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## OSCE Peacekeeping – Conceptual Framework and Practical Experience

In the 1992 Helsinki Document, *The Challenges of Change*, the CSCE participating States described peacekeeping as one “important operational element of the overall capability of the CSCE for [...] crisis management”<sup>1</sup> and adopted a set of guidelines that provide the CSCE with the political mandate to deploy peacekeeping operations (PKOs). However, despite the enthusiastic language contained in the Helsinki Document, the provisions on OSCE peacekeeping “have [...] remained a dead letter up to now”.<sup>2</sup> No OSCE PKO has been mandated since the Organization adopted its norms in 1992. Thus, it could be concluded that OSCE peacekeeping has remained a merely theoretical undertaking without concrete results. However, such a conclusion might well be premature. While it is true that no OSCE PKO based on the Helsinki guidelines has yet been deployed, a closer look at OSCE field operations<sup>3</sup> (FOPs) reveals that they have carried out a range of tasks which, from a UN perspective, could easily fall under the title of peacekeeping. The Special Monitoring Mission to Ukraine (SMM) is only the most recent example of an OSCE FOP engaged in peacekeeping. Facing pressure to respond to concrete crises, participating States have been willing to establish FOPs which, due to their nature as well as their functions, can be defined as PKOs. Following this line of reasoning, it could thus be argued that the OSCE is already playing a role in peacekeeping, albeit without officially declaring its activities to be peacekeeping. Starting from this somewhat paradoxical observation, this contribution provides an overview of the role the OSCE has played in peacekeeping and discusses its potential for further development.

### *Peacekeeping – Towards a Conceptual Framework*

Although the term peacekeeping has been part of the political vocabulary since the concept was initially developed by the UN in the late 1940s, there is

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- 1 CSCE Helsinki Document 1992: *The Challenges of Change*, Helsinki, 10 July 1992, in: Bloed (ed.), *The Conference on Security and Co-Operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 701-777, Chapter III, para. 17.
  - 2 Heinz Vetschera, *Ten Years of the Conflict Prevention Centre – Origins and Development*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 401-420, here: p. 411.
  - 3 OSCE FOPs evolved separately from the concept of PKOs as ad hoc arrangements in response to successive crises.

still no consensus definition of the term.<sup>4</sup> However, a good starting point might be to cite the authoritative definition contained in the United Nations Secretary General's *Agenda for Peace*:

*Peace-keeping* is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.<sup>5</sup>

Although not particularly precise, this definition contains the most significant elements that characterize peacekeeping: It is a *voluntary* activity carried out by internationally recruited military and/or civilian personnel in a non-combatant role with the aim of contributing to maintaining peace in a crisis area.<sup>6</sup>

In their initial manifestation, PKOs had no commonly accepted form, but developed as an ad hoc response to deal with the conflicts that broke out during the Cold War period. Nonetheless, the “doctrine” governing PKOs during this time changed very little, and a set of basic principles evolved which constituted the concept of traditional peacekeeping that remains influential today.<sup>7</sup> Most importantly, the so-called “holy trinity” of peacekeeping – the minimal conditions PKOs have to meet: consent, impartiality, and the non-use of force – have been developed. The host parties’ *consent* to the deployment of peacekeeping operations is widely recognized as an indispensable prerequisite for the PKO’s success and survival.<sup>8</sup> Consent not only preserves the sovereignty of the host states and, thus prevents PKOs from being seen as “invaders” interfering in the internal affairs of a state, host state consent to the deployment of a PKO also reduces the risk to the peacekeepers, who – bound by the principle of non-use of force – depend on the security guarantees provided by the host state.<sup>9</sup> The principle of consent is closely

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4 Cf. Klaus Törnudd, *Peacekeeping in the OSCE Region since 1992: Changes in Doctrine and Practices*, PC.DEL/210/03, 7 March 2003, p. 1; Guergana Velitchkova, *NATO-OSCE Interaction in Peacekeeping: Experience and Prospects in Southeast Europe*, NATO/EAPC Research Fellowship 2000-2002. *Final Report*, June 2002, p. 2, at: <http://www.nato.int/acad/fellow/99-01/Velitchkova.pdf>.

5 United Nations, Secretary General, *An Agenda for Peace: Preventive Diplomacy, Peace-making and Peacekeeping*, A/47/277, 17 June 1992, para. 20.

6 Cf. definition adapted from Törnudd, cited above (Note 4), p. 17.

7 Cf. John Mackinlay, *The Development of Peacekeeping Forces*, in: Kurt R. Spillmann, (ed.): *Peace Support Operations: Lessons Learned and Future Perspectives*, Bern 2001, pp. 55-73.2001, here: pp. 55-56.

8 Cf. Robert A. Rubinstein, *Peacekeeping under Fire. Culture and Intervention*, London 2008, p. 25; Jair van der Lijn, *If only there were a blueprint! Factors for Success and Failure of UN Peace-Building Operations*, in: *Journal of International Peacekeeping*, 1-2/2009, pp. 45-71, here: pp. 47-48.

