

**The OSCE and Conflict Prevention, Management and Resolution**

**by**

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## **Abstract**

This thesis discusses the work of the Organization for Security and Cooperation in Europe (OSCE) in the field of conflict prevention, management and resolution, from 1990 until late 1998. Two theoretical perspectives, neo-realism and neo-liberal institutionalism, provide a framework for analysis. Both theories are able to highlight different strengths and weaknesses in the OSCE's approach which are described in three case studies. However, neither theory can fully explain the findings of the case studies. In the thesis's conclusion the shortcomings of both theories are discussed and the gaps in explanation are explored by reference to constructivist approaches.

Three case studies are described in order to demonstrate different facets of the OSCE's work. Macedonia provides an example of the OSCE's work in conflict prevention (it is in the field of conflict prevention that the OSCE is seen at its most successful). The second case study, Nagorno-Karabakh, examines the OSCE's handling of an ongoing conflict and attempts to arrange both a peace conference and a peacekeeping mission. The issues surrounding the conflict here demonstrate the complexity of external involvement in mediation and negotiation processes, and the difficulties of trying to find solutions that are acceptable to the parties in a context complicated further by the interests of external actors. The third case study is an analysis of the OSCE's engagement in the post-conflict reconstruction of Bosnia and Herzegovina. This reveals the problems of implementing aspects of an unsatisfactory peace agreement. The case study highlights the enormity of the tasks assigned to the OSCE and the lack of coherent international support for the organization's work. It also discusses the effects of the interplay of both external and internal power political struggles on the OSCE's operations. The thesis concludes that the OSCE has in limited ways performed valuable work in all three case studies but that its real strengths are most apparent in the field of conflict prevention.

In memory of my mother

From God we come and to him we return

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## Acronyms

CFE	Conventional Forces in Europe
CIA	Central Intelligence Agency
CIM	Coordinator for International Monitoring
CIO	Chair in Office
CIS	Commonwealth of Independent States
CPC	Conflict Prevention Centre
CSBMs	Confidence and Security Building Measures
CSCE	Conference on Security and Cooperation in Europe
CSO	Committee of Senior Officials
EASC	Election Appeals Sub-Committee
EU	European Union
FERN	Free Elections Radio Network
FRY	Federal Republic of Yugoslavia
FSC	Forum for Security Cooperation
FSU	Former Soviet Union
HCNM	High Commissioner on National Minorities
HDZ	Croatian Democratic Union of Bosnia and Herzegovina
HLPG	High Level Planning Group
ICG	International Crisis Group
IMF	International Monetary Fund
JNA	Yugoslav National Army
MLMs	Military Liaison Missions
NATO	North Atlantic Treaty Organization
NGOs	Non-governmental organizations
ODIHR	Office for Democratic Institutions and Human Rights
OFE	Office for Free Elections
OSCE	Organization for Security and Cooperation in Europe
SAMs	Sanction Assistance Missions
SDA	Party of Democratic Action
SDS	Serb Democratic Party
SFOR	Stabilization Force
SFRY	Socialist Federal Republic of Yugoslavia
UN	United Nations
UNPROFOR	United Nations Protection Force
US	United States
VMRO-DPMNE	Internal Macedonian Revolutionary Organization- Democratic Party for Macedonian National Unity
WEU	Western European Union

## Introduction

Following the demise of Soviet style communism, violent conflict reemerged in regions of Eastern Europe and parts of the former Soviet Union (FSU) during the 1990s. This led to debates over the possible courses of action that states and international organizations might consider to address ongoing conflicts and to prevent new conflicts from breaking out. This thesis is concerned with the work of one particular international organization, the Organization for Security and Cooperation in Europe (OSCE) and its role in conflict management operations in areas of the FSU and Eastern Europe. The research seeks to specifically understand the OSCE's capability as a facilitating mechanism for inter-state cooperation in predominantly intra-state conflicts. Its analysis is framed in terms of what two theoretical perspectives, neo-realism and neo-liberal institutionalism can offer when examining institutional involvement in violent or potentially violent conflicts. These two perspectives were chosen because each has something important and contrasting to say on international institutions. They also represent the mainstream debate in International Relations on state action, prospects for cooperation and the role of international institutions.

The OSCE was selected as a source of study for several reasons. Firstly, it is the only pan-European security organization in Europe. The fifty five states participating in the OSCE do so on a basis of equality. This has meant a potential for all states to possess a legitimate and considered voice within the OSCE. The second reason relates to the rapid institutional adaptation that the organization has undergone since the early 1990s. This has allowed for new instruments and mechanisms to be devised in order to address issues of conflict. Adaptation has not, however, resulted in a military capability. This is important in view of the overtly violent nature of several of the conflicts the OSCE has been involved with. This is a strength as well as a weakness. It makes the organization attractive to governments reluctant to commit



military resources to resolving violent internal conflicts. Questions over military capabilities form part of a wider debate on the structure and future development of the OSCE. Such discussion concerns ideas as to how the organization could be further developed along with its relationship towards other international institutions and its own participating states.

Turning now to questions regarding why violent and potentially violent conflicts have reemerged in Europe during the 1990s and have arisen predominantly in the form of intra-state conflict, here different levels of explanation have been offered. Structuralists following neo-realist premises have suggested that hegemonic restraints have been removed following systemic change. The change from bipolarity to multipolarity has enabled increased instability to enter the international system due to the removal of hegemonic discipline making wars between states and within states more likely (Mearsheimer 1990 pp5-9). In other words, it has become more likely that disputes will arise over wealth, territory, ethnicity, religion and population.

From a neo-liberal institutionalist perspective, multipolarity has been considered conducive to developing international cooperation rather than contributing to the outbreak of conflict. The distribution of power is more evenly distributed, something that allows for increased interdependence (Pentland 1991 p65). In turn, multilateral institutions can assume responsibilities that were previously undertaken by the hegemon, therefore providing confidence and stability in the system (Keohane 1984, 1989 cited in Hettne 1995 p17).

Europe can also be understood as a continent divided into both 'zones of conflict and 'zones of peace.' The 'zones of conflict' are located in regions peripheral to Europe and are characterized by varying degrees of a lack of order, disintegrating and fragile structures of government, an absence of institutionalized interdependence between neighbouring states, dire economic conditions and outbreaks of violent conflict (Keohane and Nye 1993 p6). The concept of 'zones of conflict' and 'zones of peace'



is closely related to the idea of core/periphery structures offered by Goldgeier and McFaul (1992 p469). Here, Western Europe constitutes a core set of states (or 'zones of peace'). This is consistent with the liberal model of politics, where conflict within and between states is settled by non-military means. Eastern Europe and the FSU to varying degrees constitute the periphery. Here states are characterized by a variety of political systems and expansionist pressures. Interdependence between these states is subsumed by their dependency on core states. The core/periphery model is interesting because it suggests the validity of neo-realist tenets to the peripheral states and those of neo-liberal institutionalism to the core set of states (Goldgeier and McFaul).

The characteristics of states and their leaders may be equally important in understanding violent conflict. Areas of Eastern Europe have seen the rise to power of virulent nationalist leaders determined to destroy civic or multiple identities in an effort to create homogeneous states. There are many reasons why such leaders are able to assume power. Among them may be political culture, ethnic complexity and economic misfortune (Armstrong and Croft 1993 p61).

Western Europe has appeared relatively immune to the immediate effects of these conflicts. Nevertheless, Western states are interested in developing techniques of conflict management through an international organization like the OSCE for a number of reasons. Firstly, pressure on governments to respond to crises may come from politicians, interest groups, the public and the mass media stemming from a basis of humanitarian concern. Secondly, there are fears over stability and insecurity arising from violent conflict or chaos that may result in the illicit dealing of nuclear materials, large scale migrations of refugees, environmental catastrophes, the spread of organized crime and disease along with the possibilities of conflicts spilling over into adjacent states or minorities in one state requesting support from their indigenous state. These types of problems transcend state borders, do not respect state sovereignty and lead to the need for coordinated multilateral responses.

In terms of violent or potentially violent conflict, such instability poses the question as to how to devise suitable policies to deal with this type of conflict. The post-Cold War period has seen an emphasis towards a more fluid concept of state sovereignty whereby internal intervention is increasingly accepted and demanded (Freedman 1994 p2). States in both East and Western Europe have accepted a variety of third party involvement in managing their conflicts.

Forms of intervention have been developed in a manner that is increasingly sensitive to the variety of ways that conflict may become manifest. This is reflected in the willingness of states to invest the OSCE with conflict resolution functions in post-Cold War Europe. Through a range of conflict management techniques the OSCE also offers the possibility of engaging in conflicts at different points of the conflict cycle. It also offers flexibility in terms of the period of time that the OSCE may become involved with a state and the different levels of operations that can be applied.

The thesis sets out to discuss the various means of OSCE intervention in three different types of conflict. These are areas that have received varying levels of research attention by journalists and academics. OSCE documentation was analyzed and consideration given to commentary that was available through reports compiled by non-governmental organizations (NGOs), alongside a selection of secondary sources. Each case study is illustrative of a distinctive method of OSCE intervention. Macedonia details the OSCE's involvement in preventive diplomacy. The case of Nagorno-Karabakh discusses OSCE mediation in an ongoing conflict along with its first attempts to establish both a peace conference and a peacekeeping mission. Bosnia-Herzegovina provides the setting for the OSCE's engagement with post conflict reconstruction. The research focuses on an eight year time frame starting from 1990 until the end of 1998.



From the three case studies general conclusions will be drawn concerning the OSCE's ability to facilitate international cooperation when channeled through an international organization. Conclusions will also be drawn that highlight the OSCE's strengths and weaknesses. The thesis also seeks to demonstrate the extent to which neo-realism or neo-liberal institutionalism are useful in understanding the operations and structures of the OSCE. This will involve an examination of the OSCE as a facilitator of cooperative policies and by contrast as a gatekeeper through which individual state interests are pursued. The thesis concludes by seeking to demonstrate that the OSCE has made a small but positive contribution to embryonic conflict management techniques during the time frame of the study.

## **Chapter One: Two perspectives on the prospects for cooperation**

### **Introduction**

This chapter discusses two theoretical perspectives: neo-liberal institutionalism and neo-realism. The purpose of the discussion is to outline the central tenets of each theory and to consider what each theory has to say about cooperation when it is channeled through an international organization. This is necessary because the development of prevention, management and resolution mechanisms in relation to conflicts could be partly dependent on effectively utilizing international cooperation. The chapter attempts to assess the relevance and utility of each theory to issues surrounding conflict. Neo-realism in the context of this study focuses upon describing the inevitability of the security dilemma as it relates to conflict and the effects of states' interests on international cooperation. In contrast, neo-liberal institutionalism is used to examine international cooperation and how it can be utilized to develop measures designed to address conflict. The reason for outlining the two theories is in order to understand how the OSCE's work with conflict can be assessed in the light of each theory. The case studies will subsequently be used to assess how the two theories can be interpreted in real life situations.

The two theories stem from the Anglo-American tradition that has dominated discourse in international relations. The theories were chosen for pragmatic reasons, they both take a clear and testable position on the role of international organizations and have explicit views on the utility of international cooperation. The two approaches have influenced mainstream thinking on how the OSCE is understood. Policy makers appear to intuitively hold assumptions that reflect neo-realist or neo-liberal institutionalist's concepts.

Institutions which are the focus of the neo-liberal institutionalist debate have been defined as 'practices composed of recognized roles coupled with sets of rules and conventions governing relations among the occupants of these roles.' Organizations are a sub-type of institutions, being 'physical entities possessing personnel, equipment, budgets' and so forth. In turn, international organizations are 'material entities established by groups of states to pursue specific goals of interest to their members' (Young 1995 p201).

International institutions vary in their levels of effectiveness. Where participants share values and possess similar political systems the results are likely to be more effective. Where participation is more diverse a lack of a deep and shared commitment may be noted (Keohane 1998 p91). The cumbersome nature of OSCE decision making based on achieving consensus amongst its large and heterogeneous participating states appears less likely to produce radical policy and lends support for cautious and incremental policies that may be derived from adopting tenets of either or both of the two theories.

### **Neo-realism and neo-liberal institutionalism**

Neo-realism and neo-liberal institutionalism can both be seen as problem solving theories. This involves taking the world as given and attempting to find solutions to problems within the established order. Both theories are epistemologically positivist and rationally deductive (Cox 1992 pp169-173).

The two theories recognize the condition of anarchy in the international system. This means that there is no higher authority above states to control, regulate or define the behaviour between states in the international arena. The fundamental difference, however, between the two perspectives is the emphasis that each places on how malleable the concept of anarchy can become through institutionalized intervention



in the international system when channeled through systems of cooperation. To neo-realists the order that arises from the state of anarchy stems from the interests of the dominant powers, along with the ways in which power is manifest in the international system. 'There is no governance or standards that are divorced from these considerations' (Wayman and Diehl 1994 p255). Neo-realists suggest that decisions taken regarding institutionalized cooperation merely reflect the interests of the dominant states of an international organization. Neo-liberal institutionalists agree that this can be the case but, by contrast, suggest that institutionalized cooperation is necessary in order to meet the demands brought by international interdependence. Interdependence is a strong condition in the international system. It compels states to work together in cooperative frameworks. Therefore states are interconnected through multiple channels and multiple issues creating systems of complex interdependence (Keohane and Nye 1989 pp24-25).

In terms of intra-state conflicts the effects and aftermath of internal conflicts may impact in a variety of ways on outside states making it difficult for states to isolate themselves from these conflicts. International organizations offer the potential to devise collective responses to external conflicts, reducing costs, risks and inhibitions of involvement for individual states. Neo-liberal institutionalists also assert that cooperation facilitates more subtle and sophisticated outcomes than neo-realists acknowledge, for example, by providing sustained dialogue and linkages and increased confidence regarding the anticipated patterns of behaviour between states (Keohane and Martin 1995 pp49-50).

The aim of neo-liberal institutionalism is to explain how international organization has modified anarchy in the international system by creating relationships between states with new systems of authority and thus providing levels of governance above those of state governments. For neo-liberal institutionalists international cooperation can result in mechanisms being utilized which transcend the direct control and individual interests of participating states and may aim to transform rather than

merely reflect states' interests. This can result in needs being met which would not otherwise be addressed.

By contrast, cooperation to neo-realists is inherently problematic because of the adverse outcomes that could be generated from attempting to achieve such cooperation between states (Waltz 1979 p106). 'International cooperation is embedded with a structure of competition, rivalry and insecurity' (Stein 1990 p172). Neo-realists consider that cooperation is inherently unstable. However, states according to this view, will cooperate when faced with threats and crises (Wallander et al.,1999 p4). Nevertheless, cooperation increases the risk of dependency and creates interdependency. Interdependence is interpreted by Waltz as mutual vulnerability, multiplying the conditions under which conflict could occur. However, Charles Glaser (1994/5 p52) offers what he terms 'contingent realism.' He maintains that 'under a wide range of conditions, adversaries can best achieve their security goals through cooperative policies, not competitive ones, and should, therefore, choose cooperation when these conditions prevail.'

Neo-realists imply that both dependency and interdependency can be avoided for some states. This may not however, prove to be the case in terms of the effects of internal conflicts. For example, large numbers of refugees fleeing a state as a result of intra-state conflict may force regional or neighbouring states to become involved either directly or indirectly in the conflict. This may then require the cooperation of a number of states in order to resolve issues, for example, housing refugees. Therefore, states can benefit from cooperation. In this instance, dealing effectively with a refugee crisis may be beyond the means of one particular state.

Waltz (1979 p138) states that the worst wars have been fought between states and peoples who were highly similar and whose concerns were inter linked. Not only could dependency results from interdependence but advantage could be bestowed on an allied state. If the allied state later became a foe this could lead to the other state's

demise (Grieco 1990 p47). Waltz maintains that states are concerned with 'who will gain more' from a particular course of action, therefore, 'with relative rather than absolute gains.' States are therefore concerned with counterbalancing the power of other states rather than cooperating with them. Here neo-realists maintain that states pursue a balance of power policy, 'transcend,' 'hide' or 'bandwagon' (Schroeder 1994 p116-117).

Alternatively, initiatives developed through international organization allow states to forego short term advantages by concentrating on securing long term gains (Kupchan and Kupchan 1991 p125). Neo-liberal institutionalists consider that international organizations may assist in reducing uncertainties surrounding the enforcement of agreements by enabling states to achieve collective gains. Institutions can become facilitating mechanisms through which the opportunities for cooperation are enhanced because they are able to resolve distributional issues and reassure states that gains are evenly distributed (Keohane and Martin 1995 p49). The linkage of issues enables institutions to provide states with more credible guarantees that measures will be enforced against states who decide to renege on agreements and provide an arena which is conducive to mutually beneficial exchanges (Keohane 1998 p86).

In a situation of anarchy where the concerns of states may be with relative as opposed to absolute gains, institutions can remove the concern that cooperation may yield unequal gains. Cooperation is facilitated because a failure to cooperate may result in adverse consequences, for example, 'if your refuse to work with others they may work together and gain even more relative advantages over you than they had otherwise' (Milner 1995 p484). In this regard the provision of information about the distribution of gains resulting from cooperation may be particularly important (Keohane and Martin 1995 p45). Where situations are complex and concern different states as intra-state conflicts do, institutions may become coordinating mechanisms and provide 'constructed focal points' that make cooperative outcomes possible. The development of a complicated network of institutionally sanctioned



relationships provides the means by which conflicts can be diffused and discussed (Ned Lebow 1995 p42).

In cases where there are even balances between states in terms of the power they possess and where their interests may conflict, international organizations may facilitate relationships by enabling leading players to adopt stable relationships by preventing the escalation of local conflicts and by monitoring the levels of compliance with for example, arms control agreements. In addition, international organizations may provide 'impartial channels of communication and opportunities to work out face saving devices' (Young 1968 cited in Young 1995 p202).

### **The security dilemma and neo-realism**

A central tenet of neo-realism is the notion of a security dilemma which is perceived as one of the causes of inter-state and intra-state conflict (Herz 1950 pp157-158). Whereas neo-realists attach inevitability to the concept, neo-liberal institutionalists consider that the problems inherent in the security dilemma can be moderated and in some circumstances overcome.

To neo-realists states are unitary and rational, autonomous and sovereign and concerned with their own survival (Grieco 1988 p488). States are free to make their own choices given their own particular constraints and situation. Choices are made according to the strategy states consider will best serve their interests, which is often complicated by competing and conflicting choices (Stein 1990 pp15-21). This creates dilemmas in a state's choice of policy direction. Neo-realists assume that states automatically know what is in their best interests and possess the necessary information with which to make informed choice. Unaccounted for here is the issue of whether states possess leaders who may act against the interests of their states because the need to secure their own position takes precedence. This may be

relevant to intra-state conflicts where, for example, securing an ethnic power base becomes more important than a broader more elusive concept of national interest.

Neo-realists emphasize maximizing military security. Competition spirals as states seek to collate more power than other states and ultimately more than they can utilize. The resources of a given state may prove threatening to other states who will respond by increasing their own military resources. Because relative power is difficult to determine and assess, resources that are deemed as a defensive capability to one state will appear as an offensive capability to another. This triggers the 'security dilemma' whereby a state seeking to increase its own security increases insecurity between itself and neighbouring states due to the reaction that it provokes in other states (Posen 1993 p104). Attempts to ameliorate the security dilemma will prove to be futile because states cannot risk another state's cheating. This could leave the state at a military disadvantage and open to conquest by other states.

