' groups. In my experience in Moldova, the OSCE and individual participating states have supported a number of track two activities which facilitated contacts between both the negotiators and citizens' groups from both sides in the conflict. There are continuing opportunities in the OSCE area to support such non-governmental aspects of conflict resolution, confidence-building, and reconciliation. Participating states need to overcome their suspicions and take advantage of these opportunities.

Liaison and participation in civilian and military peacekeeping operations: In some cases, such as Bosnia-Herzegovina, Kosovo, Georgia, and Moldova, the OSCE already had a degree of experience in liaison and cooperation with existing peacekeeping missions. I see no real obstacles to such potential collaboration in existing or possible future cases. Thankfully, there are fewer conflicts in the OSCE area now than there were in the early 1990s. But as the bitter experience of 2008 shows, it is still possible that old conflicts might re-erupt, or new ones arise. The OSCE has the legal authorities and the tools to assist in such cases, providing the participating states decide to do so.

Collaborative peace operations with other international organizations: There are many opportunities for possible OSCE cooperation with the UN, the EU, the Council of Europe, NATO, the CIS, the CSTO, and other international organizations that are based or operate in the OSCE area. One example of such possible cooperation involves cases where the OSCE has a presence in the field that can facilitate operations by another organization or collaboration in the field. For instance, I might cite my own experience in Moldova, when the OSCE Mission facilitated inspection of an industrial facility in the Transdniestrian region to determine the source and cause of minor radioactive contamination. The Mission was able to arrange for access by International Atomic Energy Agency experts, and facilitate distribution of their report. The results satisfied all parties, reduced suspicion and tensions, and preserved calm. Similar, non-spectacular opportunities arise from time to time throughout the OSCE area, in which the OSCE can provide a neutral, non-partisan platform from which to conduct timely interventions to head off, mitigate, or resolve conflicts.

I have not addressed all of the possible options for OSCE peacekeeping identified in the 2003 letter of the Chairman of the Permanent Council. I do not think it likely that the OSCE will have either the desire or the need to consider traditional "blue helmet" type military peacekeeping operations, either mounted by the OSCE itself or on a turn-key basis, in the near, foreseeable future. This stems from the fact that there is relative peace in much of the OSCE area, which is a good thing. Nonetheless, the preceding discussion should demonstrate that there are plenty of

opportunities and ways in which the OSCE might be involved in current and possible future peace operations within the existing authorities and capabilities of the organization, and in which the OSCE could make real, substantial contributions to peace and security throughout its area.

What is to be done?

The OSCE has extensive, valuable experience in addressing conflicts of all kinds and practical problems through deployments and activities in the field. These missions have not always been completely successful, but then again, neither have the efforts of the individual participating states. Overall, I would argue that the OSCE's record is respectable, as long as one does not use perfection as the standard to which one holds the Organization.

In the end, the OSCE's continuing comparative advantage also remains its chief weakness – the universality of its membership. Since the OSCE is the only organization in which all European countries are members, only the OSCE can provide a truly all-European solution to a problem. Unfortunately, this means that the OSCE must also produce an all-European consensus, and that only one uncooperative participating state can potentially hold the organization hostage. In the forty years of its history, dating from Geneva in 1973, the OSCE has not yet found a reliable, lasting answer to this dilemma (although from time to time the participating states have temporarily overcome it).

Over the years the OSCE has demonstrated great potential and actual capabilities for doing good and preserving peace in Europe. In this paper I have tried to suggest some specific areas in which the OSCE might develop and use its existing resources, authorities, and capabilities to address particular issues of resolving conflict and building peace. It is always useful to investigate and pursue ways to accomplish these tasks more efficiently. However, it is my personal opinion that at the present time the OSCE has less need of working at perfecting mechanisms of conflict resolution and peace building and greater need of developing the political will among the participating states to use those OSCE mechanisms which already exist.