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THE CSCE SYSTEM OF CONFLICT PREVENTION AND CRISIS MANAGEMENT: THE CONFLICT PREVENTION CENTER

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1. Introduction

The CSCE process has shown a remarkable capacity for development and adaptation over time. It significantly contributed to the crisis and the final collapse of the Eastern bloc especially through the initiatives undertaken in the field of human rights. The crucial challenge today is the development of the CSCE into an effective instrument for managing the effects of the changes it has contributed to promote on the European scene. This is indeed the overall political objective underlying the decisions agreed to by the CSCE countries during the last Helsinki summit.

In particular, the need for a reinforcement and adaptation of the CSCE means and mechanisms for conflict prevention and crisis management is at the very centre of the new measures approved in Helsinki, although they can still appear inadequate in the face of the radical changes in political and strategic landscape in Europe.

During the Cold War the basic concern was to reduce the likelihood of a surprise attack or a massive offensive launched across internationally recognized borders by one alliance against the other. The system of arms control and confidence-building measures developed within the context of the CSCE was conceived essentially to guard against the specific type of threat associated with the bipolar system. This threat has now disappeared. Security in post-Cold War Europe is instead threatened by a broad range of multifaceted sources of instability and potential conflicts, chief among them the ethnic and nationalistic rivalries. Furthermore, the emerging pattern of potential conflict seems to be more linked with intrastate disputes than with interstate ones.

The traditional restricted concept of 'international conflict' on which most of the conflict prevention techniques have been constructed has thus become obsolete. In particular, the system of the CSBMs of the CSCE, for whose operation the Conflict Prevention Center (CPC) is responsible, has been created with the fundamental purpose of preventing trans-border military attacks (especially surprise and massive attacks), reducing the risk of an accidental war and deterring the use of military forces for intimidation. The system emphasizes the role that misunderstanding, misperceptions and lack of information can have in fuelling or precipitating a conflict; hence the importance of communications and military transparency as means of conflict prevention. This framework of conceptual assumptions associated with the CSBM system can only be applied to a very limited number of potential conflicts in post-Cold War Europe. In fact, the CSBM system as contained in the two Vienna documents has so far proved to be irrelevant to the international efforts to deal with the new conflicts that have erupted in Europe.

The ambitious goal of the measures approved in Helsinki is to provide the CSCE with a new comprehensive system of conflict prevention and management. In particular, the early-warning component of the system has been significantly improved. The role assigned to the CPC in this new system is multi-dimensional. It

must be noted that the name itself of «Conflict Prevention Center» hardly corresponds to the actual functions of this institution. On the one hand, it is charged with a series of tasks which go well beyond a mere crisis prevention activity; on the other hand, different CSCE institutions have been assigned important functions in the field of conflict prevention. A stronger - and hopefully more effective - institutional linkage has been established between the human dimension basket and conflict prevention activity. Indeed, the most recent European conflicts have shown that the problems of human dimension are often inextricably connected with the problems of security. A permanent verification and monitoring of the compliance with obligations relating to human rights can significantly contribute to the prevention of internal conflicts, avoiding the risk that the violation of human rights will lead, sooner or later, to an open conflict.

2. Structure and functions of the Conflict Prevention Center

2.1. The Charter of Paris and the Vienna documents on CSBMs

The decisions made at the Paris summit on the role of the Conflict Prevention Centre within the new institutional framework of the CSCE were the outcome of a compromise. Some countries wanted to assign to the CPC a much larger role than that which was actually decided, including peaceful settlement of disputes and management of crisis situations deriving from a violation of human rights. This was in particular the objective of an articulated proposal presented by the German representatives. The underlying idea was that the CPC could become the centre of a new comprehensive system of collective security. However, this idea failed to gain the needed consensus. Most countries regarded the construction of a collective European security system centred on the CSCE as a necessarily slower step-by-step process. The final decision was to assign the CPC the role of supporting the implementation of the CSBM regime created with the 1990 Vienna document during an initial period of activity, leaving the option open for the Council of Foreign Ministers to assign other functions to it in the future. In the Charter of Paris, an explicit reference was made to «any additional tasks concerning a procedure for the conciliation of disputes as well as broader tasks relating to dispute settlement».