The security dilemma has been transposed by neo-realists from an inter-state to an intra-state setting. This has occurred since the end of the Cold War as neo-realists have sought to tailor neo-realism to explain the new circumstances that have emerged in Europe. The security dilemma, however, is not strictly transferable to intra-state conflict because groups within states 'rarely find themselves in a situation of anarchy.' However, where groups launch an effective challenge to a government's authority a situation resembling anarchy can prevail. In cases where domestic groups or organizations threaten a government's ability to protect its people and the group or organization's leaders possess the ability to offer alternative forms of protection, such leaders have assumed enough of the attributes of sovereignty to propel a security dilemma (Kaufman 1996 p151).

In other words, where central government becomes ineffective, groups, religious, ethnic or national will provide for their own security. This then creates a self-help system at the domestic level resembling the international system (Roe 1999 p189).



For example, when the former Yugoslavia disintegrated rival groups were placed in an anarchic setting. This heightened fear and encouraged different ethnic groups to use force to improve their relative positions. Territories controlled by one ethnic group also contained enclaves populated by rival ethnic groups. This in turn exacerbated tensions and led to the phenomenon of ethnic cleansing (Walt 1998 p35).

In such situations distinctions between the offensive and defensive capabilities of states (or groups within states) remain blurred. Groups who seek to protect themselves from the uncertain intentions of their neighbours may unwittingly provoke their neighbours onto the offensive because the neighbouring side may view the build up of military resources as a sign of an impending attack. This state of affairs may be exacerbated because the history of each sides' behaviour in past conflicts may be the only indicator of possible future courses of action that the opposing groups possess (Posen 1993 pp104-107). Thus, the security dilemma renders conflict diplomacy that much more difficult.

Implicit in the security dilemma is the idea that perceptions held of rival groups' behaviour in accruing arms equates to aggressive intentions even though the other side may not be aware that their behaviour is being construed as such. This implies that the security dilemma can be caused, as is any resulting war, through misperception rather than the outright desire to bring about war. There is nonetheless, an inevitability in this analysis that does not seem to be borne out in practice. States or groups developing their military resources are not necessarily prone to war. This may in part be due to the contribution made by international institutions in mitigating the security dilemma between states or groups sharing similar values.

The security dilemma may explain the type of reaction that is common when a conflict has reached a particular stage. It does not adequately explain the circumstances by which groups of people come to view each other with increasing

hostility. It negates the involvement of both inside forces and outside powers seeking to influence the internal events in a particular state. This amounts to a denial of the political processes involved. Such an error is implicit in neo-realist analyses which takes no account of the 'type of government, the quality of its decision making or the particular features of its leaders' (Glaser 1994/5 p55). For example, during the 1990s Croatia under Franjo Tudjman and Serbia under Slobodan Milosevic were able to manipulate and create hostility, in order to strengthen their power bases and serve expansionist aims. External involvement by Germany was designed to support Croatian independence. This in turn played a role in the disintegration of Yugoslavia. If alternative leadership styles and external support systems had been available to the former Yugoslavia in the early 1990s this may have resulted in a different set of outcomes.

### **Neo-liberal institutionalists and institutions/organizations**

Neo-liberal institutionalists maintain that states have a tendency towards cooperation and this is demonstrated through their willingness to invest resources in international organizations. Institutionalized cooperation allows states to realize common interests and solve problems. Institutions also enable states to deal with uncertainty (Wallander et al., 1999 p5). In developing cooperative measures to deal with conflicts, when these are processed through an effective international institution, states can benefit by pooling resources, reducing risks, increasing stability and security, thus providing gains, to differing extents, to the states involved. Institutional responses can add legitimacy to forms of intervention in intra-state conflicts especially when the state(s) experiencing conflict are also a member or participant of the institution in question. Comprehensive measures are now in place across Eastern Europe and the FSU designed to address different forms and stages of internal conflicts. There are, nonetheless, difficult ethical issues for states to resolve when considering intervention in the internal affairs of another state. Where



intervention is institutionalized it may be easier to resolve such issues and can serve to legitimize intervention and mitigate fears of entrapment. Direct responsibility for external involvement in an internal conflict is removed from individual states and instead becomes the collective responsibility of the institution's members. Institutions provide states with an increased choice of alternative responses to inaction or unilateralism. Outcomes are affected because the power resources derived from an international institution which states can utilize to develop responses are changed. For example, the North Atlantic Treaty Organization '(NATO) is far more than the sum of its national militaries' (Wallander et al., 1999 p9). Institutions and processes can in the long run transform and change both structures and systems (Mottola 1993 p5).

Although cooperation entails costs, such costs may be higher if states refuse to cooperate than if they comply. If cooperation is to be effective at a multilateral level it may require regulation by law and institutional procedures which give states confidence to engage in cooperation. Institutions can facilitate cooperation because they can 'provide information, reduce transaction costs, make commitments more credible, establish focal points for coordination, and in general facilitate the operation of reciprocity' (Keohane and Martin 1995 p42). Because institutions can create and convey information to states this can become a source of influence (Wallander et al., 1999 p9).

Inter-state cooperation, when institutionalized through an international organization, makes it possible for states to coordinate responses to intra-state conflict. Rather than relying on bilateral responses or the ad hoc efforts of groups of states responding to individual conflicts, an international organization charged with developing a conflict management programme can establish comprehensive measures designed to address internal conflicts. Such programmes can help to define new international norms and acceptable modes of behaviour. For example, when an intra-state conflict develops, an international organization can respond using measures that have gained

international legitimacy and acceptance. Such measures have gained legitimacy because they have been devised with the agreement of the organization's participants. Where states are influential in shaping norms within an institutional setting and behave according to these norms such states can be said to command 'soft power' (Nye 1990 cited in Wallander et al., 1999 p9). If other states accept these norms their preferences and ideas of self interest can be affected (i.e changed) (Wallander et al., 1999 p9).

The contribution of neo-liberal institutionalists towards understanding intra-state conflicts lies in applying ideas underpinning the utility of institutions and organizations to situations of internal conflict. Neo-liberal institutionalists are concerned with creating structures to devise systems of governance in the international system. They emphasize that existing structures can be modified to work more smoothly reducing the conflictual nature of international relations and providing mechanisms to allow cooperative behaviour to function more smoothly in an anarchic system (Cox 1992 pp172-173). These ideas stem from a body of thought which considers that through law, organization, exchange and communication, peace and security can be enhanced. This can be achieved through the development of political, economic, social and cultural relationships between states (Goldmann 1994 pp19-32). It is therefore possible to extend these ideas to examine how cooperation between states when channeled through an international organization can allow conflict prevention, management and resolution techniques to be applied within states.

Neo-liberal institutionalists do not argue that cooperation is easy to achieve for if so there would be no need for institutions to facilitate it. Keohane (1988 p291) argues that international institutions are significant because of the function they perform in producing a platform whereby the 'potential value of the agreements and the difficulty of making them' are brought together. Cooperation then occurs 'when actors adjust their behaviour to the actual or anticipated preferences of others,



through a process of policy coordination' (Charles Lindblom cited in Milner 1995 p467).

Neo-liberal institutionalists maintain that states are rational egoists who operate in an international environment where agreements cannot be legally enforced. In this atmosphere neo-liberal institutionalists consider that cooperation between states can occur if states share 'significant common interests' (Keohane and Martin 1995 p39). They do not argue that cooperation will always result from collective or cooperative agreements but that 'in conjunction with power realities' institutions can make a significant contribution to facilitating cooperative relationships between states. The impact of international institutions on the outcomes they seek to influence is variable according to the nature of power and interests they seek to affect (Keohane and Martin 1995 p42). Institutions may be more important in some issue areas than others. Cooperation can vary according to the issues addressed and can vary over time (Axelrod and Keohane 1986 p226).

In describing the function of an international organization Harold Jacobson (1984 cited in Goldmann 1994 p39) makes five points. International organizations are informational, normative, rule creating, rule supervisory and operational. Karns and Mingst (cited in Goldmann 1994 p39) distinguish between the functions of agenda setting, norm setting and dispute settlement. In addition, policies are harmonized, and frameworks for communications developed (Claude 1965 p8). This means that by establishing 'informational structures' international organizations are able to establish the principles that form the basis for procedures designed to reduce conflicts along with the ability to decipher whether a government is acting in a legitimate or illegitimate manner (Keohane 1998 p191). These structures can be valuable in providing means to address intra-state conflict.

International organizations may become a substitute for states as an object of allegiance (Goldmann 1994 p39). They may offer a means of multiplying previously



polarized identities, providing links across divides. Minorities can be provided with a platform to address their grievances above the jurisdiction of their own governments. Therefore, international organizations become a means through which a state can be held accountable for the treatment of its citizens. The international organization is itself accountable to its participating states. International organizations may exert influence on governments in order to modify or change domestic policy. For example, dialogue between the European Union (EU) and the Czech Republic has aimed to improve the rights and treatment of Roma minorities within that state.

Institutions can become 'providers of information and communication, developing pools of expertise that offer new approaches to complex issue areas' (Keohane and Nye 1974 p240). These facilitative roles may take the form of helping to prevent the escalation of local conflicts, to police arms control agreements and to resolve or manage crises involving leading players by 'providing impartial channels of communication and opportunities to work out face saving devices' (Young 1995 p202).

'Institutions change as a result of human action, and the changes in expectations that result can exert a profound effect on state behaviour' (Keohane 1989 p10). They create hidden linkages that would not otherwise exist, these provide retaliatory mechanisms against cheating and provide an atmosphere conducive to mutually beneficial exchange (Keohane and Martin 1995 p49). This over time can lead to stable expectations of how states will behave (Axelrod and Keohane 1986 p277).

'Cooperation occurs when actors adjust their behaviour to the actual or anticipated preferences of others, through a process of policy coordination. Policy coordination implies that the policies of each state have been adjusted to reduce the negative consequences for other states.' Institutions therefore appear essential if sustained cooperation is to be nurtured (Keohane and Martin 1995 p50). Cooperation 'requires that the actions of separate individuals and organizations - which are not in pre-

existent harmony be brought into conformity with one another through a process of policy coordination' (Keohane 1988 p281).

Neo-liberal institutionalists maintain their approach is particularly applicable to security issues because it 'revolves around the role of institutions in providing information' (Keohane and Martin 1995 p43). This can prevent states (or groups within states) having to rely on worst case scenarios when assessing their relationships with other groups or states. This operates against the security dilemma by providing for openness and transparency. Institutions can provide neutral environments where parties to a conflict (who may be non-state actors) can gain access to a legitimate platform to address issues at the international level.

Less positively, cooperative initiatives may be subverted to produce outcomes that privilege the few at the expense of the rest and can increase inequalities in some cases (Axelrod and Keohane 1986 p252). Multilateralism can operate 'as an instrument for institutionalizing the core-periphery structure of domination' (Cox 1992 p176). A number of particular problems have been noticed in attempts to achieve cooperative outcomes. Firstly, the degree to which there is a mutuality of interest; the prospect of how the future could be presented and the number of actors who fail to cooperate because the application of sanctions may prove costly in such cases. It remains unclear as to the extent to which defecting governments or groups are punished (Keohane 1988 p292). Problems may occur regarding how to measure whether states behave in the desired manner (Axelrod and Keohane 1986 p253). Negative effects can also arise in other forms. The case of the much criticized United Nations (UN) peacekeeping operation in Bosnia provides one such example. When an institution is incapable of meeting the demands of a mandate assigned to it disastrous consequences can result (Wallander et al., 1999 p9).



## Conclusion

Neo-realism and neo-liberal institutionalism both offer different perspectives on the utility of international cooperation with regard to intra-state conflict. The claims made by neo-liberal institutionalists in this regard are both qualified and modest. Neo-liberal institutionalists assert that international organizations must be of significance (even if that significance is the pursuit of self interest) in order for governments to invest resources in them (Keohane and Martin 1995 p47). This appears to suggest that there is a role for international organizations in dealing with internal conflict. Widening concepts of states' interests and their attendant security will allow for new norms of what is classified as acceptable domestic and international behaviour to emerge. International organizations have a role to play in fashioning responses to these emerging norms.

Applying these insights, it can be argued that organizations like the OSCE offer states multilateral approaches to dealing with conflicts. Problems exist in ensuring states' compliance with decisions (Young 1995 p203). Nonetheless, 'even an unchallenged superpower such as the United States (US) would be unable to achieve its goals through the bilateral (and unilateral) exercise of influence; the cost of such massive 'arm twisting' would be too great' (Keohane 1998 p83).

In the absence of organizations like the OSCE, neo-realists would argue that conflict situations may still produce optimal outcomes because conflicts would remain localized and would be less likely to be inflamed through international involvement. By contrast, neo-liberal institutionalists would assert that early forms of intervention serve to lessen the likelihood of conflict escalation, reduce the costs of long-term involvement and reduce the subsequent risk to lives. Therefore, international organizations have the potential to develop concerted responses to conflict. However, the effectiveness of an international organization is dependent upon the



expectations held by member or participating states and the level of commitment displayed in achieving such goals. The most fundamental problem has been that knowledge of impending or actual conflicts and methods to address conflict are independent processes from those of a willingness to consider and devise appropriate responses. A narrow application of neo-realism could see the OSCE only intervening in conflicts where the interests of the OSCE's major players are at stake. In practice, however, it will be seen that the OSCE has developed widespread involvement in many states across Eastern Europe and the FSU where the interests of prominent participating states appear to be only marginal. OSCE participants have, however, an interest in ensuring that economic and political stability prevails across Europe. The low key preventive projects that the OSCE has been particularly involved with are indicative of a serious attempt to deeply embed into the structures of recipient states Western political, economic and cultural values, however remote the possibility may be of achieving such aims.

In subsequent chapters, the two theories outlined in this chapter will be applied to the case studies in order to demonstrate how OSCE mechanisms can be seen to be operating in low intensity through to major conflict. These ideas will be discussed in the thesis's conclusions which will outline the extent to which either theory can be seen to be relevant to each individual case study and to policies within the OSCE. The underlying idea being to make an assessment of the how theories are manifest within the workings of the OSCE and to arrive at general conclusions about the organization in relation to its work with intra-state conflicts.

The focus of this chapter has been on cooperation and obstacles to it, especially the security dilemma. The next chapter continues this type of analysis and seeks to address what is meant by conflict and the various forms that it may take. It will examine ideas centred on conflict prevention, management and resolution. The chapter look at methods of managing conflict starting with concepts of cooperative security through to types of domestic political systems.

## **Chapter Two : Conflict prevention, management and resolution**

Processes to prevent, manage and resolve conflict operate constantly and largely unobtrusively within societies, governments and at the international level. Conflict regulation processes are intrinsic features of political systems. Political systems are in turn, a means through which diverse issues and competing demands are met and reconciled. It is when levels of conflict are perceived as threatening or involve increasing levels of violence that the political mechanisms involved in preventing, managing or resolving conflicts are tested and come under increasing scrutiny.

During the 1990s conflict prevention, and to a lesser extent conflict management and resolution, have provided the means through which the OSCE has redefined its role and found new purpose in the post-Cold war period. This has involved a reorientation of the organization's structures and policies as it has sought to devise cooperative measures designed to address actual or potentially violent conflicts that have emerged largely in an intra-state form. It might be argued that the OSCE would have become redundant in the post-Cold War period without this new mission. The ability of the OSCE to adapt to changing circumstances in Europe and the FSU and to play a relevant role in developing conflict management initiatives has allowed the organization to retain its credibility as an international security institution.

This chapter will start by examining the concept of cooperative security. The ideals associated with this concept have helped to shape contemporary conceptions of the OSCE. The chapter then progresses to look more closely at what is meant by forms of conflict management, the implications of applying different types of conflict management along with a consideration of the ethics involved. Also included within the chapter is a brief discussion of how conflict within states has traditionally been managed. This chapter aims to give context to subsequent chapters which deal with specific aspects of conflict management as they relate directly to the OSCE.



## **Cooperative security**

As an intergovernmental cooperative security mechanism, the OSCE seeks to regulate the behaviour of its participating states by offering a series of channels through which standards are set, disputes filtered, norms established and solutions to problems are sought. The work of the OSCE is based upon the belief that an environment conducive to cooperation can more easily be achieved multilaterally than by states acting in isolation. It is on this basis that conflict management programmes have been developed.

Gareth Evans (1994 pp 6-7) sets out some of the ideals upon which concepts of cooperative security are based. A cooperative security organization consists of three components. Firstly, it can include a concept of collective security. This is predicated on the belief that member states collectively refrain from the use of force and jointly aid any member state which is attacked. The OSCE does not strictly embrace the concept of collective security, primarily because the organization lacks a military capability. Neither does it support a principle designed to automatically defend a state which has been attacked. The OSCE does offer, however, other forms of collective censure. The OSCE's suspension of the rump Yugoslavia in 1992 can be offered as an illustration of how the organization may choose to deal with a participating state acting against OSCE principles.

Secondly, cooperative security embraces the concept of inclusive security where security is achieved with others and not against them. The principles upon which the OSCE were founded were considered to embrace values that are broadly reflective of European ideals and to which states purport to support in principle. This has led to the organization adopting inclusive rather than exclusive policies. Participation within the OSCE subjects states to processes of inculcation and monitoring in order to eventually acquire the accepted values. This approach is founded on notions of



assumed unity rather than division or difference. Within the OSCE there is no equivalent of the UN Security Council where politically powerful states can take key decisions on behalf of the organization's membership as a whole. Attempts to foster inclusive policies within the OSCE can also be seen through a consensus decision making process promoting equity between participating states.

Finally, cooperative security is suggestive of the idea of comprehensive security. This is a holistic concept where attention is paid to different levels of security that include political and diplomatic matters along with issues relating to trade, economics, human rights and the environment. Such ideas expand traditional concepts of security away from narrow military interpretations. In part, this reflects a growing awareness that a range of issues can contribute to situations of conflict. The OSCE has concentrated on addressing political and human rights issues although limited attention is paid to other areas, for example, environmental matters. Issues surrounding trade and economics have received minimal attention being essentially the remit of other international organizations like the EU.

Cooperative security suggests 'consultation rather than confrontation, reassurance rather than deterrence, transparency rather than secrecy, prevention rather than correction and interdependence rather than unilateralism' (Evans 1994 p7). Schelling (cited in Mitchell 1981 p140) however considers that results may be difficult to achieve through a cooperative security system. For a cooperative security system the 'problems of compelling an adversary to act in a desired manner are far more complicated than those involved in deterring an adversary, so that he refrains from action.' Thus, within the OSCE security commitments are agreed between participants but in practice OSCE states vary widely in their ability to meet the requirements of the organization's principles and ideals.

Furthermore, a cooperative approach to security issues does not prevent adversarial relationships between participating states developing. However, it does provide the

mechanisms through which such disputes can be monitored, regulated and resolved. Implicit in the concept of cooperative security is an assumption that it is possible to devise constructive rather than merely reactive courses of action when situations of actual or potential conflict are present. This is reflected in the OSCE by the increasingly strong emphasis the organization places on early warning systems and conflict prevention measures. Cooperative security offers the potential for a more controlled approach to issues of conflict than would the sole reliance on deterrence.

The OSCE is constrained in its actions and remains unable to undertake a comprehensive commitment to cooperative security. Aside from the reasons outlined above, the OSCE's work is limited by the low level of resources with which organization is expected to function. The OSCE can nonetheless be construed broadly as a cooperative security organization, even though the criteria outlined by Evan's model are only partially fulfilled.

From outlining the fundamental tenets of cooperative security which are concerned with managing conflict, it is to definitions and ideas surrounding concepts of conflict that this chapter now turns.

### **What is conflict?**

Conflict can be defined as a product which results from a clash of interests, goals or ideas. Anthony Groom (1992) states that 'all human transactions can be placed on a spectrum which runs from pure conflict to pure cooperation.' It is rare to be at either end. Conflict possesses both positive and negative attributes enabling processes of change to occur. This can allow new ideas to arise and reformulations to be made of the means by which need is perceived and met. Most conflicts are transformed peacefully and do not lead to violence.