9 Cf. Michael W. Doyle/Nicholas Sambanis, *The UN Record on Peacekeeping Operations*, in: *International Journal* 3/2007, pp. 494-518, here: p. 500; United Nations Department of

linked to the second principle of peacekeeping: *impartiality*. If a PKO is perceived as taking sides, the parties to the conflict are normally hesitant to give their consent or might even withdraw it altogether.<sup>10</sup> The third principle, the *non-use of force*, binds peacekeepers to the use of force only as the last resort for self-defence. Consent and impartiality were intended to grant PKOs “a sense of security that precludes the use of force”.<sup>11</sup> Or as Sir Brian Urquhart points out, the strength of PKOs is not based on their capability to use force, but lies in the non-use-of-force principle, allowing the peacekeepers to preserve their prestige as neutral observers.<sup>12</sup> Taken together, consent, impartiality, and the non-use of force build a triangle of mutually reinforcing constitutive principles.<sup>13</sup>

The first UN PKOs – known as “observer missions” – were mostly deployed to monitor compliance with ceasefire terms by the armed forces of states in conflict situations and to provide the international community with objective reporting on the security situation on the ground. Moreover, the observers were supposed to help de-escalate and contain violence through advice, aid, and mediation. With respect to their size, observer missions used to be rather small, usually numbered in the hundreds, and were – by contrast to the contemporary image of traditional PKOs – exclusively composed of unarmed civilians. Observer missions are thus sometimes referred to as the civilian face of traditional peacekeeping.<sup>14</sup> The “core” type of traditional PKOs was formed in 1956 when the first “UN force” was deployed to the Sinai. These PKOs normally numbered in the thousands and were typically deployed in formed units to physically separate parties to the conflict. The opposing armies were isolated from each other by removing them into “Areas of Separation”, thereby leaving a buffer zone, which would be patrolled by UN peacekeepers.<sup>15</sup> When the buffer zone was successfully established, peacekeepers were tasked with verifying demilitarization, including weapons decommissioning and troop withdrawal (as well as daily patrolling).<sup>16</sup>

When the Cold War came to an end, the transformation of the international environment as well as the evolution of new normative paradigms

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Peacekeeping Operations, *United Nations Peacekeeping Operations. Principles and Guidelines*, New York 2008, pp. 31-32.

- 10 Cf. Denis M. Tull, When They Overstay Their Welcome: UN Peacekeepers in Africa, in: *Journal of International Peacekeeping*, 3-4/2013, pp. 179-200, here: p. 183.
- 11 Rubinstein, cited above (Note 8), p. 29; Stean A.N. Tshiband, Peacekeeping: A Civilian Perspective? In: *Journal of Conflictology* 2/2010, pp. 1-9, here: p. 5.
- 12 Cf. Brian Urquhart, *A Life in Peace and War*, London 1987, pp. 178-79.
- 13 Cf. Tull, p. 183.
- 14 Cf. A. Walter Dorn, *Keeping Watch: Monitoring Technology and Innovation in UN Peace Operations*, Tokyo 2011, available at: [http://walterdorn.net/pdf/KeepingWatch\\_Dorn\\_CompleteBook-NoCover\\_UNUP\\_2011.pdf](http://walterdorn.net/pdf/KeepingWatch_Dorn_CompleteBook-NoCover_UNUP_2011.pdf), p. 10; Alex J. Bellamy/Paul Williams, *Understanding Peacekeeping*, Cambridge 2010, p. 175.
- 15 Cf. John Mackinlay, The Development of Peacekeeping Forces, in: Kurt R. Spillmann, (ed.), *Peace Support Operations: Lessons Learned and Future Perspectives*, Bern 2001, pp. 55-73, here: pp. 57-61.
- 16 Cf. Bellamy/Williams, cited above (Note 14), p. 175.

gave rise to a new generation of what came to be known as “multidimensional” PKOs. The evolving concept of multidimensional PKOs can be defined in terms of five characteristics: First, these PKOs are typically deployed in the complete absence of a ceasefire agreement or in situations in which an agreement is prone to collapse. Thus, they have to operate in an environment of ongoing violent conflict.<sup>17</sup> Moreover, PKOs are no longer limited to dealing with regular armies, but are now confronted with a variety of paramilitary factions, often with little discipline and ill-defined command structures.<sup>18</sup> The host state’s capacity to provide security to its people and to maintain public order is often weak and may be further threatened by separatist territories. Second, multidimensional PKOs typically play a critical role in supporting political efforts to settle a conflict. They are often mandated to provide good offices to the conflict parties, to facilitate political dialogue and reconciliation, and to sustain political support for the peace process as a whole.<sup>19</sup> Third, although multidimensional PKOs tend to be deployed during or after a violent conflict, they “can be made more appropriate for all stages” of the conflict cycle.<sup>20</sup> Of most practical relevance is probably the new role PKOs play in peacebuilding. As a result of this development, PKOs are, fourth, supposed to engage along multiple dimensions and take on a range of new tasks, such as disarmament, demobilization, and reintegration (DDR), security sector reform (SSR), verification of human rights, electoral assistance, and state-building.<sup>21</sup> And fifth, by contrast to traditional PKOs, which, except for observer missions, have tended to be entirely military in nature, multidimensional PKOs typically involve military, police, and civilian components. However, it should be kept in mind that the military component still represents the major part of a PKO, regardless of whether the operation corresponds to the traditional or the multidimensional type of peacekeeping.<sup>22</sup>

#### *OSCE Conceptual Framework for Peacekeeping*

The idea of providing the CSCE with a mandate to engage in peacekeeping appears for the first time in the Prague Ministerial Meeting Document on Further Development of CSCE Institutions and Structures, which tasks the Helsinki Follow-up Meeting with giving “careful consideration to possibili-

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17 Cf. *ibid.*, p. 194.