The structure of the CPC, whose seat is located in Vienna, consists of two bodies: a Consultative Committee and a Secretariat. The Consultative Committee is composed, as a rule, of the heads of delegation to the CSBM negotiations. The Secretariat is composed of a Director, two officers, two scientific assistants and two secretaries.

Pursuant to the Charter of Paris and the Vienna documents on CSBMs, the Consultative Committee is charged with several tasks connected with the implementation of the CSBM regime.

- It provides a forum for the annual exchange of military information. Apart from minor controversies on the information provided by some countries - in particular the Soviet Union - the key problem which has emerged is the difficulty of creating an effective standardization system for the harmonization and comparison of information, especially that relating to military budgets. Of particular importance in this regard will be the future publication of the yearbook containing the information exchanged. It must be noted that the responsibility of the CPC regarding the annual exchange of military information has acquired greater importance following the

improvements introduced in this field by the 1992 Vienna document. A proposal has been advanced for the extension of the information exchange to new areas, such as arms sales and transfers.

- It serves as a forum for the annual review meetings at which the implementation of CSBMs is assessed. The first of these meetings held on 11-15 November 1991 was considered highly successful. It served among other things to dispel some doubts concerning the information supplied by the Soviet and the Turkish delegations.

- It constitutes the forum at which any participating State is entitled to obtain timely clarification on the application of the agreed CSBMs.

- It prepares seminars on military doctrine and other seminars as agreed by the participating states. Two seminars on military doctrine have been held in the CSCE framework so far, both in Vienna, on 16 January-5 February 1990 and on 8-18 October 1991 respectively. The latter was organized by the CPC. It has also held seminars on other subjects. It must be stressed that the seminar activity of the CPC has been increasing, including the participation of experts not belonging to national bureaucracies and the discussion of subjects not directly pertaining to the Centre's specific competences.

- It bears the overall responsibility for the network of direct communications among the capitals of the CSCE countries concerning CSBMs. The 1990 Vienna Document already foresaw that the network, which was conceived as complementary to the traditional diplomatic channels, could be used by the participating States for other purposes. At the Berlin meeting (19-20 June 1991) it was decided that the network would be used for all communications foreseen in emergency situations procedures and that the Secretariat would be integrated in it. The communications system became operational on 1 November 1991. In view of the difficulties encountered in connecting all states with the system, a broad consensus emerged at the 1991 meeting for CSBMs implementation assessment on the need to enhance the role of the CPC in this field. The Helsinki final document stressed the urgent need for all participating States to be connected with the communications system, especially to ensure an effective capacity of the CSCE to deal with emergency situations. The Consultative Committee of the CPC has been charged with the task of monitoring progress and recommending solutions for technical problems.

- It holds the meetings which may be convened under the mechanism for consultation and cooperation as regards unusual military activities. The state asking for an explanation on an unusual military activity undertaken by another state may, after receiving the reply, request a meeting to discuss the matter. It has two options. First, it may ask for a meeting with the responding State (which may also be attended, upon request of the responding State, by other participating States). If there is no agreement between the requesting and the responding States on the venue, the meeting is held at the CPC. Secondly, the requesting State may ask for a meeting of all participating States. The CPC serves as a forum for such a meeting.

The mechanism for consultation and cooperation as regards unusual military activities was used for the first time to the Yugoslav crisis. At the end of June 1991 the Yugoslav federal army, reacting to the declarations of independence by Slovenia and Croatia, started the military operations in Slovenia. Alarmed by this development, on 27 June Austria and Italy required clarifications from the government of Belgrade on the unusual military activities undertaken by it. The reply came to the two requesting States on 29 June, complying with the foreseen 48-hour deadline. The Yugoslav government appealed to the parliamentary decisions which had declared