Conflict can be perceived as comprising three components: structure, attitudes and behaviour (Galtung 1989 cited in Miall 1992 p51). The structure is the situation of conflict which includes the parties involved and the issues of contention. The attitudinal component reflects the way that parties perceive the conflict and each other, for example, negative enemy images. The behavioural component reflects the parties actions towards each other. In order to prevent or manage a conflict one or more of these components needs to be addressed. In order to resolve a conflict the three components need to be acted upon in unison.

Two types of conflict have existed throughout history. The one regarded as universally 'normal' has been the competition between states or legitimate political authorities. The second type are wars between whole peoples or classes which have proven to be the more bitter and protracted especially when intertwined with rivalries between states (Smith 1986 p63). The post-Cold War environment, in particular, has seen volatile situations both within and between states resulting from an intermingling of these two types of conflict. Where these conflicts have arisen this 'indicates that a state has failed to govern itself - that is to meet the needs and aspirations of its people and to effectively accommodate and reconcile the demands of competing groups within the framework of economic growth and stability' (Kumar 1997 p4).

Failure to accommodate the needs of minority groups within states has contributed in some cases to the onset of violent conflicts stemming from the desire to secure self determination or to maintain territorial integrity. The role of the OSCE is of particular relevance here because it is one of only a few international organizations concerned with examining the tensions between self determination and territorial integrity and their implication for conflict management programmes. Tensions over these two key OSCE principles are present within the cases cited in this study. The cases of Bosnia-Herzegovina, Nagorno-Karabakh and to a lesser extent Macedonia



raise questions for the OSCE in particular on how to devise suitable approaches to such conflicts.

Reasons to suggest why conflict arises can roughly be divided into three sets of ideas. To the strategist, conflict arises from an inherent drive for power, dominance or from the security dilemma. Therefore its prevention relies on deterrence. These views are reflected within the neo-realist paradigm. The conflict researcher assumes conflict arises subjectively resulting from 'incomplete knowledge and the choice of incompatible policy outcomes' (Groom 1992). These are dependent on choice and can be avoided. This approach reflects neo-liberal institutionalist thought, where an organization like the OSCE has, for example, the potential to provide information thereby reducing potential points of conflict arising from a lack of knowledge or the failure to achieve transparency. Conflict also arises from a clash of ideas. The Cold War was illustrative of a clash of ideologies. Neo-liberal institutionalists consider that shared ideas promote cooperation. To the revolutionary, conflict results from structural incompatibilities. Peace can only be achieved when it is not disguising structural oppression (Groom 1992). This is similar to Johan Galtung's (cited in Miall 1992 p39) concept of 'structural violence' whereby economic, social or political conflict may be an equally dangerous threat to life as overt violent conflict. Here solutions are considered by revolutionaries to lie in dismantling or replacing old systems and constructing new ones.

These various ideas share similarities with the ideals underlying cooperative security, where there is an awareness that security is a multi-faceted concept. In order to address such conflict, attention needs to be paid to its various components. A distinction can be drawn here between armed violent conflict and 'the haphazard infliction of suffering through economic forces' (Miall 1992 p45). Concentrating on potential or overt violent conflict can mask the violence and suffering that is perpetuated through economic systems. One example of this is the cumulative effects resulting from practices such as the international application of interest based

financial transactions and debt management policies enacted through institutions such as the International Monetary Fund (IMF) and World Bank.

### **Conflict prevention**

Conflict management can be used as a generic term to encompass conflict avoidance, prevention, containment, suppression and resolution. Conflict management can also be used in a specific sense in order to refer to a particular way of handling a conflict. It is often alluded to in a similar way to conflict containment, or regulation, meaning that the conflict is not resolved but kept within permissible boundaries, spatially or politically.

Making distinctions between forms of conflict management does not mean that they are necessarily separate and distinct when applied to real conflicts. Looking firstly at the concept of conflict prevention, it may for example, be difficult to detect whether an activity can be classified as conflict avoidance or prevention (Mitchell 1981 p279). Conflict prevention moreover is distinctly different from conflict resolution because conflicts 'which do not have the time to be formed cannot be resolved' (Miall 1992 p43). However, conflict prevention is often referred to when discussing post conflict reconstruction. Here a conflict may have been resolved or settled but the primary concern is with preventing further conflict.

Conflict prevention can be defined as processes devised to avert behaviour likely to lead to a situation of conflict. It can also be seen as a means to confine behaviour within permitted limits. This could encompass conflict suppression through, for example, the imposition of economic and political measures such as sanctions (Mitchell 1981 p263).



Where a conflict is prevented such action can bring into question the legitimacy and ethics of preventing a conflict which may be considered to be 'just.' In Europe, ideas of 'just war' are derived from medieval concepts of 'jus ad bellum' outlining ethical reasons why war could be pursued (Howard 1977 p17). An example of a 'just' conflict might include instances where an ethnic group resists forced assimilation or genocide, for example the Muslims of Bosnia. If a particular ethnic group was denied the ability to resort to war and the conflict was suppressed or prevented to the advantage of the dominant ethnic group, without consideration for the demands and rights of the other ethnic group(s) involved, this type of situation could result in continued discrimination, repression or forced assimilation. Such conflict can appear in different forms, for example, struggles for independence, revolts or armed resistance against economic and political oppression, clan warfare, 'economic warlordism, organized crime and ethnic strife' (Costy and Gilbert 1998 p15).

Conflict prevention measures may prove to be both beneficial and benign. States remain, however, inherently suspicious of external interference and meddling in their internal affairs (Munuerva 1994 p99) especially in cases where intervention can be used to further the self interest of major powers (Buzan cited in Reychler 1994 p3). There remains an awareness that the self interest of states is 'still far from being equated with the concept of the welfare and stability of the international community.' States are concerned that initiatives involved in concepts of conflict prevention may require the 'use of military force for peacekeeping or peacemaking and thus there is a fear of military interpretations of conflict prevention measures' (Reychler 1994 p3).

Initiatives aimed at preventing conflict may also allow violence embedded in the structure of a state to continue and can thus result in the continuation of undesirable, inequitable or exploitative relations. This type of situation could occur where external support is offered to a regime that in turn oppresses or discriminates against sections of its population either on political, ethnic, religious or class grounds.



The implementation of measures designed to prevent conflicts can also be complicated by the difficulties involved in attempting to predict where a conflict is likely to occur and/or to escalate. Conflicts do not develop evenly which makes predictions of when tensions are likely to heighten or subside difficult to determine (Miall 1992 pp44,61).

Distinctions can be drawn between 'hard' and 'soft' measures designed to prevent conflict. 'Soft' or long-term measures may be more appropriate in cases where tensions between parties have not reached a critical stage as opposed to 'hard' measures that may be more suitable in cases where the outbreak of armed conflict appears imminent. 'Soft' approaches to conflict prevention include measures currently used by the OSCE such as in-country missions, fact finding missions and the work conducted by the High Commissioner on National Minorities (HCNM). These types of approaches can offer direct mediation, good offices and exert a stabilizing effect through an established international presence. Other international organizations are able to offer additional facilities, for example, the Council of Europe (COE) offers technical expertise. The prospect of EU and NATO membership and offers of economic assistance are also considered examples of mechanisms of conflict prevention (Munuerva 1994 p88) and can be applied in order to enhance economic and political stability. This type of approach has been in evidence through the EU's policies towards Hungary, Romania and the Baltic states. Such measures have the additional attraction in that they are undertaken with the consent of the state concerned and are designed to facilitate dialogue, communication and transparency rather than creating confrontation.

The application of 'soft measures' allows for the expansion of international intervention into the internal affairs of states, thus affecting their sovereignty and autonomy. Where such forms of intervention involve extensive, multi-sector, long term action this may translate into a 'more permanent, penetrative form of foreign interventionism' (Costy and Gilbert 1998 p15). Tension could also exist between the

desire to promote conflict prevention policies and the need to allow parties to a conflict to take increased responsibility for the conflict and its resolution (Costy and Gilbert 1998 p15). However, if consensus can be achieved this provides further opportunities for players seeking to use international organizations in order to develop political integration between participating states in other issue areas. Investing political interest and resources in conflict prevention measures can therefore become a means to achieve other political goals.

The effectiveness of conflict prevention is dependent initially upon problems being brought to light through competent early warning systems (Findlay 1996 p35). Although individual states like the US possess extensive intelligence gathering agencies like the Central Intelligence Agency (CIA), there has been a failure between states and international organizations to share and effectively utilize intelligence regarding impending conflicts. These issues are compounded by 'an inadequate understanding of conflict dynamics' (Reychler 1994 p9). The OSCE has played an increasingly active role in developing forms of early warning systems through the intelligence gathering work of fact finding parties, in-country missions and the HCNM.

Where early warning systems are in operation there remains the issue of how to create the political will to act upon information received. It is also difficult to make accurate predictions of possible future events. It may prove problematic to mobilize support in order to meet a potential threat that may not materialize. In addition, where conflict prevention is successful there remains a need to sustain the interests of politicians and the media (Findlay 1996 p3). This means that it is desirable to establish institutionalized 'political forecasting and contingency planning' along with a need to promote 'the development of future orientated thinking' (Reychler 1994 pp11-12).



Early warning systems are also problematic because they have the potential to become intrusive forms of surveillance. Intrusive surveillance could serve to exacerbate issues through for instance an increased scrutiny of one particular group of the population. Minority groups with ulterior political motives may manipulate situations of external scrutiny in order to further their own political goals. An international organization finding itself in the middle of a conflict between a government and a non-governmental group may inadvertently exacerbate a conflict 'by bolstering the position of the minority group and leading it to harden its demands' (Chigas 1996 p31).

Investment by international organizations in conflict prevention measures may appear to be a more politically expedient and economically cost effective way of preventing long term expenditure and engagement in ongoing violent conflicts. However, wealthier states are largely self absorbed and predominantly concerned with economic issues because self interest and materialism is the major concern of their electorates. Nevertheless, an overriding interest in economic concerns can in itself act as a conflict prevention mechanism according to the tenets of realpolitik because it 'limits the causes of wars and large scale military intervention to circumstances where interests or assets are actually threatened and thus imposes a degree of rationality on the use of force' (Hirst 1994 p181).

Turning now to 'hard' measures, these include mechanisms designed to implement forceful policies. Diplomatic measures can include international conferences, such as those at Dayton and Rambouillet. Economic pressure can also be applied. This may take the form of sanctions. There is however, a great deal of skepticism regarding the extent to which sanctions are effective. Increasingly attention has been drawn to the detrimental impact of sanctions on civilians populations. Examples of such destructive action are evident in the effects of UN sanctions against Iraq. Frequently, however, a combination of strategies is used including economic inducements or punishments alongside military measures (Regan 1996 p340). In

order to implement strong measures rapid and coordinated responses are required along with high levels of resolve by collectives of international groups (Munuerva 1994 p88). This has led in Europe to the setting up of rapid response units and missions of preventive deployment as in Macedonia. However, issues of sovereignty constrain the options available to international organizations or states regarding 'hard' preventive measures (Munuerva 1994 pp94-95).

### **Conflict regulation or containment**

Conflict regulation, or containment is designed to limit conflictual behaviour within parameters of 'set, recognized and often accepted rules of action,' (Mitchell 1981 p263). This can include crisis management, the aim of which is not to resolve the conflict but to 'limit and contain the intensity of the conflict' (Miall 1992 p42). This type of policy was in evidence throughout the wars involving Bosnia, Serbia and Croatia during the early to mid 1990s. Here international policies while seeking to develop peace proposals focused upon containment by preventing the conflicts spreading to the wider Balkan region.

Where containment or regulation of a conflict require peacemaking or peacekeeping measures there are a number of potential obstacles to the effective implementation of such programmes. For example, the difficulties of persuading states or international organizations to consider such forms of response in cases where their perceived interests in a particular conflict may be minimal. This may result in ineffectual policies, a reluctance to make commitments to large scale expenditure or to risk the lives of military personnel. Implicit in approaches advocating forms of intervention is the idea that concerted international responses to violent conflicts can result in better outcomes to a particular conflict than non-intervention. This is a complex issue. Where international responses are involved there is a problem over the individual interests of powerful member states obstructing containment measures.



The interest of an external state in conflict regulation is not always incompatible with the goal of conflict regulation. Such interests can, however, direct and influence the course of action that the international organization proposes. There are issues over how to form concerted responses to conflict when state interests prevail over collective interests. This type of situation could lead to an intensification of a conflict rather than its containment or resolution. Illustrative of this type of problem was the break up of the Former Yugoslavia during the early 1990s when German interests along with the inability of other European states to agree on courses of cooperative action heightened the conflict between Serbia and Croatia.

Approaches to conflict regulation have involved a variety of measures within states. These include genocide, forced mass population transfer, partition and secession, integration or assimilation. Policies of forced mass population transfer were evident during the apartheid era in South Africa, where black South Africans were compelled to live in undesirable areas of the country. Examples of forced assimilation were evident in Bulgaria during the 1980s and were directed against the Turkish minority. This involved measures designed to eradicate both Islamic and Turkish identity. Prohibitions were enforced on cultural and religious practices such as banning the use of the Turkish language, the closure of mosques and a refusal to allow the printing and importation of the Holy Qur'an. The attempts to assimilate the Turkish minority in Bulgaria led to the death of ethnic Turks who resisted the Bulgarian government and to large scale emigration. The secular government in Turkey has in turn been accused of the brutal oppression of Islamic groups and ethnic Kurds (Ryan 1990 pp6-12).

Of a quite different order when using consensual methods there is potential for internal conflicts to be managed through hegemonic control, arbitration, cantonisation and or federalism, consociationalism or power sharing (McGarry and O'Leary 1993 pp3-5). The idea here is to create stable societies through the management of diversity. However, these approaches possess the potential to make

differences between different groups more pronounced by the continual concentration on divisive issues. Of these approaches consociationalism can be used to demonstrate one example of how states have devised mechanisms for handling internal conflicts. Consociationalism has been in existence in Belgium, Switzerland, Austria and the Netherlands. Lijphart (1984 cited in Ryan 1990 pp16-17) cites four main characteristics that constitute consociationalism. Of fundamental importance is the idea that there is a coalition of leaders representative of all the main communities. A further requirement is the ability to veto which can be enacted by all the main communities in order to ensure that legislation reflects their vital interests. Proportional representation in parliament and government agencies and a high degree of autonomy is necessary in order that each community can run its own internal affairs.

In order for consociationalism to work effectively, Lijphart outlines a number of conditions. There needs firstly to be a balance of power between the different population groups in order that no one group can dominate any agenda. A multiparty system needs to exist. The existence of clear boundaries are needed in order to prevent border disputes. However, in multi-ethnic states ethnic groups are often dispersed throughout a state and are not neatly confined to specific geographical areas which may therefore pose difficulties for this particular condition. Lijphart states that a small state may enable extensive contacts and cooperation to develop between elites. However, this does not mean that the contacts are necessarily going to prove to be favourable, as the small state examples of Northern Ireland, Sri Lanka, Cyprus and Lebanon testify (Ryan 1990 p170). There are also doubts as to whether this model is transferable to non-Western states because the only examples of successful consociationalism are to be found in Western Europe. However, more universal methods such as federalism are widely used in practice.



## **Conflict resolution**

An increased emphasis was placed on conflict resolution following the end of the Cold War. This was because major powers wanted to extricate 'themselves from local situations, which were now of lesser importance to them' and wanted to develop measures to deal with the new conflicts that were emerging (Wallenstein and Axell 1994 pp336-337). Out of 18 ongoing conflicts in Europe between 1989 and 1993, 15 were fought within the territories of the FSU and the former Yugoslavia. 'By 1994 not one peace accord had been signed in these conflicts, testifying to the availability of weapons, the complexity of the incompatibilities, and the lack of a united international stand on an appropriate solution' (Wallenstein and Axell 1994 pp336-337). This situation was a clear reflection of the need for effective international responses and to an understanding of how conflict resolution measures could be implemented. It is to definitions of conflict resolution that this section now turns.

Conflict resolution can be defined as processes which allow the underlying source of a conflict to be removed in a way that is satisfactory to the parties involved. This is, however, an ideal and most conflicts are settled rather than resolved allowing elements of the underlying conflict to remain. Conflict resolution can be used in a normative or descriptive context. Normatively, it can mean that conflict is resolved in a manner acceptable to both parties. Descriptively, conflict resolution is used to refer to the end of a conflict regardless of whether parties to the conflict find the outcome acceptable (Miall 1992 pp43-44).

In terms of resolving or settling a conflict, two stages are critical. In the early stage of a conflict, before it has had time to become entrenched, it may be possible for dialogue to take place, for parties to discuss grievances and to allow third parties to interject in order to facilitate communication and to suggest ways of developing a

conflict settlement process. Dispute settlement mechanisms may be used and reciprocal moves taken to reduce hostilities (Miall 1992 pp61-62).

The later stage of a conflict is also considered as vital for attempts at resolution. Zartman (1989 p10) has argued that in many cases a point is reached where a conflict becomes 'ripe' for resolution. Here the potential for peace is greatest when parties are in a state of hurting stalemate, where disaster is impending, where a way out of the conflict can be identified or where an effective mediator has emerged who might develop the negotiation and conflict resolution process. In such situations the costs of maintaining a conflict have risen to a level in which the parties are impelled to reach a settlement. However, settlements sought under these circumstances often mean that a conflict is merely suspended while the power relations allow for the absence of war. When the circumstances in the power relationship change war is likely to resume (Burton 1990 p89). The settlement of the Bosnian conflict can be interpreted in these terms. The Bosnian conflict was settled rather than resolved, this leaves the possibility that the conflict could be resumed when international peacekeeping forces are removed unless the peace process becomes integral to all sections of Bosnian society.

Other approaches include the work of the Harvard Negotiating Project led by John Burton. This work is based on the idea that it is not necessary to wait until a ripe moment appears but rather that 'Track Two' non-governmental forms of diplomacy can be started before this stage has been reached. This aims to develop a pre-negotiation stage wherein parties to the conflict are encouraged to arrive at analytical breakthroughs. Azar who has further developed this work found that by using these methods other components of conflict management were introduced into the process, for example, economic development and the creation of political institutions (Reychler 1994 p5).



Contrasting opinions are also offered by theorists who maintain that it is possible to resolve conflicts as opposed to those who consider that conflicts can only be managed. Theorists who consider that it is possible to resolve conflicts maintain that fundamental issues can be raised and resolved enabling the source of conflict to be removed. This is based on non-coercive approaches involving creative problem solving applications whereby parties to the conflicts are brought together to discuss issues of contention. Third parties act as facilitators encouraging the development of new types of relationships between the protagonists (Ryan 1990 p100).

On the other hand, theorists who maintain that conflicts can only be managed consider that it is unrealistic to attempt to resolve conflict. Attempts to resolve conflicts may get in the way of effective management techniques and may operate to the detriment of workable containment or peacekeeping measures. Conflict can only be contained as conditions do not allow for long term compromise between parties. From this perspective conflicts are managed through the suppression or elimination of violence. This can be achieved through coercive third party intervention devised to impose order and stability by keeping the two sides apart, for example, through ethnic separation (Ryan 1990 pp105-115). This type of approach was applied to Bosnia, where the establishment of the Republic Srpska although nominally a part of a unified Bosnian state effectively constituted ethnic separation through partition.