18 Cf. United Nations, General Assembly, Security Council, *Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations*, A/50/60-S/1991/1, 3 January 1995, para. 12.

19 Cf. United Nations Department of Peacekeeping Operations, cited above (Note 9), pp. 22-24.

20 Cf. Oldrich Bures, A Mid-Range Theory of International Peacekeeping, in: *International Studies Review*, 3/2007, pp. 407-436, here: p. 420.

21 Cf. United Nations Department of Peacekeeping Operations, cited above (Note 9), p. 28.

22 Cf. Tshiband, cited above (Note 11), p. 6.

ties for CSCE peacekeeping or a CSCE role in peacekeeping”.<sup>23</sup> After several rounds of negotiations following the Prague Summit, the participating States decided to provide the CSCE with a formal mandate to deploy PKOs and adopted a set of guidelines at the 1992 Helsinki Summit.<sup>24</sup> According to the Helsinki Document, OSCE participating States may, depending on the concrete conflict situation, dispatch a variety of forms of PKO, ranging from observer and monitoring missions to large force deployments, including civilian and military components. Possible tasks for PKOs include observing cease-fires, monitoring the withdrawal of troops, supporting efforts to maintain law and order, and providing humanitarian and other assistance to refugees. None of the tasks carried out by PKOs should involve enforcement action. Furthermore, the Helsinki Document contains a set of preconditions for the deployment of a PKO. The first three of these – the consent of the parties concerned, the impartiality of the peacekeeping forces, and the use of force only in self-defence – are well known as the key principles of UN peacekeeping. However, the Helsinki provisions define a number of additional requirements, namely a consensus decision by the OSCE Permanent Council (then the Committee of Senior Officials, CSO), a clear and precise mandate, the existence of a durable ceasefire, and the provision of safety guarantees at all times for the personnel involved. The highly detailed rules for peacekeeping contained in the Helsinki Document are surprising considering that UN peacekeeping was born out of practice and was itself never codified in the UN Charter. It appears that the OSCE modelled the provisions to a large extent “on what UN practice has produced in the way of concrete results over the years”.<sup>25</sup> As the Helsinki guidelines show, OSCE provisions on peacekeeping go even further in adding conditions that have been the subject of UN discussions on peacekeeping, but are scarcely found in practice. This, in turn, raises the question of how workable the OSCE provisions on peacekeeping would be in practice.

#### *Options and Operational Capacity for OSCE Peacekeeping*

Although the OSCE has not yet deployed a single PKO, discussions on OSCE involvement in peacekeeping have been ongoing since the Helsinki

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23 Prague Document on Further Development of CSCE Institutions and Structures, Chapter VI, para. 23, in: CSCE, *Final Document of the Second Meeting of the CSCE Council of Ministers, Prague, 30-31 January 1992*, pp. 13-21, here: p. 17, at: <http://www.osce.org/node/40270>.

24 Cf. Early Warning, Conflict Prevention and Crisis Management (Including Fact-Finding and Rapporteur Missions and CSCE Peacekeeping), particularly paras 17-56 on “CSCE Peacekeeping”, in: Conference on Security and Co-operation in Europe, *1992 Summit, Helsinki, 9-10 July 1992, CSCE Helsinki Document 1992, The Challenges of Change*, at: <http://www.osce.org/node/39530>.

25 Rob Siekman *Commentary: CSCE versus UN Peacekeeping*, in: Helsinki Monitor, 4/1992, pp. 18-20, here: p. 18.

guidelines were adopted. The most significant review took place in 2003, when the participating States decided to conduct an OSCE review conference on peacekeeping to assess the Organization's capacity to dispatch PKOs and to identify options for potential OSCE involvement in peacekeeping in the OSCE region. A background paper prepared by the OSCE Conflict Prevention Centre (CPC) gives an especially interesting insight into discussions on the different types of operations the Organization might envisage launching and the operational capacities that would be necessary in each case. In order to provide participating States with a general framework, the paper describes four generic types of potential OSCE PKOs: First, there is the traditional *blue helmet type of operation*, which consists of military forces, roughly a battalion strong, and organized in a military style command and control structure led by a force commander. Second, under a broader concept of peacekeeping, *unarmed observer and/or monitor operations* could be deployed to verify compliance with ceasefire agreements, and engage in confidence-building measures and human rights verification. The third option represents a *combination of the first two options, involving police and civilian personnel as well as military troops*. This type of operation might be used as a security provider, enabling the civilian part to carry out its tasks in a fragile security environment. And finally, as a fourth option, the OSCE might decide to undertake *PKOs in co-operation with other organizations*. The OSCE would exercise overall political control over PKOs carried out in co-operation with or sub-contracted to other organizations.<sup>26</sup> With respect to the assessment of the operational and logistical capacities required for the deployment of the operations identified, the paper emphasizes that the Secretariat is not prepared to deploy traditional blue helmet operations: It has neither the necessary structures in place to generate and deploy formed units, nor would the Organization be capable of providing the necessary logistical support and training for armed PKOs. The CPC would thus have to rely on participating States or other organizations to provide troop contingents as well as logistical support. Unlike armed forces, however, the OSCE is quite familiar with deploying and operating unarmed civilian missions. In such cases, the CPC could use its existing recruitment procedures and would also have sufficient capacity to plan, prepare, and subsequently support operations. With respect to multidimensional PKOs, the difficulties of recruiting formed contingents as well as providing logistical support are similar to those discussed with regard to traditional PKOs. In terms of the fourth option, the paper states that the OSCE could, in principle, collaborate with other organizations or make use of turnkey operations. However, for effective collaboration, arrangements to facilitate co-operation during the various phases of the operation as well as