the military intervention in Slovenia a constitutionally correct measure. In the meantime, a further military escalation had taken place. On 30 June Vienna thus asked for a meeting of the Consultative Committee of the CPC. The only result of the meeting was an appeal to the parties involved for an immediate cease-fire and the return of all troops to the barracks. The proposal made by the Austrian government to send CSCE observers to Yugoslavia with the task of controlling the cease-fire did not obtain the required consensus. Since then, the CPC has not undertaken any significant initiatives aimed at managing the Yugoslav crisis or preventing its further escalation. In fact, the initiative on the Yugoslav crisis was left to the Committee of Senior Officials (CSO). It held several meetings devoted to the matter, although it did not achieve significant results. The first of these meetings held on 3-4 July was formally convened through the procedure of the mechanism for consultations and cooperation as regards emergency situations adopted at the Council's Berlin meeting. The experience of the unsuccessful attempt undertaken at the beginning of July 1991 to use the CSCE mechanisms to stop the escalation in the Yugoslav crisis has highlighted the shortcomings of the consensus principle. Furthermore, it has made evident the lack of a clear institutional relationship between the two organs entitled to deal with emergency situations: the CSO and the CPC. The mechanisms as regards unusual military activities was then activated by Hungary with respect to Yugoslavia. This time the procedure ended with a meeting in September 1991 between the delegations of the two countries which did not produce relevant results.

The procedures concerning unusual military activities have proven to be flexible enough to be applied to crisis situations originating from intrastate conflicts. This flexibility is ensured by the very broad definition of «unusual military activity» it entails as well as by the large discretionary power it grants to the requesting State. However, other, more recently established, CSCE mechanisms with a crisis prevention dimension appear to be more appropriate and effective for dealing with intrastate conflicts.

- It coordinates the exchange of information taking place among participating States under the mechanism for cooperation as regards hazardous incidents of a military nature and provides a forum for discussion of matters relating to the exchanged information. Appealing to the cooperation as regards hazardous incidents, in October 1991 Hungary circulated a note of protest against the bombardment of the Hungarian town of Barcs by Yugoslav aircraft.

The Secretariat of the CPC carries out the tasks assigned to it by the Consultative Committee to which it is responsible. As a merely executive body, it is not entitled to undertake initiatives. It shall take care of the establishment of a data bank and the publication of yearbooks on the basis of information exchanged on CSBMs. Furthermore, the Director of the Secretariat is charged with the task of organizing the meetings convened according to the procedures concerning unusual military activities.

2.2. Subsequent Ministerial decisions

At the Council's Berlin meeting, the Minister of Foreign Affairs, endorsing the report of the Valletta meeting, agreed to designate the CPC as the nominating institution for the CSCE dispute settlement mechanism. However, the CPC was not assigned a direct role in this field. The prospect of the creation of a new CSCE institution for the peaceful settlement of disputes remains controversial, although at the Helsinki summit the participating States decided to enhance the CSCE's capacity for

assisting States to resolve their disputes peacefully. The Valletta mechanism, which entered into force in Spring 1992 - when the required number of nominees was reached, has so far never been used. At the Berlin meeting the participating States also put the goal of an enhancement of the role of the CPC on the agenda.

A set of provisions aimed at the enhancement of the functions and working methods of the CPC were included in the Document on Further Development of CSCE Institutions and Structures approved at the Prague meeting of the Council (30-31 January 1992). A more comprehensive role of the Consultative Committee as forum for consultations on security issues was established. In particular, all participating States were granted the right to draw the attention of the Consultative Committee to any security issue having politico-military implications. In this way a further step was taken towards the enlargement of the CPC's activities beyond the quite restricted field of the CSBMs system. Furthermore, the Prague document has added an explicit crisis management dimension to the Consultative Committee's activity, stating that it serves as a forum not only for conflict prevention, but also «for cooperation in the implementation of decisions on crisis management taken by the Council or by the CSO acting as its agent». The institutional relationship of the Consultative Committee of the CPC with the CSO has also been better clarified. The former is to carry out additional tasks delegated to it by the latter. The Consultative Committee of the CPC, in turn, may draw the attention of the CSO to «a situation it considers requires the attention of the Committee of Senior Officials».

In Prague the Consultative Committee has also been granted other new tasks. In particular, it has been given the authority to initiate and execute fact-finding and monitor missions linked with the mechanism concerning unusual military activities. A CSCE mission was in fact sent to Kosovo on the initiative of the Consultative Committee which took also care for its organization. Furthermore, the Consultative Committee has been empowered to establish subsidiary working bodies. So far, only one of these bodies has been created and has the task of dealing with the problems of the communication network.