A number of studies conducted to determine the effect of third party involvement in conflicts revealed the following findings. Data collated by Butterworth (1976 cited in Miall 1992 pp124-126) giving information on general international conflicts suggested that 44% of all peacefully resolved conflicts involved forms of third party intervention. Butterworth's study also revealed that 'less than a third of the cases with third party intervention at the phase of peaceful conflict became wars, while half of the cases without intervention ended in war.' The research also found no significance 'between the timing of intervention and whether conflicts were resolved, partially resolved or unresolved.' An analysis of Butterworth's and other

commentators findings made by Miall found 'a strong association between international disputes and peaceful outcomes.' In the case of civil conflicts only 32% were conducted without major violence in comparison to 85% of international conflicts which involved only minor violence or were peacefully conducted. Such findings are indicative of the difficulties involved in resolving intra-state conflict. This gives substance to arguments proposing greater investment in programmes designed to prevent conflict.

### **Consolidating the conflict settlement or resolution process**

Once a conflict has been settled or resolved, attention turns to measures that can be taken to enable the peace process to be sustained. The key challenge for international involvement after a peace agreement has been finalized is to secure the continued cooperation of the parties involved. A number of factors have been cited as important to successful implementation of peace accords. These are the 'number, inclusiveness and cohesion of the parties to the accord,' the 'number and interests of external parties,' along with the nature of the 'transitional institutional framework.' This latter factor is important with regard to how an international organization can influence the post-conflict course of events. Finally, also of importance is the 'peace signatories' perceptions of their electoral chances' (Munck and Kumar 1995 pp163-164).

Measures to sustain post-conflict reconstruction were outlined, for example, in the concept of peace building in the Secretary General's 1992 UN Agenda for Peace. This is mentioned here because similar types of measures have been applied to Bosnia-Herzegovina, partially under the aegis of the OSCE. Post-conflict peace building is not however a new concept, the Marshall Plan implemented in Western Europe following the Second World War can be seen as an example of this type of work.



The aim of peace building is to construct an environment that offers political, economic and socio-psychological measures designed to promote reassurance. Peace building requires high levels of inter-party contact with the aim of building relationships between people (Reychler 1994 p6). Politically this involves measures such as election monitoring, and democracy building. Psychologically, measures such as operationalizing the media to counteract the development of stereotypes and war propaganda have been developed (Reychler and Bauwens 1994 p209). This type of approach has been utilized by the OSCE in Bosnia where peace building has involved social and political measures. A key area, economic development, (not an OSCE responsibility) has been poorly implemented. Peace building seeks to address the structural features of conflict. The idea is to enhance structural stability which has been defined as 'a situation involving sustainable economic development, democracy and respect for human rights, viable political structures, healthy social and environmental conditions, with the capacity to manage change without resorting to violent conflict.' Peace building therefore seeks to create the conditions under which 'political, socio-economic and cultural institutions(are) capable of mediating conflicts equitably, providing security and integrating social groups into the mainstream' (EU Commission report cited in Costy and Gilbert 1998 p13).

Policies of post conflict reconstruction, for example, the EU's Balkan Stability Plan, in order to be effectively implemented, require large scale economic and political commitment by external states. Where reconstruction aid is channeled through an international organization rather than unilaterally by individual states this may enhance the likelihood of sustained momentum and constant levels of specifically targeted resources vital to peace building measures. However, conditions attached to modes of assistance may impose particular forms of political and economic constraints upon the recipient state that may be devised to suit the interests of the donors rather than the recipients.

## **Conclusion**

This chapter has defined and outlined forms of conflict management. It can be seen that programmes of conflict management range from the benign to the destructive and contain within them serious ethical implications. Much of the OSCE's emphasis has been placed on conflict prevention measures which is an area that the organization has developed a reasonable competence in.

Contemporary programmes of conflict prevention, management and resolution are forms of intervention that have been legitimized and sanctioned through international organizations. Increased international scrutiny of potential or actual conflicts has occurred alongside demands by publics and politicians to devise effective policies to address conflicts and protect human lives.

The next chapter will discuss in more detail how the OSCE has been structured to address situations of conflict. In particular the mechanisms, instruments and offices of the OSCE will be described and examples given as to how they have operated in practice.



## **Chapter Three: The Conference on Security and Cooperation in Europe/The Organization for Security and Cooperation in Europe**

The purpose of this chapter is to discuss the OSCE in terms of its structure, mechanisms and instruments as they relate to its work in conflict prevention, crisis management and post-conflict reconstruction. The discussion then provides a basis for a subsequent understanding, illustrated through the case studies, of the practical application and workings of OSCE instruments and mechanisms.

The chapter introduces the OSCE by offering a brief guide to its history. The aim is to describe the function of the OSCE during the Cold War and then the changing nature of the organization as it has refocused upon demands presented by potential and actual conflicts arising in the post-Cold war period. The OSCE's ability to act effectively in preventing and managing conflicts has been constrained in part by the limitations of its mandate and also by the behaviour of a number of the OSCE's participating states towards the organization.

### **The history of the CSCE/OSCE**

What was then the Conference for Security and Cooperation in Europe (CSCE), was established in 1975 as a 'multilateral forum for dialogue and negotiation between East and West' involving thirty three European states plus the US and Canada (OSCE Handbook 1995 p7). By providing channels for discussion and dialogue involving human rights and Confidence and Security Building Measures (CSBMs), the CSCE in its early years can be seen as a forerunner of contemporary efforts by the OSCE to devise and implement procedures to manage conflict.

The CSCE arose from a Soviet proposal to convene a European security conference in order to develop economic, trade and aid links between Western and Eastern Europe, and to provide a means of establishing a predominantly European organization that was not the exclusive preserve of Western Europe. A further Soviet aim was to legitimize the division of Europe, principally that involving Germany and to draw Western Europe away from American influence. The West responded to Soviet ideas with proposals designed to balance economic and security measures with human rights provisions. The CSCE thus became a means through which the West could monitor Soviet and Eastern European domestic politics (Hurlbert 1995 (a) p10).

The original conference culminated in the Helsinki Final Act of 1975 - a set of principles, to which the participants of the CSCE process all agreed to abide. The comprehensive nature of these principles was designed to socialize participants into accepting an internationally sanctioned set of ideals. This meant that states would have clear expectations of how states should treat other states along with the manner in which they should behave towards their own populations (OSCE Handbook 1996 p5). The ten principles of the Act were as follows - 'sovereign equality, refraining from the threat or use of force, inviolability of frontiers, territorial integrity, peaceful settlement of disputes, non-intervention in internal affairs, respect for human rights and fundamental freedoms, equal rights and self determination of peoples, cooperation among states and fulfillment in good faith of obligations under international law' (Helsinki Final Act 1975).

The Final Act was divided into four 'baskets.' These covered European security; economic, scientific, technological and environmental cooperation; humanitarian concerns; and follow up issues (Zagorski 1994 p150). There was considerable overlap between the different baskets and this enabled diverse combinations of issues to be raised and discussed together at CSCE conferences and meetings.



The CSCE worked unobtrusively to devise confidence and security building measures, however it was in the field of human rights that the organization was credited with significant achievement during the Cold War period. The CSCE produced internationally sanctioned documents defining human rights. America and the Union of Soviet Socialist Republics used human rights issues in order to launch ideological attacks on each other's systems of government. Following glasnost and perestroika CSCE conferences became a mechanism for exacting human rights concessions and reforms in the Eastern bloc (Hurlbert 1995 (a) p10). Such mechanisms were considered to provide a catalytic function for the 'revolutionary processes' that swept across Eastern Europe in 1989 (Kuhne cited in Peters 1996 p95).

Following the collapse of Soviet style communism in the late 1980s and early 1990s the CSCE, along with other international organizations, was forced to reevaluate its relevance in contemporary environment in Europe. International organizations competed with each other for control over areas of competence. The ensuing political, social and economic uncertainty that had arisen throughout Eastern Europe and the former Soviet Union provided a fertile ground for conflict and tensions between different groups of people to surface. For the CSCE this provided the opportunity for the entry of the organization into the field of conflict management; an area that was closely linked to the human rights emphasis of the organization which had been stressed during the 1970s and 1980s. The CSCE rapidly developed appropriate institutions in order to secure and consolidate this role.

### **The CSCE/OSCE in the post cold war environment**

The redefinition of the CSCE saw the organization evolve from a set of revolving conferences to an institutionalized structure. The processes were inaugurated by the Paris Charter of 1990. The framework outlined within this document replaced a

number of previously ad hoc arrangements (Robertson and Merrills 1996 p186). The Paris Charter embodied a spirit of optimism that had embraced Europe following the collapse of communism in Eastern Europe. The Charter's lofty statements were seen at the time, as ushering in 'a new era of peace and democracy, peace and unity within Europe' (Duke 1994 p258). Such sentiments were also reflected in the subsequent creation of permanent institutions. From the Paris process a set of 'lightweight' institutions emerged. This was in response to governmental concerns at avoiding unwieldy bureaucratic structures which could stifle the flexibility and pragmatism of the CSCE. The decision also appeased the American wish not to see NATO undermined and the French concern that the Council of Europe's role in human rights should not be eroded (Ghebali and Sauerwein 1995 p147).

The Paris Charter also recognized an emerging pan-European concept of security, one that required 'a corresponding institutional response' (Pentland 1993 p79). This, combined with the signing in the same year of the Conventional Forces in Europe Treaty, was considered to mark the start of 'a new era of cooperation among European powers' (Hurlbert 1995 (a) p10).

### **The institutionalization of the CSCE process**

The institutionalization of the CSCE process began with the development of measures designed to manage conflict. This was a complex process enabling mechanisms to operate at differing levels. For example, procedures were put in place that enabled the CSCE to be responsive to both macro and micro situations. This was exemplified by the biennial summit meetings of heads of state and by the establishment of grass root initiatives.

At Paris, biennial conferences of heads of state were also introduced in order to review the CSCE's activities and to consider the implementation of CSCE decisions.



The review conference (before the 1994 Budapest Summit, known as a 'follow up' meeting) immediately preceding the summit produces a 'decision orientated document' for the following summit meeting of heads of state to consider and adopt (Huber 1993 p34). Review conferences are also tasked with an examination of how principles, norms and practices are implemented. This is significant because ongoing violations of commitments could signal the onset of conflict. For example, the failure of Yugoslavia to submit military data in December 1991 was an indication that forces were regrouping for aggressive purposes (Hoyneck 1994 (a) p17).

Foreign ministers meet via the Council of Ministers (since changes made at the Budapest Summit 1994 this has become known as the Ministerial Council) at least annually, and meetings of a Council of Senior officials (CSO) (since Budapest renamed the Senior Council) are convened as and when required. A Permanent Council (known from the time of its formation in 1993 until December 1994 as the Permanent Committee) is subordinated to the Senior Council and meets weekly in Vienna to give the participating states the opportunity to discuss political issues. The Permanent Council oversees the functions and decision making of the OSCE when the Senior Council is not in session. This structure enables high level meetings and discussions surrounding issues of conflict to be held regularly and convened rapidly when necessary. The Permanent Council allows participating states to discuss small issues or incidents in order to prevent them developing into greater problems (Chigas 1996 p44).

The Paris Charter also provided for the establishment of a Parliamentary Assembly. This involves annual meetings of 254 parliamentarians from participating states. The idea behind the Assembly is to assess the implementation of OSCE objectives, discuss issues addressed by other OSCE bodies along with the initiation and promotion of measures designed to further security and cooperation in Europe (Lehne 1991 p34). The Parliamentary Assembly could function to scrutinize OSCE policy and to inject new ideas into the OSCE process by parliamentarians not directly

involved in the day to day running of the organization. To date, however, the Parliamentary Assembly does 'not have any formal status in the OSCE's decision making processes' which has resulted in a 'democratic deficit' within the OSCE (Dejn cited in OSCE Newsletter June 1999).

In terms of the OSCE's hierarchy, the Ministerial Council and the Senior Council take authoritative decisions. The Office for Democratic Institutions and Human Rights along with the Conflict Prevention Centre (see below) in Vienna remain under the jurisdiction of the Senior Council. The Secretariat in Vienna provides administrative support for both Councils (Peters 1995 p73). The Senior Council can initiate crisis management measures and can instruct action to be taken in order to resolve a crisis. This can be achieved through the mechanisms devised to lead to a negotiated settlement, the use of rapporteurs or fact finding missions, or through the initiation and promotion of good offices, mediation or conciliation.

The Chair in Office (CIO) is an appointment held for one year and is rotated between states. The idea is to make the CIO 'geographically representative' of the diversity of OSCE states. The role of the CIO has been compared to that of an ambassador for the OSCE but with the additional responsibility for chairing major OSCE meetings and taking an active role in problem solving (Kemp 1995 p108). The CIO's responsibilities do not include the day to day running of the OSCE which is the concern of the Secretary General whose role is to facilitate coordination between OSCE institutions. The Secretary General supports the work of the CIO and oversees the OSCE's structures and operations (OSCE Handbook 1996 p12). The work of the CIO is also supported by 'personal representatives' who can be dispatched into areas of conflict in order to make investigations, determine possible courses of action and informally mediate. The recommendations of the personal representative have provided the basis of mandates for in-country missions (Chigas 1996 p47).



As an early warning mechanism the CIO is able to raise issues that have the potential to become contentious at an early stage (Chigas 1996 p44). The CIO provides the basis from which short term missions are developed. This office provides a flexible mandate 'to investigate situations, verify facts and opinions and prepare the ground for further OSCE involvement' (Hoynck 1995 (a)). This can take the form of sending special representatives to trouble spots or convening ad hoc steering groups. The CIO, like the Permanent Council offers sensitive structures within which issues can be raised in a way that does not inflame delicate matters (Chigas 1996 p44). The CIO can form a troika with previous and future CIO's to facilitate initiatives. The purpose of this is to aid continuity and to share expertise and experience. The Lisbon Summit in 1996 acknowledged the increased powers of the CIO in initiating and implementing OSCE policies. The CIO was, for example, called upon to legitimize the outcome of the elections conducted in Bosnia in 1996 by voicing his approval (Bloed 1997).

Intervention by the CIO is dependent on evidence of outright abuses of human rights. Such a course of action follows from the affirmation at the 1992 Helsinki Summit that 'the commitments taken in the field of the human dimension of the CSCE are matters of direct concern to all participating states and do not belong exclusively to the internal affairs of the state concerned' (Hoynck 1995(a)). As a concept 'direct concern' has been unevenly applied and appears to be at times compromised when the interests of prominent OSCE players are at stake. For example, OSCE states responded mutely to the Russian invasion of Chechnya in 1994, placing their interests with Russia above the previously lauded international commitment to human rights and stood impotently by while tens of thousands of Chechnyan civilians were brutally murdered. It was not until April 1995 that the OSCE established an Assistance Group to Chechnya. Then the work of the Assistance Group became increasingly important because it was the only international body to be working on the ground in Chechnya.

Other field activities include the work of the Personal Representative of the CIO on the Conflict Dealt with by the OSCE Minsk Conference, and a liaison office in Central Asia. The OSCE has also organized 'Assistance in Implementation of Bilateral Agreements.' This assistance programme consists of an 'OSCE Representative in the Russian -Latvian Joint Commission on Military Pensioners,' the 'OSCE Representative to the Estonian Government Commission' and the 'OSCE Representative to the Joint committee on the Skrunda Radar Station.' In addition a High Level Planning Group (H LPG) was formed to coordinate the logistics of a proposed OSCE peacekeeping operation in Nagorno-Karabakh (Survey of OSCE Long-Term Missions and other OSCE Field Activities, 26 February 1997, OSCE Newsletter, January 1997).

Returning to the more formal institutionalized structure of the OSCE, the Conflict Prevention Centre (CPC) established in 1991 was sited within the Vienna based secretariat. Initially, the role of the CPC was to reduce the danger of inter-state warfare through an open exchange of military information (Huber 1993 p30). The CPC's establishment signified that the CSCE was expanding its role in conflict prevention to go beyond promoting and managing CSBMs (Greco 1995 p10). At Prague in 1992 the political functions of the CPC were enhanced allowing the office to hold more regular meetings and its Consultative Committee was accorded more authority. The mandate of the CPC was extended beyond its military-technical remit. The CSCE Council meeting in Berlin on 19-20 June 1991 saw the CPC become the 'nominating institution within the framework of the CSCE Peaceful Settlement Mechanism.' At the Helsinki Follow-up meeting (March 24-July 22 1992) the Consultative Committee of the CPC was endowed with further preventive powers enabling the office to establish fact-finding and rapporteur missions and assist the Senior Council with peacekeeping (Zagorski 1994 pp93-94). The CPC supports the work of the CIO and OSCE decision making bodies. It now possesses wide ranging responsibilities including conducting surveys of OSCE missions (OSCE Handbook 1999 p32). The inclusion of new tasks into the CPC's mandate has made it more



competent to deal with issues arising from the prevailing political climate within parts of Eastern Europe and the FSU.

The Paris Summit also provided a mandate to establish an Office for Free Elections (OFE) based in Warsaw. This was part of a comprehensive package of measures designed to provide the states of Eastern Europe and the FSU with the means to construct liberal democracies. The establishment of the office also signaled the importance attached by the OSCE to elections as an emblem of democracy. Within the OFE information would be collated and disseminated regarding dates, procedures and election results. Its mandate was extended at Prague in 1992 when the OFE became the Office for Democratic Institutions and Human Rights (ODIHR). The new responsibilities included monitoring 'the implementation of commitments in the Human Dimension of the CSCE.' These commitments included 'a set of cooperative procedures laid down in the documents finalizing the Vienna follow up meeting in 1989, as well as the concluding documents of the Copenhagen and Moscow meetings on the Human Dimension of 1990 and 1991.' The ODIHR would 'act as a clearing house for information on a state of public emergency, elections, population censuses etc.,' it would 'coordinate the programme of support for newly admitted states', 'organize implementation review mechanisms of the Human Dimension' and 'provide assistance to the HCNM' (Zagorski 1994 p93).

Additionally, the ODIHR contributes to CSCE conflict management measures and strategies (Ghebali and Sauerwein 1995 pp154-155). One of the functions of the ODIHR is to undertake exploratory visits before OSCE missions are dispatched to those areas. The ODIHR is designed to support the CIO in preparing mandates for new missions. The work of the missions is facilitated through the ODIHR's provision of human rights documentation. At a mundane level the ODIHR offers training programmes and seminars. The ODIHR advises the media and scrutinizes its activities particularly in relation to the media's involvement in elections (Annual Report 1996 on OSCE Activities pp17-19).

The ODIHR has been widely involved in the conduct and observation of parliamentary, presidential and local elections in Eastern Europe and the FSU. In terms of the ODIHR's oversight of electoral proceedings, the office examines how electoral law is implemented, how candidates are selected, how campaigns are run and the nature of media access available to both candidates and parties. The Budapest Summit 1994 saw a further enhancement of these powers. This meeting gave greater emphasis to the long term role that the ODIHR could play in electoral observations especially with regard to strict observation of the media before, during and after elections. In addition, it was hoped to improve inter-organizational coordination of the supervision of elections (Prins and Wurzner 1996).

Where concerns have arisen over the conduct of elections, the ODIHR may attempt to address problems where they arise, make recommendations on matters of procedure and propose measures to further develop confidence and transparency in this area (Annual Report 1995 on OSCE Activities pp24-28). Despite these measures, the intense involvement of the ODIHR in all aspects of the election processes leads the office open to charges of direct interference and manipulation of political processes. For example, the CIO responding to operations carried out by the ODIHR has legitimized the conduct and outcome of elections in cases where other international bodies have advised that election outcomes be annulled. An example of this type of situation is documented in the chapter on Bosnia.