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26 Cf. OSCE Conflict Prevention Centre, *Current OSCE Capabilities for Deploying and Running Peacekeeping Operations*, SEC.GAL/81/03, 5 May 2003; Permanent Mission of the Netherlands, *Potential Options for OSCE Activities in the Field of Peacekeeping Operations*, CIO.GAL/54/03/Rev.1, 9 July 2003.

appropriate control and command structures allowing the supervisory bodies to provide effective strategic guidance would first have to be set up. To sum up, the document concludes that the OSCE has neither the experience nor the capacity to deploy armed PKOs of the blue helmet type. Should the participating States decide to field armed PKOs, substantial and costly enhancement of the Secretariat's operational capacity would be needed. Or – as a second possibility – turnkey operations could be used. This would involve participating States or other organizations providing the OSCE with fully formed and trained units that are interoperable as well as operationally and logistically self-sustaining.

The review conference not only identified a lack of operational capacity to field armed PKOs on the part of the OSCE but also revealed a general reluctance among participating States to deploy traditional PKOs. The majority of states questioned the added value of OSCE engagement in armed peacekeeping. Instead of duplicating structures that already exist elsewhere, the OSCE would be better advised to build on its well-known expertise in early warning and conflict prevention.<sup>27</sup> The financial implications of potential OSCE engagement in peacekeeping were also repeatedly underlined. Considering the fact that the Organization lacks the necessary planning capacity as well as an appropriate logistical support system, substantial financial investment would be required to enable the CPC to deploy military PKOs.<sup>28</sup> Finally, there was also reluctance to discuss the very idea that the OSCE could become involved in military peacekeeping resulting from the fact that the OSCE has no legal personality, which means that no Status of Force Agreements (SOFA) could be concluded between the OSCE and the host states.<sup>29</sup> All these disagreements made it impossible to reach consensus on concrete steps towards strengthening the OSCE's role in peacekeeping. Nonetheless, the review discussion produced a significant level of common understanding on the fact that peacekeeping concepts and practice have evolved considerably over the past ten years. While, in its initial phase, peacekeeping was a mainly military undertaking, it now represents a multi-functional endeavour that incorporates civilian as well as military elements.<sup>30</sup> With respect to the OSCE's role in peacekeeping, these considerations demonstrate that at least those activities which make up the civilian part of peace-

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27 Cf. Permanent Mission of Italy to the OSCE (Italian Presidency of the European Union), *EU Statement to the Tenth Meeting of the Informal Open-ended Working Group of Friends on the OSCE Role in the Field of Peacekeeping*, PC.DEL/1378/03, 14 November 2003; Permanent Mission of the United States, *Statement on U.S. Peacekeeping Paper*, PC.SMC/40/98, 29 May 1998.

28 Cf. *ibid.*; Permanent Mission of Finland, *Report of the Informal Open-ended Group of Friends of the Chair on the OSCE Role in the Field of Peacekeeping*, PC.DEL/1425/03.

29 SOFAS provide PKOs with legal protection in the field. Cf. *Statements of delegations at the OSCE Workshop on Peacekeeping*, Permanent Mission of Finland, OSCE Workshop on Peacekeeping, PC.DEL/426/03, 2 May 2003.

30 Cf. Branislav Milinkovic, OSCE Peacekeeping: Still Waiting to Perform! In: *Helsinki Monitor*, 3/2004, pp. 193-201, here: p. 198.

keeping clearly fall within the OSCE's expertise. Thus, a majority of participating States were of the view that the OSCE already carries out peacekeeping, even if it does not officially label its activities as such.<sup>31</sup>