Finally, the Prague document has established that the Consultative Committee meet at least once a month (with the possibility of additional meetings) and that its regular meetings be chaired in alphabetic rotation.

2.3. The Helsinki Summit

As noted above, one of the most important and ambitious goals of the programme approved at the last Helsinki summit is the establishment of an institutional structure able to ensure a comprehensive system of early warning, conflict prevention and crisis management. The primary responsibility for the operation of such system has been assigned to the CSO acting as the Council agent. The other CSCE institutions are, to a large extent, subordinated to the CSO which has to ensure an effective coordination and complementarity among their activities. In this regard, an important role is also played by the Chairman-in-Office, who, according to the Helsinki document, «will be requested to communicate Council and CSO decisions to the CSCE institutions and to give them such advice regarding those decisions as may be required».

Of great importance are the new provisions aimed at creating an organic link between conflict prevention and monitoring of the compliance with the human rights obligations. In particular, the Helsinki document defines the newly established High Commissioner on National Minorities as an «instrument of conflict prevention at the

earliest possible stage». The High Commissioner is indeed the main new instrument for strengthening CSCE capacities in the field of early warning. An early warning issued by the High Commissioner can, inter alia, lead, through a defined procedure, to the activation of the emergency mechanism established in Berlin. Furthermore, the activities undertaken by the Office of Democratic Institutions and Human Rights (ODIHR) has also to be regarded, according to the Helsinki document, as a possible contribution to «early warning in the prevention of conflicts». Another new instrument for conflict prevention and crisis management is provided by the system of assistance to the Chairman-in-Office composed of the Troika, the ad hoc steering groups and personal representatives.

Whilst a set of new competences in the field of conflict prevention have been assigned to other CSCE institutions, the CPC has been charged with new tasks going beyond the field of conflict prevention in the strict sense of the term. Of particular importance are those relating to peacekeeping, a new potential sphere of activity for the CSCE. The Consultative Committee has the task of considering, upon request of the CSO, which peacekeeping activities might be most appropriate to the situation and of subjecting its recommendations. Furthermore, the Consultative Committee would be responsible for the preparation of term of reference for peacekeeping operations (practical modalities, requirements for personnel and other resources) and for ensuring a continuous liaison between the operation and all participating States. In the context of the program of the newly established CSCE Forum for Security Cooperation the CPC has the task of promoting improvements in relevant techniques and the cooperation in the field of verification.

3. Concluding remarks

The CSCE countries have decided in Helsinki to create a complex system of conflict prevention and crisis management of which the CPC constitutes only a component. Important means and mechanisms which can ensure a connection between the security and the human dimensions have been established or enhanced.

Although relevant new provisions have been approved for ensuring a more effective coordination of the CSCE activities, there remains a strong need for a better interconnection among the various mechanisms and institutions, in order to avoid the increasing risk of an overlapping of competences and waste of resources. This risk is particularly evident in the field of the crisis prevention and emergency mechanisms. The dispersal itself of the CSCE staffs among several places is emerging of one of the most serious organizational weaknesses of the CSCE. The time has probably come to consider the possibility to concentrate the more permanent CSCE activities in a single place or at least to create a more coherent subordination system among the various seats.

At the same time, the progress in some areas of great relevance for conflict prevention has so far been too slow. This is in particular the case of peaceful settlement of disputes. Indeed, there is still a strong reluctance on the part of many participating States to accept stringent obligations in this field. The absence of an effective regime of peaceful settlement of disputes creates a serious gap in the overall CSCE system of collective security.

As for the CPC, it must be noted that its role has been progressively enlarged without a corresponding enhancement of its structure. Today it constitutes a somewhat hybrid institution with a multiplicity of functions, which are often not well

interconnected. Some of them will probably be assumed in the future by other CSCE institutions. However, at least in the short run, the CPC will remain a key institution for the effective functioning of the CSCE system of conflict prevention and crisis management. There is hence an urgent need to improve its working methods as well as to increase the resources at its disposal.