One of the more innovative OSCE posts was created at Helsinki in 1992. Whereas many of the other new OSCE bodies appeared to have been the result of ideas taken from a variety of existing international organizations, this particular mandate appeared to offer something creative and new. The post of High Commissioner on National Minorities (HCNM) emerged from a Dutch proposal. This was designed to 'link security and human rights organically' (Greco 1995 p11). The decision to adopt the mandate stemmed from a perception that issues surrounding national and ethnic



minorities were the most likely to generate conflicts (Rotfeld 1994 p228). Since the HCNM's inception in 1993, the post has been held by Max Van der Stoep, a former Dutch Foreign Minister.

The HCNM functions as an instrument of early warning and action at the earliest possible stage. The idea is to reduce tensions between ethnic groups that would otherwise lead to conflict and could endanger peace, stability or relations between OSCE states. The HCNM can respond using discreet and subtle diplomacy to reduce ethnic tensions. If the HCNM considers that a situation of tension may lapse into serious conflict he can issue an early warning to the OSCE. This provides a formal acknowledgment of how serious the situation has become (Huber 1993 pp31-32). The HCNM can make the OSCE aware that a situation of tension has reached a stage 'at which containment by the High Commissioner is no longer possible' (Zaagman 1995). This provides 'a clear mechanism for the stepping up of responses by OSCE member states to growing conflict' (Huber 1994 p27). However, an awareness of potentially serious conflict is no guarantee that constructive responses by OSCE states will be forthcoming.

The work of the HCNM involves visiting states, consultations with minority groups' representatives, government bodies, NGOs and other relevant people. The HCNM may make several visits to a region after which he will submit recommendations to the government concerned and remain informed as to the progress of the implementation of these recommendations. The HCNM can demonstrate autonomy, flexibility and discretion. The HCNM is able to tailor his involvement to the specifics of each case (Huber 1994 p25). The HCNM has, for example, devoted substantial time to dealing with the problems faced by Russian and Hungarian minorities and the situations faced by Roma communities. This has involved visits to Hungary, Slovakia, Romania, the Baltic states, Ukraine and Moldova. The HCNM's visits have also included Albania, Macedonia, and the states of Central Asia (Matejka 1996 p106).

The HCNM has thus proved to be a useful tool in the discrete resolution of festering minority issues. For example, in Estonia the HCNM applied low key diplomacy and was able to assist in the containment and de-escalation of tension. Mid-1993 saw the HCNM successfully stave off serious confrontation over the status of ethnic Russians resident in Estonia. Through consultation with the involved parties the HCNM, along with assistance from the Council of Europe, helped to ensure that amendments were made to the Law on Aliens (Mullerson 1997 p54). The HCNM by issuing assurances from involved parties also helped to 'defuse the potential explosiveness of referendums on national territorial autonomy organized by some ethnic Russians in response to the original more controversial Law on Aliens' (Huber 1994 p26). An important feature here was the support given to the HCNM by the CIO. In this instance the HCNM was mandated to make comments regarding the law (Huber 1994 p26). Another feature that has contributed to the HCNM's general effectiveness has been the close collaboration with OSCE field missions and with other intergovernmental agencies, notably, the Council of Europe. The recommendations made by the HCNM are not legally binding and are dependent on the support of the government(s) concerned for their implementation. This is not necessarily a weakness although it could be construed as such. It means that a government is 'advised' by the HCNM who cannot undermine or erode the authority of a state and does not therefore affect state sovereignty. This means that the work of the HCNM is more likely to be openly accepted by a recipient government.

The office of HCNM is not however without its shortcomings. Ingo Peters (1995 p72) notes that the HCNM's activities are subject to strict rules of diplomatic confidentiality which contrasts with the professedly open nature of the OSCE. This could possibly be justified on the grounds that confidentiality is essential to promote sensitive tradeoffs and compromises. To counterbalance concerns over secrecy the recommendations which the HCNM makes to the government involved, along with the government's responses are eventually made public if both parties agree (Edwards 1996 p44).



The HCNM does not become involved in cases where minority issues are accompanied by 'terrorist' activities. The definition of what constitutes terrorism is arbitrary. The utility of the HCNM's mandate in such situations may depend on the affected state's interpretation of the situation and the definition of terrorism applied. This can mean that, in principle, governments can effectively veto the HCNM's activities (Peters 1995 p72). It may also mean that parties to a conflict deemed to be 'terrorist' may be denied access to the HCNM. For example, had the HCNM been called upon to intervene in the earliest stages of the Chechen conflict, Russia could have attempted to veto such action by portraying the Chechen freedom fighters as terrorists.

The HCNM has nonetheless been the most highly regarded of recent OSCE innovations. The HCNM has effectively demonstrated an ability to deal with the conflicts 'between states and national minorities, whose claims are supported more or less openly by the states of origin.' This is the type of situation most easily inflamed into inter-state or civil war (Greco 1995 p11). The HCNM has been able to exert influence on the policies of states to whom he has made recommendations. This may, in part, be due to the obligation these states have in reporting on how the recommendations made by the HCNM are implemented (Matejka 1996 p106).

The lack of a cumbersome bureaucracy also allows for rapid responses 'to fast moving and volatile situations.' This is in contrast to the generally sluggish decision making processes within the OSCE. In terms of support, the HCNM can seek advice from a number of sources, the ODIHR List of Experts and the Foundation on Inter-Ethnic Relations, which was established in the Hague in order to support the HCNM. The HCNM can also draw on expertise available across the OSCE area (Edwards 1996 p45). This has contributed to enabling the office of the HCNM to develop into a versatile instrument of conflict prevention. It has afforded the HCNM both

autonomy of action along with a flexible network of supporting instruments with which to assist his mandate. (For further analysis on the HCNM see Chapter Four).

## **OSCE Missions**

In 1991, a decision was taken to observe and assess the compliance of newly admitted states to OSCE commitments, particularly those concerning the rule of law and the establishment of democratic practices. To facilitate this, early warning, intelligence gathering or rapporteur missions were sent by the OSCE to the states concerned. Other short-term missions were dispatched under the jurisdiction of the CIO (as previously mentioned). Exploratory missions can be sent with the support of several states activating the Moscow mechanism. This mechanism has been activated with regard to Croatia, Estonia and Moldova (OSCE Handbook 1996 p17). Despite what has at times been perceived by receiving states as intrusive surveillance and monitoring sanctioned by the OSCE, the affected states have not normally been in a position to refuse the missions access. The missions have been construed as representative of a legitimate expression of the OSCE's role in the internal affairs of a participating state (George 1996).

Of a somewhat different order, long term missions have been established in order 'to facilitate political processes aimed at preventing or settling conflict through an OSCE presence on the ground' (Hoyneck 1995 (a)). By February 1997 ten long term missions had been established along with post-conflict rehabilitative work conducted through an OSCE Assistance Group to Chechnya (Survey of OSCE Long term Missions and other OSCE Field Activities, 26<sup>th</sup> February 1997). Individual missions were set up in response to specific issues. Each mission possesses a tailor made mandate and its own separate identity, something that makes comparisons between their work difficult to make. These small multi-national missions are staffed by 'diplomatic or diplomatic-military' personnel provided by individual states (Hoyneck 1995(a)). Staff



are seconded for six month assignments which can be extended. This has however, led to problems in maintaining continuity (Samuels FCO meeting April 23 1999).

The missions are more intrusive than the work carried out by the HCNM because of their long term presence. The work carried out by the missions creates a visible presence and involves mission members in extensive internal travel. The missions' work involves a wide ranging mandate which includes political, social, military and economic matters alongside minority issues. The missions unlike the HCNM do not possess an independent authority. They are constrained in their dealings with the recipient government which retains the power to withdraw consent at any time for the mission's work. When dealing with minority issues the mission must, therefore, work cooperatively with the government concerned and not overtly criticize it. It is difficult, therefore, for the missions to retain the confidence of minority populations without risking expulsion. The more successful missions have overcome such issues by developing an effective third party role involving close links with all the parties to a conflict.

The breadth and depth of the knowledge that the missions are able to develop enables them to have the greatest understanding of the issues involved when compared to other OSCE institutions. The missions are thus able to perform a unique function in that they can often substitute for vital elements missing from within the society concerned. Reductions in human rights abuses in Kosova during 1992-3 were considered to be a direct result of the mission stationed there. The OSCE missions have also gained a reputation for often providing the only impartial sources of information regarding a conflict. Information is provided about each of the parties to a conflict in order to counteract the affects of misleading propaganda and inaccurate information which can exacerbate conflicts (Chigas 1996 pp56-59,92). It has been suggested that in order to make the missions operate more effectively they need to widen their spheres of contact and to increase their profiles (Samuels FCO meeting April 23 1999).

One example of the work conducted by the OSCE can be seen in the operation of the long term mission to Moldova. This was established at the 19<sup>th</sup> CSO meeting on February 4<sup>th</sup> 1993. The CSCE was concerned to prevent the secession of the Trans-Dniester region from Moldova, which was to be achieved via recognition of the region's 'special status.' The aim of the mission was to facilitate a 'comprehensive political settlement of the conflict in all its aspects' (19<sup>th</sup> CSO meeting, February 4<sup>th</sup> 1993, Journal No. 3, annex 3).

The mission had five main goals. These were: to establish a framework for dialogue and to assist the parties to pursue negotiations; to collate and disseminate information regarding the situation and to investigate and assess the implications of particular incidents; to facilitate talks to achieve an agreement on the status of foreign troops in the region and their withdrawal; to offer advice and expertise on areas of political settlement such as recognizing human and minority rights, repatriation of refugees and finally, to establish a visible CSCE presence in the area and to facilitate communication between the parties concerned with the conflict (Survey of OSCE Long-term Missions and other OSCE Field Activities, February 26, 1997).

The initial duration of the mission was to be for six months. Subsequent extensions of the mission were dependent on the agreement of the participating states and the government of Moldova. A Memorandum of Understanding was signed with the government of Moldova on May 7 1993 and amended on March 28 1996. The mission has examined wide ranging issues including military concerns. Advice has been offered to the Moldovan government on language legislation and other human rights concerns. In 1994 the ODIHR sent experts to assist the mission following legal proceedings against the 'Tiraspol Six' and a subsequent death sentence levied against Illie Ilascu. If Ilascu had been executed tensions would have heightened which could have jeopardized the conflict resolution process. During 1994 the ODIHR in conjunction with the mission also led the international monitoring of the Moldovan



general elections. Other work supported by the mission has included a public opinion survey, the results of which indicated that the majority favoured 'a sovereign and independent Moldova' (OSCE Handbook 1996 p68).

In terms of the mission's activity in the conflict resolution process, following the signing of a declaration between the then Moldovan President Mircea Snegur and the Trans-Dniestrian leader Igor Smirnov on April 28 1994, stating their willingness to seek a solution to the conflict, substantive progress was slow on the development of a settlement. After a number of meetings, a breakthrough was achieved following the signing of an agreement on July 5 1995, in which the two sides agreed to refrain from the use of force and economic pressure. The OSCE became the repository for the agreement. Moldova and Russia agreed upon the withdrawal of Russian troops stationed in Moldova which was a major source of tension in the region during 1994. This would take place over a three year period (OSCE Handbook 1996 p26). Following the agreement, however, Russia refused to comply.

On August 2, 1996 the OSCE urged progress on defining the special status for the Dniester region (George 1996 pp9-10). The mission has also facilitated peacekeeping operations supervised by the Joint Control Commission (a non-OSCE body tasked with overseeing the security zone between Moldova and Trans-Dniester) and has monitored the activities of the Joint Tripartite peacekeeping force comprised of Russian, Moldovan and Trans-Dniestrian units (OSCE Handbook 1999 p68). However, the mission has failed to achieve sufficient cooperation from Russia, which has ignored its commitments to the organization and independently pursued its own agenda while attempting to sideline the CSCE process. At one point in the conflict Russia introduced a parallel mediation process (Hurlbert 1995 (a) p14).

The determination of OSCE participating states to maintain the territorial integrity of Moldova and to frame and shape any resultant peace agreement has seen the mission provide advice and expertise regarding the special status of the Trans-Dniester region.

The mission has designed proposals that have initially been accepted by all parties to the conflict as the basis for negotiations and have subsequently developed these proposals further (OSCE Handbook 1999 pp68-69). Although no settlement has been reached to date, the mission's mediation processes have meant that dialogue and communication have been provided with a channel through which negotiation can be continued.

### **Decision making and the OSCE's mechanisms**

OSCE mechanisms are designed to alert participating states to impending or escalating crises and to provide an early warning function. Although used infrequently, such 'mechanisms provide prearranged procedures for consultations and decision-making in conflicts or crisis situations.' The Vienna Document (1990) produced a mechanism on unusual military activities to deal with 'acute threat perceptions' (Peters 1996 p86). The Moscow mechanism can be activated with regard to human dimension issues and the Berlin mechanism can be operated when serious emergency situations arise. The mechanisms are constructed on a phased approach whereby situations are first clarified via consultations with involved states. Meetings can follow where fact finding measures are decided upon. From this, recommendations can be made regarding the application of other instruments or courses of action.

In addition, an Expert Meeting on the Peaceful Settlement of Disputes (January 15-February 8 1991) produced the Valletta Document. The purpose of this document was to outline the principles for dispute settlement. This represented an increased commitment to international law than had been evident in earlier CSCE documents. The document detailed specific procedures to help resolve disputes between participating states. Ingo Peters (1995 pp71-72) however, has noted several potential drawbacks with the application of the mechanism. Like many CSCE documents it contains in-built safeguards for states to protect their interests by the ability to veto



the application of the mechanism. This has meant that the mechanism is least likely to be applied when it is most needed. It is also applicable to inter-state rather than intra-state conflict which means that it does not have relevance to many types of conflict situations prevalent during the 1990s within Europe.

Under the Valletta Document any party to a dispute not resolved through direct consultation or negotiation may request the establishment of a CSCE Dispute Settlement Mechanism. This means that one or more members selected from a register of qualified candidates with the agreement of the parties involved and maintained by a nominated institution can act as part of the conciliation procedure. If the parties in dispute are unable to agree on how the mechanism is composed the choice can be assisted by a director of the nominating institution. Parties can only reject a limited number of members which means that the mechanism will be eventually established (Lehne 1991 p32). If the dispute remains unsettled then a party may request that the mechanism comment and advise on the substance of the problem. However, these provisions contain in built limitations because unless parties agree otherwise any procedural or substantive motion is not binding.

One drawback of the OSCE dispute settlement is that where a party considers that a dispute raises issues concerning its territorial integrity, national defence, title to sovereignty over territory or regarding competing claims over jurisdiction over other areas, then a mechanism need not be established or continued. The Valletta document does not provide a procedure to examine the validity of a claim by a state that a dispute falls into one of the above cited categories. The provisions detailed in section XII means that a state can at any time block the Peaceful Settlement of Disputes Procedure (Lehne 1991 p32). Consequently, this Valletta mechanism has not to date been invoked.

Another under utilized procedure, the Human Dimension mechanism, (see Vienna Concluding Document 1990) was modified and further developed at the Moscow meeting in Autumn 1991. This allowed a state to invite a mission of experts to

collate information and to facilitate dialogue and agreement amongst parties to a conflict. The Moscow mechanism can be activated when information requested in the initial stages of the Vienna mechanism has proven to be unsatisfactory. This means that a requesting state plus five other states can with the agreement of ODIHR seek to establish a mission of experts. With the support of nine other states the requesting state can directly engage the mechanism if previous requests for information have not been met (Mottola 1993 p24).

The Berlin mechanism (introduced at by the Berlin Council in 1991) provides for a requesting state plus twelve others to convene an emergency meeting of the CSO (Mottola 1993 p24). This was repeatedly and unsuccessfully activated in the case of the conflicts in Yugoslavia (Greco 1995 p10).

The OSCE also possesses the option to activate the 'consensus minus one' procedure. This allows the CSO or Ministerial Council to instruct political measures which can be carried out without the consent of the state concerned in cases where there have been gross omissions in the application of OSCE principles (Mottola 1993 p24). This procedure was used to suspend the Federal Republic of Yugoslavia at Helsinki in 1992. In terms of judicial adjudication in decision making the 1992 Convention on Conciliation and Arbitration was signed by 33 states and after being ratified by 21 states (Borawski and George 1996) came into force on 5<sup>th</sup> December 1994. The Convention enables conciliation procedures to formulate non-binding settlement solutions and binding decisions in the case of arbitration. The Ministerial Council can direct states to seek conciliation (Hoynck 1995 (a)). This effectively constitutes a consensus minus two approach. To date, however, this Convention has not been invoked, neither has the OSCE Court which came into affect in Geneva on May 29<sup>th</sup> 1995 heard any cases (Borawski and George 1996).

The introduction during the early 1990s of certain mechanisms signaled that the OSCE was prepared to move away from a sole reliance on consensus. The



mechanisms have thus transcended traditional OSCE decision making (Mottola 1993 p23). However, the infrequent application or inability to activate the mechanisms has illustrated the difficulties of practical application. This is not only due to the lack of authority that the OSCE represents in attempting to apply the procedures, but also a consequence of the inherent resistance of states to erosions of state sovereignty enacted through international organizations.

Consensus however, remains most central to OSCE procedures. Consensus in an OSCE context is defined as ‘ a lack of objections expressed by member states or considered by them as an obstacle to the adoption of a decision’ (Ronzitti 1993 p42). Decision making by consensus has allowed participating states to engage ‘in all forms and methods of negotiation under conditions of complete equality’ (Lipatti 1992 p301). However, ‘bloc reactions and behaviour patterns still persist, as does de facto inequality between large, medium sized and small countries and the many imbalances that exist between them’ (Lipatti 1992 p305).

The application of the consensus rule to all procedural and substantive decisions has from the beginning of the CSCE process been an important way of expressing the equal rights of all the participating states and of respecting universality in the decision making processes. This has helped to ensure the legitimacy of decisions taken and, by engendering a climate of cooperation, made compromises easier to accept while also giving each participating state ‘increased freedom of action’ (Lipatti 1992 pp300,305). This has given smaller states elements of protection against more powerful states (Mihalka 1995 p19). That said, the general reliance on consensus can reduce the content of policy to the lowest common denominator. A refusal by one state to agree to policy can amount to a veto. Decision making by consensus can make the execution of policy long winded, complicated and cumbersome. (For an example of such problems see the chapter on Nagorno-Karabakh).

## **Military Aspects of Security**

Despite the absence of an integral military capacity, the OSCE has nonetheless overseen the development of arms control agreements and disarmament policies along with CSBMs. Such measures have had a role to play in conflict prevention, particularly in terms of creating greater transparency between states, enabling information to be circulated, stemming the build up of arms races in Eastern Europe and the FSU, and in facilitating continued dialogue on politico-military issues which have taken place primarily through the Forum for Security Cooperation.

The Forum for Security Cooperation (FSC) was established in Vienna on September 22<sup>nd</sup> 1992 in order to provide a platform for negotiation and a forum through which discussion could take place on a weekly basis. The Forum is also responsible for staging Annual Implementation Meetings (OSCE Handbook 1999 pp27,63). Although the Annual Implementation Meetings have been criticized for degenerating into slanging matches between Turkey and Greece and Armenia and Azerbaijan, they also have allowed progress to develop on issues like freedom of religion (McKenzie Foreign and Commonwealth Office Meeting 23 April 1999). The capacity of the FSC was enhanced at the Lisbon Summit 1996 when the FSC was tasked to develop 'A Framework for Arms Control' and 'Development of the Agenda on the Forum for Security Cooperation' (Lisbon Document -Summit Declaration 1996).

The Framework for Arms Control was designed to be an integral part of a programme to create an interlocking and mutually reinforcing web of arms control obligations and commitments. The framework also provided a basis to build upon existing agreements:-the 1990 Conventional Forces in Europe (CFE) Treaty, the 1992 Vienna Document and the 1994 Code of Conduct. Assigned to the weekly meetings of the FSC's Joint Consultative Committee were negotiations to the CFE Treaty. This treaty was considered integral to preventing the onset of arms races in Eastern Europe



and the FSU. It would also deter the deployment of Russian forces extending further West than the Urals (Bluth 1995 p220). Through 1996 to 1999 amendments were negotiated to the CFE Treaty which were then signed at the OSCE's Istanbul summit in November 1999.