### *OSCE Experience in the Field of Peacekeeping*

The CSCE gained its first practical experience in the field of peacekeeping shortly after the Helsinki guidelines were adopted. With the objective of stabilizing the situation on the ground after an informal agreement on a ceasefire ending the conflict in Nagorno-Karabakh had been reached, the participating States declared at the Budapest Summit in 1994 "their political will to provide [...] a multinational CSCE peacekeeping force [...] organized on the basis of Chapter III of the Helsinki Document 1992."<sup>32</sup> The High-Level Planning Group (HPLG) – established to deal with the planning of the future operation – subsequently began to consider what form an OSCE PKO could take and what its operational requirements might be.<sup>33</sup> The draft outline presented in June proposed a force structure of three infantry battalions, two or three independent infantry companies, as well as observers and support and logistic units – in total, approximately 3,000 personnel at a cost of 100 million US dollars for the first six months.<sup>34</sup> The scale of the planned endeavour, however, raised concern among the participating States. It was doubtful whether the CSCE would be operationally prepared to field such a large-scale operation. Consequently, the participating States feared that a considerable strengthening of the CPC and a significant increase in budget would be necessary.<sup>35</sup> However, the issue which led to the most controversy was the question of how to interpret the principle of the non-use of force. While the draft on the composition of the PKO explicitly ruled out enforcement actions in line with the Helsinki guidelines, the draft rules of engagement seemed to water down this provision by stating that monitors might use armed force not only in self-defence but also in cases where the operation was forcefully prevented from carrying out its mandate.<sup>36</sup> Several delegations expressed con-

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31 Cf. Permanent Mission of Italy to the OSCE, cited above (Note 27); Permanent Mission of Finland to the OSCE, cited above (Note 28).

32 CSCE, *Budapest Document 1994 – Towards a Genuine Partnership in a New Era*, 21 December 1994, Budapest Decisions, Chapter II, Regional Issues, Intensification of CSCE action in relation to the Nagorno-Karabakh conflict, para. 4, at: <http://www.osce.org/mc/39554>.

33 Cf. Heikki Vilén, Planning a Peacekeeping Mission for the Nagorno-Karabakh Conflict, in: *Security Dialogue* 1/1996, pp. 91-94, here: pp. 92-93.

34 Cf. High Level Planning Group, *Mission Statement for a Possible Peacekeeping Mission to the Nagorno-Karabakh Conflict*, REF.CIO/23/95. Corr. 1, 27 June 1995.

35 Cf. Permanent Mission of Austria, *Comments and Suggestions on the HPLG Concept for OSCE PKM to Nagorno-Karabakh*, REF.PC/628/95; Permanent Mission of Ireland, *Comments on the HPLG Concepts*, REF.PC/521/95; Permanent Mission of Switzerland, *Mission Concept on the High-Level Planning Group. Comments*, REF.CIO/71/95.

36 Cf. Rules of Engagement, Annex to REF.CIO/23/95. Corr. 1, cited above (Note 34).



cerns about whether the latter provision would conform to the requirements for an operation undertaken by a regional arrangement under Chapter VIII of the UN Charter, which only allows for peaceful settlements of conflicts. It was therefore deemed necessary to obtain authorization from the UN Security Council, as the use of force could not be completely ruled out.<sup>37</sup> Although the conditions for the deployment of the PKO were ultimately never fulfilled and a concrete request to the Security Council became unnecessary, the discussion on the use of force nonetheless had a considerable impact on OSCE debates concerning peacekeeping. For the first time, the participating States were involved in discussions on the necessity of providing PKOs with “robust mandates” to enable them to effectively carry out their tasks. The discussion was strongly influenced by the experience of the United Nations Protection Force (UNPROFOR) in Bosnia, which was forced to operate in the midst of civil war, but without robust rules of engagement. From the perspective of many participating States, the failure of UNPROFOR demonstrated that, in “new war” conflict environments, only a robust PKO would have the necessary capability for escalation dominance to be effective. By contrast, conflicts where the deployment of a traditional PKO or even an unarmed observer mission would be appropriate had become the exception.<sup>38</sup> With respect to OSCE peacekeeping, this meant that the possibility of a PKO being deployed under the OSCE flag had considerably diminished. Although the OSCE could, in principal, deploy a military PKO, acting under a robust mandate provided by the Security Council, this is, in practice, unlikely to happen. As already discussed, the majority of participating States are extremely reluctant to deploy military PKOs and clearly opt for limiting the OSCE’s involvement to the civilian part of peacekeeping.

Preparations for a PKO to Nagorno-Karabakh proceeded despite the controversies briefly outlined above, and by mid-1995 the OSCE was, in principle, prepared for the imminent deployment of a multinational operation.<sup>39</sup> However, the failure to achieve a stable ceasefire or for the parties to the conflict to agree on a mandate meant that, unfortunately, the conditions for the deployment of a PKO set up in the Helsinki framework could never have been met, thus preventing the first OSCE PKO from being deployed.<sup>40</sup>

The OSCE had its first practical experience with deploying an FOP engaged in peacekeeping three years after its initial attempt to dispatch a PKO to Nagorno-Karabakh. On 25 October 1998, the Permanent Council adopted the decision to dispatch an OSCE FOP to Kosovo – the Kosovo Verification

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37 Cf. Marjanne de Kwaasteniet, *Alba: A lost Opportunity for the OSCE*, in: *Helsinki Monitor* 1/1998, pp. 15-22., here: p. 18.

38 Cf. Permanent Mission of Italy, cited above (Note 27).

39 Cf. Jerzy M. Nowak, *The Organization for Security and Co-operation in Europe*, in: Trevor Findlay (ed.), *Challenges for the New Peacekeepers*, SIPRI Research Report, No. 12. Oxford 1996, pp. 121-141, here: p. 134.

40 Cf. Chairman’s Summary, in: OSCE, *Fifth Meeting of the Ministerial Council*, DOC.MC/1/95, Budapest, 8 December 1995, pp. 1-3, here: p. 1.

Mission (KVM) – to verify compliance with the Holbrooke-Milošević agreement and the subsequent UN Security Council Resolution 1199. With the decision to dispatch the KVM, the OSCE became engaged in an undertaking of a kind it had never before attempted. This not only applies to the large size of the envisaged mission but also to its nature, as the KVM was charged with verifying the ceasefire and the reduction of Yugoslav force levels to the size they were in January 1998 – tasks normally performed by military PKOs. Additionally, the KVM was supposed to fulfil a broad range of duties related to the human dimension, ranging from collaboration with humanitarian organizations to institution-building and election observation.<sup>41</sup>

If the KVM had reached its intended size – up to 2,000 monitors – it would have been four times larger than all previous OSCE FOPs combined.<sup>42</sup> This however posed a tremendous challenge to the Organization, as there was no appropriate structure in place that could have been used to deploy such a large-scale mission.<sup>43</sup> While the secondment system worked well in staffing missions of up to 25 members, using the same system to recruit 2,000 observers turned out to be extremely difficult. Shortly before the KVM was due to leave, only two-thirds of the maximum number of verifiers had been deployed – far too few to ensure a permanent presence, even in critical areas. This unsatisfactorily slow growth in personnel was paralleled by numerous logistical problems. Appeals by the OSCE to participating States for mobile medical care and medical and armoured vehicles went unanswered for a long time. It was not until the end of November 1998 that the KVM finally received its first armoured vehicles, and by the end of December it had about 40 of them – one for every seven verifiers.<sup>44</sup> It is thus unsurprising that the question of the physical security of verifiers caused special concern among the participating States. Although security guarantees were provided by the Yugoslav authorities, it was obvious that, at the tactical level, the security of the KVM fully depended on the consent of the belligerents. Being unarmed, OSCE verifiers would be completely defenceless in case of violent attacks.<sup>45</sup> On the other hand, the fact that observers were unarmed had some advantages. First, it is questionable whether Milošević would have given his consent to the presence of an international armed force on Yugoslav territory. And second, it was precisely due to their vulnerability that neither party per-

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41 Cf. Permanent Mission of Norway to the OSCE, *Agreement on the OSCE Kosovo Verification Mission*, CIO.GAL/65/98, 19 October 1998.

42 Cf. William Walker, OSCE Verification Experiences in Kosovo, in: Ken Booth, (ed.), *The Kosovo Tragedy: The Human Rights Dimension*, London 2001, pp. 127-145, here: p. 128; Alex J. Bellamy/Stuart Griffin, OSCE Peacekeeping: Lessons Learned from the Kosovo Verification Mission, in: *European Security* 1/2002, pp. 1-26, here: p. 14.

43 Cf. Márton Krasznai, Making REACT Operational, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE-Yearbook 2000*, Baden-Baden 2001, pp. 139-147, here: p. 139.

44 Cf. Heinz Loquai, Kosovo – A Missed Opportunity for a Peaceful Solution to the Conflict? In: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 79-90, here: pp. 82-84.

45 Cf. Bellamy/Griffin, cited above (Note 42), p. 17.

ceived OSCE verifiers as a threat. This proved to be crucial in building up close relations to the parties to the conflict, which allowed the mission to carry out its tasks.<sup>46</sup>

As with all PKOs, the success or failure of the KVM depended on progress towards a political settlement. The likelihood of this, however, appeared to be diminishing over the first few months of 1999. Incidents of non-compliance by all parties increased, and ceasefire violations became the norm. For the KVM, this meant that it became impossible to guarantee the security of its personnel, and the mission had to be withdrawn.<sup>47</sup>

The deployment of the Special Monitoring Mission (SMM) to Ukraine<sup>48</sup> represents the OSCE's most recent and most significant practical experience in peacekeeping. In its decision of 21 March 2014, the Permanent Council opted to establish a monitoring mission to contribute "to reducing tensions and to fostering peace, stability and security" in Ukraine.<sup>49</sup> More precisely, the Permanent Council tasked the SMM with reporting on the security situation on the ground, monitoring human rights violations, and facilitating dialogue in order to reduce tensions. However, due to a rapidly changing security environment, these "core" tasks were complemented by new duties shortly after the first observers were deployed in March 2014. The Ukrainian government increasingly lost control over eastern Ukraine, and fighting became more and more intense, making patrols in several areas a risky undertaking. At the same time, international negotiations to manage the crisis were ongoing and, on 3 September, Russia's President Vladimir Putin and Ukrainian President Petro Poroshenko reached agreement on an immediate ceasefire. Subsequently, on 5 September, the Minsk Protocol was signed and complemented by a Memorandum outlining concrete measures to implement the steps agreed upon in the Protocol.<sup>50</sup> For the SMM, this meant that its duties evolved considerably. The Mission was assigned a leading role in monitoring compliance with the agreement, taking on new duties normally carried out by military PKOs, such as monitoring the ceasefire, verifying the withdrawal of weapons, and monitoring the Russian-Ukrainian state border. Against this background, the target number of 500 monitors had to be deployed as soon as possible and, at the same time, various adjustments had to be undertaken to enable the SMM to operate in a highly volatile security en-

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46 Cf. *ibid.*, p. 18.