Primarily operating as an early warning device, the Code of Conduct on Politico-Military Aspects of Security adopted at the Budapest Summit 1994 was perceived as a reaffirmation of the OSCE's commitment to cooperative security. The Code of Conduct sets out norms and principles and details the role of armed forces in democratic states. The Code outlined how states should relate to each other and how states should behave towards their citizens in military matters (OSCE Handbook 1996 p63 ). The Code acts as a measure to scrutinize violations of OSCE principles at the state or sub-state level with regard to military-political issues (Lucas 1996 p227).

However, there has been a marked reluctance to invoke the Code. During 1995 Canada and the EU activated the Code in response to Croatia's activities in Western Slavonia and the Krajina (Zaagman 1996). Within days of Russia becoming a signatory to the Code its provisions were openly ignored when Russian forces launched a violent operation in Chechnya. Doubts then arose over the uneven application of the Code, the inability to realize the 'early identification of potential conflicts' and in encouraging participating states to uphold their commitment to jointly prevent, manage and peacefully settle disputes (Lucas 1996 p231 cites VI,18 of the Code).

The failure to apply the Code of Conduct following the Russian invasion of Chechnya was indicative of a lack of a genuine commitment to OSCE principles both by Russia and the participating states of the OSCE. This was demonstrated by Russia through its flagrant violation of the Code and by the participating states through their failure to collectively censure Russian actions within the forum of the OSCE. In the early

stage of the conflict, the CIO pursued diplomatic initiatives in Moscow and the North Caucasus (Hoyneck 1995 (b) p148). The independence of the mandate allowed the CIO to take action 'in the initial sensitive phase of the Chechnyan operation without having to seek consensus from all the participating states (Kemp 1996 p111). Despite an initial involvement by the CIO this did not lead initially to an orchestrated international response.

The Code of Conduct reaffirms the principles of the Geneva Convention. In this regard, the Code states 'armed forces shall not be used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups not to deprive them of their national, religious, cultural or ethnic identity' (Lachowski 1995 p785). In the case of Chechnya, the Vienna and Moscow mechanisms were also available but were not advocated. This may have represented a lost opportunity to reduce the loss of life and the destruction of the region's infra-structure (Lucas 1996 pp234-235). However, even if such mechanisms had been invoked they may not have made any difference.

Turning now to CSBMs, broadly speaking, most of the work undertaken by the OSCE could be construed as contributing to confidence and security building measures. According to the OSCE CSBMs provide a means of controlling military activities while providing 'a number of early warning indicators.' Such measures have developed as part of a system for the exchange of military information and the verification of that information. In particular, these agreements 'have introduced strict limits for the key military equipment and personnel held by the states of NATO and the former Warsaw Treaty Organization.' In addition, the Open Skies Treaty is closely linked to the OSCE due to its declared support for openness and transparency regarding military concerns which is considered to enhance confidence and security (OSCE Handbook 1996 pp63,69).



Specifically CSBMs, are designed to clarify the defensive intentions of states. This is intended to reduce uncertainty and tensions and to curtail the opportunities for unexpected attacks through the imposition of a set of constraints on 'normal military activities' (Efinger and Rittberger 1992 p104). Such provisions were built into the structures of the Helsinki Final Act and have been developed and reformulated through subsequent CSCE conferences in an attempt to address contemporary security requirements in Europe. This can be seen with the Vienna Documents.

CSBMs provide a framework of 'quasi-law' based on the establishment of mutually agreed rules and conduct. 'CSBMs are collective arrangements about the function and use of military power in peacetime.' CSBMs do not compromise the autonomy of states in determining defence policies. CSBMs are 'designed to confirm the non-aggressive intentions of all states and therefore to build stable expectations concerning their military activities.' This can be perceived 'as a pragmatic contribution to peacefully managing the classic security dilemma' (Efinger and Rittberger 1992 pp120-121).

CSBMs can contribute to conflict prevention by decreasing the likelihood of surprise attack. Due to an international exchange of information, this creates 'regular interactions, which facilitates the accumulation of peace promoting routine behaviour.' CSBMs can be considered to promote 'the pacifying potential of international regimes' (Efinger and Rittberger 1992 p121). CSBMs are loosely connected to the OSCE but not dependent on it. They are conducted under the aegis of the OSCE but are not an integral part of OSCE institutions.

In practice, there has been a decline in the application of the provisions of CSBMs. For example, there has been a notable reduction in the reporting of military activities. These have plummeted from 20 observations in 1987 to one in 1995 (Borawski and George 1996). In addition, many states involved in ongoing inspections have not been subject to inspection. CSBMs have also been illustrative of the disparity

between 'state conflict related early warning and confidence building measures and new requirements mainly related to below state level conflict or fighting.' Within the FSC discussion on regional security issues became deadlocked (Lachowski 1995 p798). However, following the Dayton Accords of 1995 the OSCE's capacity was enhanced when it was accorded oversight of intra-state CSBMs (see chapter on Bosnia-Herzegovina).

### **Competing visions**

The OSCE has developed a complex institutional structure in comparison to its relatively weak authoritative powers with which to address situations of conflict. The disparity between structure and powers has resulted, in part, from the competing visions held principally by the influential participating states regarding the development of the organization. The different perspectives regarding how the OSCE should develop can broadly be divided into three categories, maximalist, middle of the road and minimalist (Niemtzow 1996). When the Warsaw Pact disintegrated during 1990-1991 there was a widely held perception that the OSCE possessed the potential to become the main provider of security for Europe. Such perceptions were largely abandoned following the inability of the OSCE to act decisively during the conflicts over the former Yugoslavia and later on in Chechnya. This undermined international confidence in the organization which, in turn, served to increase interest in NATO. The East-Central European states in particular considered that the OSCE could not provide them with adequate security guarantees and increasingly focused on the goal of NATO membership. However, for the Western NATO states, the OSCE remained a useful organization with which to house states excluded from NATO. For the East-Central European states, participation within the OSCE enabled them to demonstrate that they were adopting (and for the West that they were extracting from the East Central Europeans) the appropriate European credentials. However, the end game remained joining NATO. The



principal Western states while willing to invest limited resources in the OSCE, concentrated on further developing and maintaining a strong and robust NATO.

From 1989 to 1991 Poland, Hungary and the former Czechoslovakia held maximalist positions which withered as NATO membership became more attractive. For these states the OSCE was a poor substitute. This thinking reflected considerable disillusionment with the OSCE as a vehicle for cooperative security. For the Central European and Baltic states security concerns stemmed more from external rather than internal threats. More precarious security situations prevailed in, for example, Bulgaria, Romania and Hungary (Niemtzow 1996).

For Moscow's part, while it promoted the concept of a new concert of Europe, there was a notable lack of sincerity in its aims to strengthen the powers of the OSCE. There was a general awareness within OSCE circles that as long as Russia possessed the potential to influence the direction of the OSCE 'it was unlikely to become a security system based on respect for the rule of law and the peaceful settlement of disputes' (Sharp 1997 p24). Throughout the 1990s, Russian policy towards the OSCE remained inconsistent. Moscow attempted to manipulate the OSCE in an attempt to make the organization malleable to fluctuating Russian interests. Russia wanted the OSCE to possess sufficient strength to offer an alternative to NATO as a security provider. However, Moscow did not at the same time want the OSCE to gain sufficient power to be able to play a leading role in the FSU. Russia consistently caused trouble within the OSCE and repeatedly attempted to undermine it (Baev 1997 p36). This type of behaviour was repeatedly demonstrated, for example, by subverting the negotiations over Nagorno-Karabakh (see Chapter Five).

In order to placate Russian opposition to NATO enlargement and to quell fears of exclusion both for Russia and for those states remaining outside the first wave of new NATO members (Poland, Hungary and the Czech Republic joined NATO in 1999), new concepts of pan-European cooperation were constructed. This included the Russia-NATO Founding Act of 1997 and more specifically under the aegis of the

OSCE, the Security Model for the 21<sup>st</sup> Century and a Russian proposal for a European Security Charter (which was eventually adopted in November 1999) further developed the concept of the indivisibility of European security. Such concepts promoted Russia's goal of enabling the OSCE to become a central coordinator of a network of interlocking institutions. Russia was determined to prevent only 'soft security issues' being allocated to the OSCE while NATO took command of the 'hard' tasks. This may be why Russia agreed to the concept of peacekeeping forces being sent to Nagorno-Karabakh under the general control of the OSCE. Developing the ability of the OSCE to undertake 'hard' security tasks was an attempt to prevent NATO's monopoly on the use of force (Lynch 2000 (a) pp117-118). However, NATO enlargement kept the Alliance busy and away from the real problem areas, for example, the Caucasus (Baev 1997 p37)

While the OSCE has been an institution that Russia has manipulated, the OSCE has also at times been able to influence Russian responses to changing international norms. For example, the international norm of non-intervention has been partially eroded. Moscow agreed, for example, to accept the OSCE mission to Chechnya in 1995.

Turning to middle of the road perspectives these were advanced in particular by Germany after 1991 and by Hungary, Austria and the Netherlands. The German and Austrian proposals reflected the two states' exposed positions on the front line of Europe sandwiched between East and Western Europe. Germany advanced a concept of the OSCE acquiring a strengthened capacity in order to take resolute action when responding to threats and crises. German policy towards the OSCE remained consistent throughout the 1990s reflecting both the pursuit of German interests and the desire to establish new norms based on the inclusiveness of European security requirements. Such ideals were reflected in the then Foreign Minister's Hans-Dietrich Genscher's 1989 statement advocating that the CSCE be 'institutionalized in a manner that would engage the other governments in a dense institutional network



based on common security interests, so as not to allow any single state to defect without violating its own security interests' (Peters 1999 p196). In turn, the French perceived the UN as a more suitable vehicle for advancing its interests (Niemtzow 1996). France proposed moderated changes to the OSCE infrastructure reflecting French determination to deflect the powerful influence of Germany within Europe.

Minimalist views, finally, have been advanced by the US and Britain. The minimalist position dominated the readjustment of existing OSCE structures and mechanisms. Such perspectives were, nonetheless, tempered by the need to make concessions to other points of view; thus the acceptance in 1994 of the 'CSCE First' principle. This was an idea to allow the OSCE in the first instance, to tackle conflict within Europe without the direct involvement of the UN. The change of name from CSCE to OSCE following the Budapest Summit 1994, also signified the enhanced status of the organization by emphasizing a more robust and important process than the title 'conference' had implied. The organization's title change was also designed to placate the Russians, still hovering on the edge of European organizations and fearing outright marginalization. The change of name was largely cosmetic and in keeping with the dominant minimalist perspective. There was neither an 'adoption of a basic statute relating to international law,' nor did obligations on participating states change in character (Peters 1996 p109).

## **Conclusion**

From its origins as a loosely structured series of conferences, the OSCE has developed into an organization that now offers a comprehensive package of conflict management measures. Despite this extensive institutionalization along with newly adopted approaches to conflict management, the OSCE's operations have remained constrained. The organization's conflict management capabilities have been compromised by a lack of resources and subordinated to the further development of

other international organizations, principally NATO. Many mechanisms have either been under used or unused. However, the development of these mechanisms indicates that certain states are receptive to new ideas and that in the future these methods may gain wider acceptance.

Nevertheless, there has been both resistance and resentment displayed by certain states to the OSCE's involvement in the internal affairs of states. While states may wish to escape the scrutiny of international bodies into their adverse human rights records, they may rightly resent such oversight when states pursuing these goals within the OSCE may be equally culpable of human rights abuses but receive little or no attention. For example the US has been taken to task over the widespread application of the death penalty involving the execution of mentally defective people and minors, however, while these issues have been discreetly raised in private OSCE meetings, good offices are not dispatched to the US in order to institute OSCE human dimension matters of 'direct concern.' The OSCE has little presence in any of the Western European states either. This indicates that the OSCE is a body primarily concerned with engineering political and social change in the post-communist states.

In addition to an East-West divide over how OSCE principles are applied to states. There appears also to be an inequitable application of OSCE procedures within the states of Eastern Europe and the FSU. The less powerful states of Eastern Europe and the FSU are likely to experience closer OSCE scrutiny and involvement than states like Russia who have flouted OSCE principles with seeming impunity. This can be viewed as OSCE pragmatism in achieving goals where it is possible but it has led to accusations of interest driven policies dominated by power politics and fears of destabilizing relations with Moscow.

By developing new institutions that cover a comprehensive mandate, the OSCE has demonstrated its intention in principle to enable these institutions to offer alternative methods of dealing with conflict. The gap between ideals and practice may reflect, in



part, the natural resistance of states to previously untested or barely tried procedures and the difficulties of applying principles in real situations.

Participating states still appear uncertain as to how the organization should develop and what exactly they want the OSCE to do. There may be a reluctance to allow the OSCE increased autonomy of action because although this may lead to beneficial outcomes such actions may also be subverted to serve the requirements of certain participants and can enable powerful European players to exert increasing levels of control over weaker states.

OSCE principles appear more likely to be propounded and adhered to when vital interests are not compromised by doing so. This type of situation is clearly demonstrated in the Caucasus and Central Asia where the OSCE has kowtowed to the 'geopolitical constraints' stemming from the influence that Russia wields within the region. Here a Russian desire for autonomy of action in regions of the FSU has interfered with multilateral initiatives (Huber 1994 p27) while at the same time it has suited many OSCE states to acquiesce with Russian oversight of the region.

Where the OSCE appears to demonstrate success it may be difficult to attribute that success to the work of the OSCE alone and not to other factors that may have influenced a particular state to adopt a particular course of action. For example, a state may be prepared to accept OSCE missions onto its territory because appearing compliant to OSCE policy may further its case for early admission into the more prestigious international organizations. This can be seen in policies adopted towards the OSCE in by Latvia and Estonia in order to advance their case for early admission into the EU.

The OSCE cannot be what its participant states are not. In that the foreign policies of OSCE participating states may be driven by the tenets of realpolitik, it is unrealistic to expect an international organization to develop in a manner which reflects ideals that its participant states only selectively adhere to.

## **Chapter Four: The OSCE and Macedonia**

### **Introduction**

This chapter discusses the role that the OSCE has played in Macedonia from the early 1990s until the end of 1998. The work that the OSCE has been involved with in Macedonia is detailed in order to offer an appraisal of the organization's conflict prevention capabilities in a low intensity conflict. The capacity in which the OSCE worked within Macedonia served initially to help prevent external conflict destabilizing the state. OSCE operations within Macedonia then developed to include examining ethnic tensions in order to reduce the likelihood of violent conflict or civil war.

Primarily, the OSCE has attempted to enhance political stability within Macedonia through establishing a permanent office: a long term field mission, entitled the 'Spillover Monitoring Mission to Skopje.' Such work has been strengthened by the close involvement in Macedonia by the HCNM. Both of these mechanisms have operated at governmental through to grass root levels. The third major OSCE operation has been the Sanction Assistance Missions (SAMs) directed against Serbia. Although the SAMs are not related to OSCE conflict prevention measures, a discussion is included here to illustrate how their implementation operated to the detriment of OSCE conflict prevention measures. The sanctions involved UN, OSCE and EU collaboration and were designed to prevent international trade with Serbia. During the three and a half year period in which they were imposed, from September 1992 until October 1996, the Macedonian economy, which had previously conducted 60% of its trade with Serbia, was severely affected. Such damage was tempered by the limited ability of the OSCE, the EU and the UN to execute their sanction enforcing mandates, something that in turn served to aid Serbian war aims. Thus, the OSCE was working to ameliorate tensions within Macedonia through the work of



the long term mission and the HCNM while at the same time contributing to tensions by assisting the SAMs.

The chapter discusses briefly the circumstances within Macedonia that led to OSCE involvement. Attention then focuses on the work of the OSCE Spillover Mission to Skopje (the long-term field mission). The analysis then turns to the work of the HCNM and the SAMs. The chapter will conclude that the OSCE's work in Macedonia has made a small contribution towards reducing tensions within that state. Such a contribution is tempered by the adverse effects of the SAMs and also by international collusion with regional states such as Greece which exacerbated political, economic and social problems within Macedonia and fueled a climate where political issues were increasingly defined along ethnic lines. The emphasis that is placed on ethnicity within Macedonia has made it easier for politicians to assume power on an ethnic platform. Nevertheless, despite a multitude of problems, Macedonia remained stable during the period under discussion.

### **Macedonian independence**

On September 8<sup>th</sup> 1991 a referendum was held after which the Republic of Macedonia was declared an independent state following the collapse of the Yugoslav Federation. Despite a history of ethnic tensions within Macedonia it was the only state to make a peaceful transition from being part of the Former Yugoslavia to independence. At this point it was led by a coalition government headed by Kiro Gligorov, widely considered to be a moderate former communist official. A climate of moderation was also attributed to the attitudes of the leaders of the largest minority population within Macedonia, the ethnic Albanians, who for the most part followed policies advocating non-violence (Ackermann 1996 p420).

The declaration of independence created a new state containing a diversity of ethnic groups, many of whom had boycotted the referendum. Following the unveiling of new citizenship requirements, many members of ethnic groups found themselves to be stateless people and subject to discriminatory practices either real or perceived. For example, the Macedonian Albanian Party for Prosperity considered that ethnic Albanians had been deprived of rights previously enjoyed under the 1974 Yugoslav constitution (Schmidt,J 1995 p65). The Macedonian constitution states that all citizens are equal, but also declares that 'Macedonia is officially the national state of the Macedonian people.' This meant that Macedonians were accorded 'the status of the only constituent people' (Perry 1994 p83). Other minority groups like the Turks and Serbs found their exclusion from constitutional status offensive (Schmidt,F 1995 p27). This type of policy appeared to run contrary to the government's stated aim of creating a multi-cultural state. Within Macedonia there was an undercurrent of hostility between ethnic groups. Albanians were subject to 'quiet discrimination' and were widely regarded as second class citizens. The Roma bore the brunt of open and intolerable discrimination, were frequently subject to police brutality and endured unfavourable social and economic conditions (International Helsinki Federation for Human Rights 1998).

### **The Spillover Mission to Skopje**

The OSCE's initial involvement in Macedonia began on 15<sup>th</sup> August 1992 when the 15<sup>th</sup> CSO meeting considered the possibility of sending missions to the country in order to prevent the spread of tensions from the Federal Republic of Yugoslavia (Serbia and Montenegro). The subsequent decision to organize an exploratory mission by the middle of September 1992 was an unusual action because Macedonia was not to become a full participant of the OSCE process until late 1995 due to continual vetoes by Greece. Consequently the organization was operating, in effect, out of area. Following Macedonia's admission to the UN, the state was offered



'silent observer' status within the OSCE in April 1993, which meant that it could attend OSCE meetings but not make comments. In June 1994, Macedonia's participation within the OSCE was upgraded to 'regular observer' status (Ackermann 1997 p4). The exploratory mission was designed to assess the political situation within Macedonia and to test the Macedonian authorities receptivity to the proposed establishment of a monitoring mission. The exploratory mission was also tasked to determine the economic impact that war in the region was making on the state.

The decision taken by the Macedonian government to accept the mission was in part a response to international initiatives. The acceptance of such initiatives was propelled by the need to develop security measures and to counterbalance the hostility displayed towards the state by Bulgaria and Albania and, in particular, the oil embargo and trade sanctions imposed by Greece. Macedonia sought to improve access to international organizations and to develop its international credentials as a potentially suitable candidate for future full participation within the OSCE process, international financial institutions and ultimately within the EU and NATO. The government sought to assert its pro-Western orientation and a positive approach towards the OSCE was a useful vehicle for demonstrating this. The Macedonian government was therefore keen to establish a good relationship with the mission (telephone conversation with Branko Geroski, November 1997).