47 Cf. Permanent Mission of Norway to the OSCE, *Statement by the OSCE Chairman-in-Office, Foreign Minister Knut Vollebaek of Norway, to the Permanent Council*, CIO.GAL/34/99.

48 This contribution covers the period up to March 2015.

49 Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1117, Deployment of an OSCE Special Monitoring Mission to Ukraine*, PC.DEC/1117, 21 March 2014.

50 Cf. Claus Neukirch, *The Special Monitoring Mission to Ukraine: Operational Challenges and New Horizons*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2014*, Baden-Baden 2015, pp. 183-197, here: pp. 189, 192-194; author's interview with an SMM observer, 1 May 2015.

vironment and to fulfil its new duties. With respect to the first challenge, the CPC achieved notable success. While the quick deployment of professionals was one of the major problems the OSCE faced when establishing the KVM, the recruitment process to staff the SMM worked remarkably efficiently. Thanks in particular to the recently developed rapid deployment roster, the CPC was able to withdraw experienced staff from other FOPs in order to bridge the personnel gap in the first build-up phase of the Mission. Moreover, the OSCE's "virtual pool of equipment", created to quickly allocate critical material, proved to be very useful in guaranteeing the quick establishment of the SMM. Thanks to this database of information on where to procure critical equipment, as well as a system of "window contracts", the Secretariat was able to promptly send flak jackets, armoured vehicles, and further vital equipment to Kyiv.<sup>51</sup> These important achievements notwithstanding, there was little time for the SMM to consolidate. Rather, the Mission had to be adjusted to prepare for its new role as a quasi-PKO. By "hardening" what had originally been planned as a civilian observer mission, the OSCE worked hard to enable the SMM to operate in a highly volatile security environment and to effectively carry out the new tasks under its original mandate. Specifically, this means that candidates with military and related expertise were prioritized in the recruitment process and new training programmes, dealing with matters such as verification and ceasefire monitoring, stress management awareness, and dealing with hostage taking, were developed.<sup>52</sup> Not the least of the challenges faced by the CPC was the need to create a mission-wide security system and establish a medical infrastructure appropriate for a mission operating in a high-risk environment.<sup>53</sup> With respect to the former, all observers in eastern Ukraine were issued with a protective kit, comprising a flak jacket and helmet, diplomatic cards from the Ukrainian Ministry of Foreign Affairs, and SMM badges as well as armoured vehicles for use at all times.<sup>54</sup> In addition, a VHF radio system, which allows communication between patrolling members, as well as mission-wide satellite communication to guarantee emergency back-up, were established. At the same time, paramedics and ambulances were deployed to eastern Ukraine. And finally, the Secretariat initiated planning to expand the Mission's technological capacity. In order to enable SMM observers to carry out their verification tasks more effectively, their work was to have been complemented by technological information-gathering, such as satellite imagery, unmanned aerial vehicles (UAV), fixed and aerostat-mounted surveillance cameras, and night cam-

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51 Cf. Neukirch, cited above (Note 50), p. 186.

52 Cf. Special Monitoring Mission to Ukraine, *Weekly Report on Resources*, SEC.FR/349/15, 24 April 2015.

53 Cf. Neukirch cited above (Note 50), p. 194.

54 Cf. Special Monitoring Mission to Ukraine, *Security Summary – Main Upgrading Actions in SMM to date*, SEC.FR/553/14, 15 September 2014.

eras.<sup>55</sup> Notwithstanding these important adjustments, effectively monitoring the ceasefire proved to be extremely difficult, as OSCE observers without a military background often lack the necessary knowledge to recognize specific weapon categories.<sup>56</sup> At the same time, even for observers with a military background, it can be difficult to verify the ownership of military assets, as they are rarely clearly marked and Ukrainian and Russian Forces often use the same hardware. Moreover, the groups that have control over heavy weapons often prevent observers from gaining access to locations where military hardware might be located or fail to provide information essential for the SMM to verify details about the withdrawal of heavy weapons.<sup>57</sup> And finally, monitoring the Ukrainian-Russian border turned out to be an almost impossible task. OSCE observers only monitor two out of eight checkpoints controlled by the separatists, while the stretch of the border the SMM is unable to check is around 400 kilometres long.<sup>58</sup> These difficulties have been further aggravated by a continuously deteriorating security situation. Being unarmed and therefore unable to use force even in self-defence, SMM observers provide an easy target for attack or hostage-taking.<sup>59</sup> Moreover, the observer teams operating “on the rebel side” have had to rely entirely on security guarantees provided by the rebel groups. This in turn means that observers in some crucial areas are only able to carry out their verification tasks as long as they receive the necessary guarantees from the separatists; they may even have to be escorted by them, due to the risk of minefields. Moreover, SMM observers have repeatedly been denied access to critical areas controlled by separatist groups.<sup>60</sup> Notwithstanding all these challenges, SMM observers managed to establish a valuable monitoring network relatively quickly, providing the international community with the only source of objective information on the security situation on the ground. Moreover, SMM observers worked hard to build a wide network of close relations with important local stakeholders as well as with other international actors active in Ukraine and thereby actively contributed to brokering local ceasefires, assessing the situation of minority groups, assisting in dealing with IDPs, and negotiating with separatist groups.<sup>61</sup>

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55 Cf. Special Monitoring Mission to Ukraine, cited above (Note 52); Special Monitoring Mission to Ukraine, *Update on Preparations for the Package of Measures for the Implementation of the Minsk Agreements*, SEC.FR/170/15, 25 February 2015.