There were a number of concerns which the Macedonian government considered could be alleviated by cooperation with international organizations and European states. Such concerns arose at the time from the possible influx of refugees from Bosnia and the potential for violent unrest occurring in Kosovo. Macedonia's defence capability moreover had been eroded following the withdrawal of the Serb dominated Yugoslav National Army from its bases within the country in 1992 (Financial Times Survey- Republic of Macedonia 7<sup>th</sup> July 1995). The new inter-state border with Serbia was consequently not monitored. Internally, meanwhile, the demands of the ethnic Albanians were perceived as another potential source of unrest

(Ackermann 1997 p6 cites material from CSCE Communication No.282, Prague 16<sup>th</sup> September 1992).

At the 16<sup>th</sup> CSO meeting on 18<sup>th</sup> September 1992, the CSCE Monitoring Mission to Skopje was established. The first three heads of mission were appointed from the United States which demonstrated the significance America as a major player within the OSCE, attached to the mission in its early years. It was also indicative of US determination to support the Macedonian regime and if necessary to involve NATO in order to prevent threats to the state's stability (Fraenkel 1997 p32). Further regional instability was to be avoided in order to prevent Greece and Turkey, two NATO members, being dragged into a Balkan war (Financial Times Survey- Republic of Macedonia 7.7.95). However, by 1996, following the signing of the Dayton Accords, the Mission was deemed of lesser importance. It was reduced to four members and was led by a Danish ambassador. In March 1998, however, following violence in Kosovo the mission was increased to eight members (Human Rights Watch 1998).

The mission was named the Mission to Skopje rather than Macedonia in order to appease the Greek government who insisted that the name Macedonia belonged solely to a Northern province of Greece. This was a compromise suggested by the OSCE (Ackermann 1997 p7). Athens was enraged by Macedonia's adoption of what it considered to be Greek symbols such as the Star of Vergina on the Macedonian flag. The use of the name Macedonia also implied for the Greeks that Macedonia had territorial claims to parts of their Northern territory. Greece also objected to parts of the Macedonian constitution that expressed concerns for Macedonians living abroad (Mickey 1995 p38).

Greece considered it had legitimate grounds for fearing irredentism on the part of Macedonia. These fears were fueled by the popularity of a Macedonian nationalist party, the Internal Macedonian Revolutionary Organization-Democratic Party for



Macedonian National Unity (VMRO-DPMNE), which advocated the union of parts of Macedonia that lay outside of contemporary boundaries. The application of trade restrictions and sanctions imposed by Greece from 1991 and the subsequent attempts by Greece to block Macedonian entry into international organizations was a deliberate ploy to wreak economic chaos on the state and to destabilize it internally (Mickey 1995 p38). An economic embargo which lasted from February 1994 until October 1995, furthermore, was seen as a reaction to the granting of diplomatic recognition by Russia on February 4<sup>th</sup> 1994 and by the US on February 9<sup>th</sup> 1994. The economic embargo was strongly condemned by other EU states (The Observer 11.2.95) and a declaration on February 21<sup>st</sup> 1994 by the European Commission stated that the trade ban violated EU law. The EU reacted by initiating legal action against Greece within the European Court of Justice (Mickey 1995 p39).

### *The mandate of the Spillover mission to Skopje*

The 17<sup>th</sup> CSO meeting of 6<sup>th</sup> November 1992 outlined the mission's mandate and approved the financial outlay involved. In Macedonia conflict prevention was defined by the OSCE in terms of containment. The primary purpose of the mission was 'to monitor developments along the borders of the Host Country with Serbia and in other areas of the Host Country which may suffer from spill over of the conflict in the Former Yugoslavia, in order to promote respect for territorial integrity and the maintenance of peace, stability and security; and to help prevent possible conflict in the region.' Site visits were deployed in order to detect sources of tension and instability. The OSCE played a role in helping to contain external conflict. It led discussions on border disputes between Macedonia and Serbia which, for example, in conjunction with contributions from the UN Protection Force (UNPROFOR), encouraged Macedonian and Serbian forces to withdraw from a disputed region (MILS News 19.08.94).

Other objectives in the mission's mandate included to continue dialogue with the Macedonian government and to establish contacts with citizens, representatives of organizations and political parties. The mission was to assist the work of international organizations working in Macedonia and investigate complaints concerning political grievances and human rights abuses (Human Rights Watch 1998). The mission acted in an early warning capacity by voicing its concerns over the deteriorating economic situation within Macedonia and outlining the potential consequences (OSCE Handbook 1995 p22). This did not however result in a forceful international response. It was to be unilateral US intervention (rather than OSCE dialogue) that resulted in the signing of the Interim Accord with Greece (and the lifting of UN sanctions post-Dayton) (Ackermann 1996 pp412-413).

The work of the mission meant that attention was paid through an international forum to the state of civil and human rights within Macedonia. The underlying reason for this was to prevent Albanians in both Kosovo and Macedonia from joining together to create a separate state by persuading Skopje to guarantee the rights of ethnic Albanians within Macedonia. Another objective was to prevent an increase in internal ethnic tension between ethnic Albanians and the Macedonian majority. Such efforts to address ethnic tension proved inherently difficult. International pressure on the government to tackle ethnic issues was attributed to the radicalization of some political elements within the ethnic Albanian communities and to the stirring up of animosity and resentment between ethnic groups (Woodward 1995 p393).

The mission was involved in a complex situation. It was expected to comment on the status of minority groups within Macedonia while offering support to the government in order to assist the maintenance of stability within the state. The mission produced fortnightly reports to the CIO on the political and economic situation in Macedonia. However, scant attention was paid within the reports to human rights issues. The mission mindful that it was essentially a guest of the government and that its mandate could be revoked with fifteen days notice, adopted a cautious diplomatic role.



Nevertheless, Skopje complained directly to the mission that its reporting was affecting the country's image. This led to a softening of OSCE criticisms of the government and blame for unrest was attributed instead to political and national extremists. Representatives of minority groups and opposition parties then accused the mission of being too close to the government and failing to confront authorities about human rights abuses (Human Rights Watch 1998).

### *The 1994 census*

Collaborative work undertaken by the mission included organizing a population census in June 1994. This was a joint operation organized by the mission with funding supplied by the COE and the EU. The decision to arrange a census was taken in response largely to high levels of dissatisfaction amongst the ethnic Albanian communities with the results of the earlier 1991 census. Accusations of irregularities had been leveled against the authorities which had threatened to become a major destabilizing factor within Macedonia. The 1994 census again proved highly contentious and its findings were disputed (Ackermann 1997). There were criticisms of the calibre of the personnel assigned to the International Census Observer Mission and to the preparations and conduct of the census (Woodward 1995 Note 32 p477-8). Involvement was also lacking of ethnic Albanian experts who were needed to verify the statistical data (Mickey 1995 p40).

The OSCE viewed the opportunity to organize the census as an important event for inter-ethnic relations. The census would, according to the OSCE, help to establish a political consensus if it was both widely accepted by ethnic groups and considered to have been properly implemented (OSCE Handbook 1995 p22). To a certain extent such goals were achieved. Despite controversy over the results, ethnic Albanian political leaders gave an air of legitimacy to the census figures by asking for

'representation proportional to those figures in judicial offices, the national university and elsewhere' (Perry (a)1995 p41).

### *Elections*

Other areas of the mission's responsibilities included oversight of the election processes. The OSCE was involved in three elections during the period of this case study, which are each in turn detailed below.

In October 1994 the mission, in conjunction with the ODIHR, became involved with coordinating and consulting with international observers during the preparations for the presidential and parliamentary elections (OSCE Handbook 1995 p22). Despite the mission's attempts to ensure that democratic practices were followed, allegations of fraud and irregularities prevailed. During the first round these included concerns over allegations of incorrect ballot lists and ballot manipulations, missing voter registration forms and unclear district boundaries. 150 election monitors from the OSCE and COE observed the elections. While they noted certain irregularities these infractions were not considered serious enough to warrant annulment of the election itself. Two international election commissioners did not agree with the observers sentiments however, and duly resigned (Perry (a) 1995 p41).

The two strongest opposition parties, the Democratic Party and VRMO-DPMNE refused to participate in the second round of the elections. VMRO-DPMNE along with several other of the smaller parties declared the election results fraudulent and requested that new elections be held. For these political parties the results were wholly undemocratic and were illustrative of 'the return of one party rule' (Mickey 1995 p40). In response, the government refused to stage new elections despite UN criticism of the election results (Perry (b)1995 p29). This meant that there was no effective parliamentary opposition, something which brought the government's



legitimacy into question. Such widespread criticism also provided doubts as to the nature of the OSCE's assessment of the conduct of the elections. It raised questions regarding the motives behind the OSCE's apparent readiness to verify the results and questioned the integrity of its key decision makers. As stated earlier, the OSCE became increasingly reluctant to criticize the government for fear of increasing instability within the state and was prepared to turn a blind eye to the government's blatant abuse of democratic practices.

Skopje also formally requested that the ODIHR observe the municipal elections. The first round of these elections was staged on November 17 1996. This was jointly coordinated by the OSCE mission and by the ODIHR. Observers were recruited from international NGOs and embassies based in Macedonia along with staff seconded from the OSCE long-term mission. In all, 45 teams were stationed around the country.

In the run up to the municipal elections, the ODIHR and the OSCE long-term mission engaged in dialogue with the government and held consultations with political parties. In its post election appraisal the OSCE conceded that there had been 'a few problems with voter registration' but considered, overall, that the elections had been conducted appropriately (OSCE Newsletter Vol.3 No.11 1996). Again the OSCE's assessment of an electoral outcome was challenged. The International Helsinki Federation for Human Rights Annual Report 1997 maintained that political parties had displayed their election propaganda at polling stations. At one polling station in Tetova voters destroyed ballot boxes. There were also charges that election commissioners had violated the law in favour of the ruling Social Democratic Party.

In the 1998 parliamentary elections after two rounds of voting overseen by the OSCE in conjunction with the ODIHR, the results were widely considered to reflect an election conducted under largely satisfactory conditions, especially when compared to the 1994 elections. The biggest problem had been a bureaucratic one relating to

the unsatisfactory distribution of voter identity cards. However, following the first round there were some accusations of irregularities and intimidation. There were also allegations that voters had been bribed. In the town of Kocani party activists were beaten (International Crisis Group (ICG) Report 4 November 1998).

After six years in office the government was defeated and a right wing coalition government assumed power. The new government included nationalist parties from both Macedonian and ethnic Albanians groups (Macedonian Country Report, Annual Review, ICG in 1998). As in 1994 voting continued along ethnic lines. The ODIHR had no mandate to provide technical assistance. Its involvement was largely confined to analysis and observation.

### *The ethnic-Albanian University at Tetova*

Attempts to defuse tensions between ethnic groups and between ethnic groups and the government, saw the mission along with the HCNM engaged in arbitration. Ethnic Albanians attempted during 1995 to establish a private university in Tetova in order to meet what they considered to be the specific educational and cultural needs of ethnic Albanians and to overcome the effects of institutionalized discrimination. The desire to gain legal status for the university came to represent ethnic Albanians struggle to improve their rights (The Guardian 20.2.95 p8).

The government viewed this attempt as illegal and a direct threat to the territorial integrity of Macedonia. Concerns were voiced over elements of the ethnic Albanian communities that sought to establish a separate state or to join Western Macedonia to Albania and Kosova to form a 'greater Albania.' A referendum held by ethnic Albanians on 10-11 January 1992 had revealed 90% support for independence from Macedonia (Isakovic 1997 p12). Despite acknowledging the need to guarantee minority rights the government refused to give permission for the university to go



ahead. The ethnic Albanians proceeded to open the university, disregarding the government's opposition. Skopje asserted that if separate university education was allowed to develop it would lead to a form of apartheid between the two major ethnic groups. It was also seen as providing the fuel for increasing ethnic Albanian radicalism and furthering demands for secession. The government concentrated its efforts on putting education reforms in place and adopting policies of affirmative action in order to increase the number of ethnic Albanians going into the state university system. To the government's frustration, few Albanians responded (Perry (a) 1995 p43).

Responses were however swift on the part of the Macedonian majority population, many of whom grew increasingly resentful of the attention paid to the ethnic Albanians by international organizations such as the OSCE. A large sector of the Macedonian majority considered international interference to be doubly harmful. It accorded special treatment to ethnic Albanians and failed to insist that Greece end its illegal blockade of Macedonia something which had contributed to high levels of unemployment within the country. Such unemployment chiefly affected the Macedonian majority, who had been widely employed in the state and public sectors. Ethnic Albanians were largely self employed or already unemployed and so less directly affected by rising public sector unemployment. The Macedonian majority was aggrieved when money was spent on enhancing ethnic Albanian access to education and public sector employment (Woodward 1995 p393).

### **The Role of the HCNM**

In Macedonia the HCNM has promoted policies designed to recognize the special needs of minorities and has worked to help prevent minorities becoming alienated from mainstream society. The HCNM has promoted the concept that a state which

accommodates the needs of its minority populations will be more easily able to realize domestic interests, thereby enhancing stability and avoiding societal fragmentation (van der Stoel 1997 pp16-17). However, the HCNM's mandate does not include reporting 'about the host government's respect for OSCE documents relating to minority rights' (Human Rights Watch 1998).

The regular fact-finding missions undertaken by the HCNM have been regarded as among the OSCE's most important preventive measures in Macedonia (Ackerman 1996 p418). This has involved meeting with government representatives and leaders of ethnic groups and parties. The HCNM's mediation efforts have covered a range of issues of concern to both minority and majority populations. For example, citizenship requirements, language and educational issues, the proportion of minorities groups that are represented in key professions like the police, army, civil service and government appointments and the frequency and quantity of ethnic language programmes shown on television and radio (Ackermann 1997 p8). The visits undertaken by the HCNM as part of his fact-finding missions are followed up by recommendations which he makes to the government concerned. In Macedonia these have largely involved compromise solutions. Skopje is under no legal obligation either to consider or to adopt any of these recommendations.

In relation to the controversy over the Tetova university, the HCNM proposed alternatives to a separate higher education system for Albanians. For example, a quota system (which was adopted) to enable increased access for ethnic Albanians and other ethnic groups. The HCNM suggested that a pedagogical faculty in the Albanian language could be established at the state University of Skopje. Other recommendations included the development of a trilingual Higher Education Centre for Public Administration and Business. This could help to improve the economic climate within the country and enable increased ethnic minority representation in local and regional representation (HCNM -H/C/REF/3/1995).



Despite the Macedonian constitution allowing for the establishment of private schools and a section of the Copenhagen Document stating that national minorities have the right to their own educational facilities, the Minister of Foreign Affairs, Stevo Crevenkovski responded by stating that ‘any solution regarding a private university in the Republic of Macedonia has to take into account that such an establishment can be founded in the constitutional and legal framework, meaning in the Macedonian language or under specific conditions in one of the world languages. Your initiatives for assisting the Republic of Macedonia in this sphere should have this fact in view’ (HCNM-H/C/REF/3/1995).

Dialogue continued between the government, interested parties and the HCNM, however, the dispute over the university continued unabated into 1998. Macedonian students at times resorted to violent protests over the government’s decision to allow Albanian as the language of instruction at the Pedagogical Institute at Skopje. Ethnic Albanian leaders continued to press for legal recognition of the status of the University at Tetovo. The Macedonian authorities refused to recognize the university and would not recognize graduating students’ diplomas although the university was allowed to operate (Human Rights Watch 1998).

In the case of the university at Tetova, the HCNM has to date neither managed to satisfy the demands of the ethnic Albanian communities nor to persuade the government to make more concessions regarding this matter. In February 1998 the two largest ethnic Albanian political parties asked the OSCE to replace the HCNM due to his ‘lack of objectivity’ following the HCNM’s comments that the government was not obliged to recognize the university (Human Rights Watch report 1998). The university is a particularly sensitive issue to the government and calls into question how much influence and control it is prepared to concede to an outside observer of its internal affairs.

The HCNM has also been accused of unsatisfactory responses regarding other issues. There were concerns over the flagrant abuse of police powers during 1997 following serious allegations of police brutality directed against ethnic Albanians during protests in Gostivar where people were both injured and murdered. The HCNM issued one statement on the event in which he understated the number of people injured and failed to make mention or criticism of police behaviour. Instead he issued platitudes on the importance of rejecting ethnic hatred and pursuing constructive dialogue (Human Rights Watch report 1998).

This notwithstanding, many of the points of contention are manipulated by both sides. The government has agreed in principle to many of the ethnic Albanians demands (US Department of State: Macedonia Country Report 1996). In practice, the government has justified delays in regulating minority issues because it says it is unable to deal with the volume of work involved. Of the recommended changes most would not require much effort or expense to institute (Najcevska 1995 p41).

Despite his supportive approach to the government, aspects of the HCNM's work are an irritant to Skopje. The type of advice offered by the HCNM is indicative of Western policy toward Central and Eastern European states generally. Different standards of behaviour are requested of Central and Eastern European states than Western states themselves choose to adhere to (Lutz 1997 p23). Neighbouring states such as Greece and Turkey both possess poor records on minority and human rights, escape levels of scrutiny imposed on Macedonia, and still receive the benefits of membership of a number of international organizations. While Macedonia is required to implement legislative reform on national minorities, Greece continues to ignore the existence of minorities on its territory (Najcevska 1995 p41). There have been serious attempts to improve the rights of minorities within Macedonia to a higher level than that enjoyed elsewhere in Europe (Milcin 1995 p26). For example 'Macedonian law prohibits the ethnic identification of perpetrators in the media' (Barany 1995 p520). This is not prohibited in Britain for instance. It was



acknowledged by the EU's Badinter Commission that Macedonia was one of a small number of states that had satisfactorily met human rights conditions (Ackermann 1996 p421). There are no clear indications that the OSCE has influenced the design of such human rights policies.

Where the HCNM has played an important role has been in keeping open and encouraging channels of communication between conflicting parties in times of severe tension. This has helped to engender an atmosphere where dialogue rather than a resort to violence is an accepted practice. The HCNM has proven particularly skilled at building intimate relationships with parties. This may be attributed to the mandate of his office or to his personal diplomatic skills. Both the HCNM and the mission have provided a basis from which moderation within a society can be promoted and escalatory actions avoided. Such moderating influence has been achieved by applying pragmatic approaches rather than adhering to formalities. The emphasis has been on persuasion rather than on the application of power or measuring compliance with the legal obligations of the state (Chigas 1996 p63).

### **The Sanctions Assistance Missions**

The decision to establish the SAMs was endorsed by the 16<sup>th</sup> CSO meeting on the 18<sup>th</sup> September 1992. The idea behind this decision was to enforce the UN imposed sanctions on the Federal Republic of Yugoslavia authorized in May 1992. The UN mandate involved imposing an economic embargo and blockade while severing diplomatic, scientific, cultural and sports relations (Skidelsky and Mortimer 1996 p167). The OSCE's role involved monitoring compliance with the sanctions.

A number of the OSCE participant states seconded experts and contributed to the financial costs of maintaining the SAMs which were operated in Albania, Bulgaria, Croatia, Hungary, Romania and Ukraine as well as in Macedonia. The SAMs

cooperated within the Sanctions Liaison Group and were overseen by an OSCE/EU Sanctions Coordinator. In terms of staff, more than 240 customs officers and other experts worked either within the seven SAMs or within the central structure in Brussels. The central structure consisted of the Sanctions Coordinator's Office and SAMCOMM, the body overseeing communication and coordination. The latter was partially financed and staffed by the EU (OSCE Handbook 1996 p37). In order to execute the SAMs, the Macedonian police was assisted by a team of 28 customs officers from the OSCE.