56 Cf. author’s interview with SMM Observer, 1 May 2015.

57 Cf. Special Monitoring Mission to Ukraine, *Update on Preparations*, cited above (Note 55).

58 Cf. Permanent Mission of the European Union to the OSCE, *EU Statement in Response to the Report by Chief Monitor of the OSCE Special Monitoring Mission to Ukraine, Ambassador Ertuğrul Apakan*, PC.DEL/123/15.Rev.1, 18 February 2015.

59 Cf. Neukirch, cited above (Note 50), pp. 189-190, 194.

60 Cf. Ertuğrul Apakan, *Briefing to the UN Security Council*, New York, 12 November 2014.

61 Cf. Special Monitoring Mission to Ukraine, *Report of the Chief Monitor for the OSCE Special Monitoring Mission to Ukraine, Ambassador Ertuğrul Apakan, to the OSCE Permanent Council for the Period 12 May to 6 July*, PC.FR/19/14, 8 July 2014.

*Is there a Role for the OSCE in Peacekeeping?*

There are many provisions in OSCE documents that would, in principle, enable the Organization to deploy a broad range of PKOs. Nonetheless, these provisions have never been applied so far. As the discussion in this contribution has shown, there are several reasons that explain the reluctance of the participating States to engage in peacekeeping. One of the most important is certainly the lack of operational capacity to plan, deploy, and operate PKOs. One could thus conclude that there is no role for the OSCE in peacekeeping. At the same time, however, looking at OSCE practice in conflict management shows that OSCE FOPs have played an active role in peacekeeping. In terms of the ideas behind them, both the KVM and the SMM could even be considered to be PKOs. Both were based on the core principles of peacekeeping: consent, impartiality, and the non-use of force. Moreover, the fact that they were intended to maintain a fragile ceasefire and thereby to pave the way for a political settlement of the conflict meant that they were embedded in the conflict cycle. The KVM and the SMM have been operating in a highly volatile conflict environment, characterized by ongoing violence and the involvement of a broad range of actors. And, most importantly, both FOPs were tasked with carrying out activities that are among the core functions of peacekeeping. It could thus be argued that the OSCE has already deployed fully fledged PKOs, based not on the Helsinki guidelines, but rather representing ad hoc arrangements designed to react flexibly to specific conflicts. However, such a conclusion would also be premature, as both the KVM and the SMM lacked one element critical for PKOs. Traditional as well as multi-dimensional PKOs are, at least partly, composed of armed military contingents. By contrast, OSCE FOPs, regardless of their field of activity, always consist of unarmed, individually recruited civilians. This relatively simple fact leads most analysts to conclude that the OSCE plays a role in the civilian part of peacekeeping and may have deployed quasi-PKOs, but has never been engaged in peacekeeping in its traditional sense. This contribution suggests that the OSCE's quasi-PKOs should be understood as verification missions based on the original type of UN PKOS, the observer missions, which underlines their civilian nature but also highlights their more proactive features. By contrast to UN observer missions, both the KVM and the SMM not only took on observer functions, but were also tasked with verifying compliance with military commitments and human dimension principles.

With regard to the future development of OSCE peacekeeping, the questions remains as to whether the OSCE will engage in military peacekeeping, which is – rightly or wrongly – still understood to be “real” peacekeeping. This is unlikely to happen for various reasons. The majority of participating States remain of the view that OSCE FOPs should maintain their civilian character. Moreover, the CPC is not prepared operationally to deploy whole contingents of armed forces. And finally, one might question the

added value of arming FOPs. Armed PKOs – even if equipped with a robust mandate – have no enforcement capacity. Thus, they would – in the same way as the SMM – have to negotiate with separatist groups, and could not just force them to co-operate. One might therefore reasonably argue that the civilian status of OSCE FOPs, while it does have certain disadvantages, also allows them to operate more effectively on the ground. The fact that OSCE observers are unarmed enhances their ability to gain the consent of the relevant parties to the conflict. This might improve their capability to carry out verification tasks, as these greatly depend on the willingness of all parties to co-operate.

Given the reluctance of most participating States to “arm” OSCE FOPs, the second option for the future development of OSCE peacekeeping focuses on how civilian missions could be better enabled to carry out tasks normally assigned to military PKOs. While keeping their civilian character, consideration could be given to how OSCE FOPs might be “hardened” in order to prepare them to take on the role of a military PKO. Based on the experience of the SMM, this hardening may be envisaged on various levels: Military and related expertise could be prioritized in the recruitment process, training tools would have to be adapted, arrangements for a medical infrastructure should be set up, and – last but not least – the use of specific techniques for facilitating verification could be further developed. Hardening the FOPs in this way would enable the OSCE to cover the whole conflict cycle and to more actively engage in peacekeeping while, at the same time, maintaining the civilian character of the Organization.