From the outset, the OSCE presence was tolerated rather than welcomed. The Macedonians perceived the OSCE officials to be a nuisance. Traffic across the border was particularly heavy at night when OSCE officials were not so likely to be operating. UN forces were frequently unable to do much about the traffic apart from count it because the UN lacked the authority to stop and inspect trucks and trains. Transport was sometimes turned back at the border crossings but often returned later and was allowed to cross (Vogel 1993).

The UN mandate contained within it provisions to alleviate the effects of the sanctions on the states bordering Serbia although Western nations did not respond (Owen 1996 p314). Little care or consideration (or financial recompense) appeared to have been given to the effects and repercussions that the application of sanctions would have on neighbouring states (Financial Times Survey 7.7.95 pp33-36).

The Macedonian government could not afford adherence to the sanctions agreements and turned a blind eye to violations. Serbia's frontier was a 'virtually open border.' Macedonia and Albania had developed a thriving market in illicit trade especially when contravening oil sanctions. Sanctions were tightened under UN Security Council resolution 820 in April 1993, which curtailed the scale of sanctions violations. Nonetheless, the supply of goods to ruling elites and the military in Serbia continued (Owen cited in Skidelsky and Mortimer 1996 p167).



The OSCE considered that the SAMs made 'an essential contribution to the credibility of the efforts of the international community to stop the fighting in the former Yugoslavia' (OSCE Handbook 1996 p36). This statement is strongly contested. The sanctions were in place for three and a half years until November 1995 and were 'very unevenly enforced' (Skidelsky and Mortimer 1996 p167). A UN official was reported to have commented that as the international community had provided no help for Macedonia to secure alternative economic markets or to supply economic relief it was unwise to consider that Macedonia could abide by UN sanctions (Vogel 1993). This meant that oil and other goods entered Serbia from Macedonia and Albania which rendered 'much of the work of the SAMs null and void' (Owen 1996 p314). The government also engaged in widespread violations of the sanctions because of its support for Serbian nationalist forces in Bosnia. Serbia was Macedonia's main trading partner and Macedonia remained fearful of the military and economic power of the state. A government spokesman acknowledged that without trade with Serbia the Macedonian economy would collapse (Vogel 1993). By January 1996 following the signing of the Dayton Accords, the UN Security Council under resolution 1021 and 1022 lifted the arms embargo and suspended sanctions against Serbia.

## **Conclusion**

Both the long-term mission and the HCNM had entered Macedonia at a time of severe economic problems and heightened ethnic tensions. In order to operate within a precarious political and economic climate, both OSCE offices addressed the prevailing situation in Macedonia through pragmatic and utilitarian policies. For example, legitimizing the dubious results of the 1994 general elections illustrated that OSCE ideals appeared to have been sacrificed to what the OSCE may have considered was the greater good of maintaining stability within the state. Some recommendations issued by the HCNM and the mission were incorporated into

government policy. In light of such achievements the HCNM and the mission were able to influence aspects of government thinking, such as affirmative action. However, major points of contention remained unresolved. Despite OSCE involvement during the period of time under discussion here, relationships between ethnic groups deteriorated. Throughout 1998 inter-ethnic relations became markedly worse, especially with regard to Roma and Albanian minorities. This was due to the war in Kosovo and a subsequent large influx of ethnic Albanian refugees into Macedonia, something the OSCE was powerless to prevent.

The mission and the HCNM as mechanisms of conflict prevention attempted to both defuse ethnic tensions and to enhance the stability of the state. There was tension between the needs of the state and those of ethnic groups which the OSCE proved unable to adequately address. Without stable government, inter-ethnic relations could not be improved. Attempts by the OSCE to detail the inadequacies of official policies relating to ethnic minorities and human rights led the government to charge that it was being undermined by the OSCE. In turn, OSCE attentions directed towards one ethnic group served to increase hostility and resentment in another. A possible alternative course of action could, for example, have been the encouragement of policies designed to improve social and political conditions generally within the state rather than merely targeting a particular ethnic group for courses of affirmative action, which did not appear effective.

The emphasis on ethnic issues by organizations like the OSCE, rather than on creating stable political institutions could be construed as misplaced and counterproductive to the long term goals of achieving stability. Arguably, more attention needs to be paid to developing measures to strengthen political and economic structures that are in turn reflective of the ethnic diversity of the country concerned. Susan Woodward (1995 p393-394) has argued that the greatest threat to stability has not arisen from ethnic tensions but from 'incomplete sovereignty and



fragile governments' devoid of the necessary resources required to devise their own solutions to ethnic problems.

Nevertheless, Macedonian politics have largely been characterized by tolerance, dialogue and moves towards establishing a multi-cultural state (Ruzin 1997 p3). In this environment, the HCNM demonstrated the utility of low key diplomacy. The mission provided a means of 'monitoring events for the international community, providing an important sounding board for ethnic minority groups, and for publicizing Macedonia's prospects for stability' (Mickey 1995 p39). The HCNM offered constructive proposals outlining measures designed to improve relations between ethnic groups and between ethnic groups and the government. The ultimate decision and responsibility as to whether to act upon such recommendations lay with the government, the HCNM had no authority to enforce his proposals. During the early to mid 1990s it was in the Macedonian government's interests to adopt a policy of at least limited compliance with OSCE recommendations. Since then, the organization has proven of limited use for the government. In the early stages of OSCE involvement in Macedonia the organization was able to play a substantial role as a facilitator and mediator of dialogue. As Macedonia developed its connections with other international organizations, such as the EU and NATO, this role diminished (Telephone conversation with Branko Geroski November 1997). It has not however disappeared.

The mandates of the mission and the HCNM formed one component of international involvement in Macedonia. Stabilizing factors also came from other quarters. For example, attention to individual rights remained outside the mandate of the OSCE. This area of human rights was taken up by the UN Special Rapporteur for Human Rights in FYROM which enabled a law on the National Ombudsman to be passed in February 1997. This law established a state body designed to protect the constitutional and legal rights of citizens when violated by a state institution. Incorporated into the law were far reaching powers of redress (Human Rights Watch

1998). This now defunct UN office contributed to the continuing stability of Macedonia as did US special interest in the state. Since 1991 the US had contributed aid and expertise to Macedonia which was considered of key importance to the maintenance of stability in the Southern Balkans.

What detracted from the OSCE's work in Macedonia was its involvement with the SAMs. Attempts were made to implement sanctions, but the difficulties in doing so meant that international efforts were less than effective. There also appeared at times to be a policy in operation of non-enforcement of sanctions in order to limit further damage to the Macedonian economy. Debilitating effects on the economy were, however, to increase ethnic tensions through high levels of unemployment and social dissatisfaction.

New sources of instability like the failed banking schemes which emerged in 1997 and the continuing conflict over Kosovo, which by 1998 had resulted in over 35,000 refugees entering Macedonia, meant that the government has needed to maintain an accommodative policy towards the OSCE despite a desire to concentrate on developing closer links to NATO. With regard to future extensions of the mission, the interested public within Macedonia has questioned the need for this. The government and politicians, however, have generally wanted to see the mission remain for the immediate future. Reflecting its pro-European policy the government has been reluctant to openly criticize OSCE operations (Ackermann 1997 p10 and Ackermann Email 1997). It was also mindful of the political situation prevailing in the Balkans and the possible need for future assistance from international organizations like the OSCE.



## **Chapter Five: The OSCE and Nagorno-Karabakh**

### **Introduction**

This chapter analyses the role of OSCE conflict management/resolution measures in an ongoing and often violent conflict centred on the disputed region of Nagorno-Karabakh in Azerbaijan. Here the OSCE has engaged in intelligence gathering, negotiation and dialogue. It has also put together proposals to organize and dispatch a peacekeeping mission to the region with the idea of separating the conflicting parties while developing a political settlement to the conflict.

The conflict over Nagorno-Karabakh is of especial significance to the OSCE because here for the first time the responsibility for staging a peacekeeping mission has been put under the aegis of the organization. While much of the organization's work in Eastern Europe and the FSU after 1990 has involved developing and implementing a conflict prevention portfolio, the operation proposed for Nagorno-Karabakh if/when executed would provide evidence of the OSCE's ability to develop its capabilities beyond 'softer' conflict prevention initiatives into the realm of 'harder' conflict management measures which would require military support from external agencies such as NATO.

The first part of this chapter briefly discusses the background to the conflict between the Armenians, the Karabakh Armenians and the Azeri government. The discussion then examines how the OSCE became involved in the region and the type of policies it has pursued. The analysis also considers aspects of geo-politics affecting the conflict and how external factors have impinged upon the proposed peacekeeping mission and the conflict resolution process.

## **Background to the conflict**

The dispute over the region of Nagorno-Karabakh is the oldest conflict in the former Soviet Union. Historically, Nagorno-Karabakh was considered part of Armenia from the 2<sup>nd</sup> Century BC until the beginning of the 5<sup>th</sup> Century AD. Armenians claim a long history within Nagorno-Karabakh which, while convincing, purposely 'obscure(s) a parallel Muslim presence' (Goldenberg 1994 p157). Only once since the 5<sup>th</sup> Century has Armenia briefly gained control over Nagorno-Karabakh. This occurred during 1921 when the region was assigned to Armenia by the new Soviet government. On Stalin's orders this decision was reversed on July 5<sup>th</sup> 1921 and Nagorno-Karabakh became a region of Azerbaijan. Both parties assumed a historical right to sovereignty over the region and viewed Nagorno-Karabakh as the 'cradle of their cultures' (Goldenberg 1994 p156).

The current conflict focuses on the wish of the largely Armenian population of Nagorno-Karabakh to be granted independence from Azerbaijan and either to become an independent republic or to become part of a 'greater' Armenian state. The Karabakh Armenians have claimed that just as Armenia and Azerbaijan had the right to secede from the Soviet Union in 1991, so Nagorno-Karabakh has the right to secede from Azerbaijan (Tchilingirian 1997 p42). Such views are opposed by the Azeris who maintain that Nagorno-Karabakh is a part of Azerbaijan and should remain so. The Armenians of Nagorno-Karabakh are opposed to living under Azeri jurisdiction because they claim to be victims of Azeri discrimination. Such claims have fueled secessionist demands. The Azeris attribute Armenian grievances to the rise of aggressive nationalist forces attempting to resurrect the idea of a 'greater Armenia' and deny any legitimacy to claims of injustice.

In the late Soviet period what had begun as a protest over discrimination against Armenians 'descended rapidly into violence with little attempt at mediation in



between' (Goldenberg 1994 p154). The struggle for control over Nagorno-Karabakh intensified as the Soviet Union collapsed. Following declarations of independence by Armenia and Azerbaijan in 1991, the conflict was transformed from a domestic dispute to a conflict attracting international diplomacy. The conflict was also redefined, changing from one involving claims to self determination to one involving demands for outright secession (Adalian 1995 p327).

Prior to the current conflict (which led to the expulsion of Azeris from the enclave) Armenians constituted 70% of the population of Nagorno-Karabakh and the Azeris 30% (Azerbaijan Embassy Document, supplied 1998). Episodic violence occurred during the 1960s and 1970s but tensions were more openly expressed following Gorbachev's policy of glasnost. Moscow at this point imposed a special administration. This was a futile attempt at containment. Widespread violence ensued leading in 1988 to forced population transfers. For the Armenians this evoked historical memories of genocide committed against fellow Armenians by the Turks in 1915-16 (Adalian 1995 p313). The violence escalated in 1990 leading to over 200,000 Armenians vacating Baku. As tensions heightened during 1991 the Nagorno-Karabakh parliament declared the creation of the Nagorno-Karabakh Republic. The declaration of independence was not recognized by any other state including Armenia. The Azeris retaliated by announcing their intention to withdraw Nagorno-Karabakh's autonomous status and to impose a Turkish name upon the capital city Stepanakert. The Karabakh Armenians then held a referendum which resulted in overwhelming support for independence and the first parliament was elected.

The conflict developed into full scale war during February 1992. This led to the displacement of over one million people on both sides (MacFarlane 1997 p34). Attempts by Russia and regional actors to broker agreements and secure a cease fire continually foundered. Between 1992 and the cease fire brokered by Russia during 1994 most of the military objectives of the Karabakh Armenians were realized. Azeri

territory was captured forming the Lachin corridor, linking Armenia to Nagorno-Karabakh. This transformed the psychological link between Armenia and Nagorno-Karabakh into a physical reality (Goldenberg 1994 p168). The resolve to achieve secession by the Armenians of Nagorno-Karabakh was further strengthened by such territorial gains. Armenia in turn waged undeclared war against Azerbaijan. However Armenia's role as an aggressor remained unacknowledged internationally where the state was largely perceived as neutral to the conflict. This was despite Armenia legally considering Nagorno-Karabakh as part of its territory following the December 1 1989 resolution of the Supreme Soviet of the Armenian Soviet Socialist Republic and regardless of Armenia's political and military support for the Armenians of Nagorno-Karabakh (Cornell 1997).

### **Establishing the Minsk Group**

Following the failure of a multitude of unilateral peace making initiatives which had been pursued by Russia, Iran, Turkey, Kazakhstan and Italy, the UN decided in late 1992 that the OSCE would be a suitable body to devise conflict management and resolution measures for Nagorno-Karabakh (MacFarlane 1997 p34). At this time there had been concerns that the conflict could escalate. After an initial UN study of the conflict and in consideration of the rapidly expanding operations in other areas, the UN decided to involve the OSCE in order to remove any further burden from itself (Manas 1996 p124). Agreement reached between heads of states during the Budapest Summit of 1994 indicated that the political will to provide a multi-national peacekeeping force to Nagorno-Karabakh was present (Hoynck 1995 (b) pp150-151). Such willingness to prepare an OSCE peacekeeping operation may have been a reaction to the OSCE's failure to take decisive action in the Former Yugoslavia during 1991-1992. The organization needed to enhance its credibility. Such a proactive mood had yet to be dampened by a substantial international commitment to Bosnia and by the Russian invasion of Chechnya following Budapest.



As the UN was considered already too overburdened to undertake further peacekeeping responsibilities, the OSCE then became an obvious choice. However, the OSCE lacked a military capability. Deploying a peacekeeping mission under the aegis of NATO would have been unacceptable to Russia which remained opposed to granting NATO access to former Soviet republics. However, OSCE oversight of a peacekeeping mission combined with NATO military resources was an option considered after NATO agreed during 1992 to make resources available to the OSCE. The OSCE was also attractive because of the drawbacks of Commonwealth of Independent States (CIS) peacekeeping operations. CIS peacekeeping is both 'Russian inspired and dominated' and motivated by unilateral security interests. A CIS led force was opposed by Azerbaijan which was reluctant to allow Russian troops on its territory. Russian peacekeeping' had proven to be clearly distinct from international practice (Lynch 2000 (b) pp178-179). This may have been another factor contributing to Azeri aversion. Baku was, however, willing to accept OSCE led forces (Mihalka 1996 (a). Moscow meanwhile saw the benefits of sharing 'political and material responsibility for peacekeeping operations with the UN and the OSCE.' The situation also presented a means of curtailing independent Russian activity in the Caucasus.

Russia suggested a multilateral peacekeeping force of which half the troops would be Russian and the entire force would be under Russian command. However, it was agreed at the 1993 Rome Council meeting that the deployment of third party military forces would have to be 'consistent with CSCE principles and objectives.' Along with Russia, Austria, the Baltic States, Croatia, Hungary, Norway, Turkey, the United Kingdom and Ukraine reportedly volunteered to supply peacekeeping forces. No decision was reached as to how a peacekeeping mission would be established or what percentage of staff and troops each country would supply (Manas 1996 pp124-125).

For the OSCE, the chance to prepare for a peacekeeping mission presented a number of opportunities. The OSCE could develop and then test its capabilities in conflict management, extend its mandate and enhance its prestige. It also meant there was an opportunity for the OSCE rather than the UN to take responsibility for peacekeeping in Europe. The UN would provide support to the OSCE in the form of providing a political mandate along with technical expertise (Hoyneck 1995 (b) p152). Russia had undertaken 'peacekeeping' operations in the CIS but 'without a legitimizing international mandate' (Manas 1996 p124). The US, keen to develop mechanisms of control over Russian behaviour, pushed hard for an OSCE peacekeeping involvement in Nagorno-Karabakh. OSCE oversight of peacekeeping in Nagorno-Karabakh would enable Russia to participate in multilateral peacekeeping while being subject to the constraints of international censure.

Prior to 1992, the idea of the OSCE leading a peace process had not been mooted. Following the break up of the Soviet Union and with the parties to the conflict having violated OSCE commitments, there was an opening for OSCE action. The OSCE had previously avoided involvement in what was perceived as an internal conflict. This situation was reviewed following Azerbaijan and Armenia's admission to the OSCE process at the Prague meeting of the OSCE Council on 30-31 January 1992 (Paye and Remacle 1995). A Rapporteur Mission to Armenia and Azerbaijan 12-18 February 1992 'confronted the CSCE with the serious post-Soviet conflict in Nagorno-Karabakh' (Hoyneck 1994 (b) p121). This led to calls by the CSO for an immediate cease fire and the implementation of an agreement reached between Russian, Armenian and Azeri Foreign Ministers. The CSO also called for the imposition of an arms embargo against the warring forces and subsequently succeeded in establishing safe corridors in order to deliver aid which also facilitated the exchange of hostages and the dead (Paye and Remacle 1995).

OSCE involvement in the peace process was launched at the 8<sup>th</sup> CSO meeting held on 13-14 March 1992. This entry was not without complications. While the OSCE had



a mandate to operate in the CIS region, it was at the same time reliant on the support of Russia. Russia feared that the principal players in the region- the US, France and Turkey- would use the OSCE as a vehicle for penetration into the Caucasus (Baev 1997 p37). Russian policy was characterized by ambivalence. While Russia courted international support, Moscow feared marginalization of its independent role in the conflict if the OSCE became heavily involved (Baev 1997 p26). Moscow's goals were 'to obtain the legitimation and support of the OSCE for Russian peacekeeping operations' (Lynch 2000 (a) p104).

Nevertheless, following the 8<sup>th</sup> CSO meeting a second mission headed by Jan Kubis in the capacity of CIO of the CSO was dispatched to the region with Russian agreement. It became the 'first short term mission to go beyond its mandate as an information gathering vehicle and call for long term CSCE intervention' (Hoyneck 1994 (b) p122). On 24<sup>th</sup> March 1992 the CSO agreed, under US influence, that the OSCE 'must play a major role in promoting a peace process relating to the conflict.' Jiri Dientsbier was sent to the region to examine the possibilities for establishing a cease fire. The CIO was requested to convene a conference in Minsk to include the contributions of eleven of the OSCE's participating states - the direct parties of Armenia and Azerbaijan, the host country Belarus, the then OCSE troika states of the Czech and Slovak Federal Republics, Germany and Sweden. A number of other interested states, Italy, France, the Russian Federation, Turkey and the US were also included. This collection of states became known as the Minsk Group (OSCE Handbook 1999 p63).

The formation of the Minsk Group represented an organizational innovation for the OSCE. It signified that the OSCE was officially in control of the mediation and resolution process and served to elevate the organization's status. This was further reinforced by the key OSCE players taking leading roles within the Minsk Group. Establishing the Minsk Group was an attempt to circumvent the cumbersome procedural processes of the OSCE in order to make it easier to achieve political

consensus over appropriate measures to address the conflict. Such a diplomatic innovation was consistent with developments within the OSCE during the early 1990s when previously untried and untested procedures, mechanisms and institutions were rapidly created. A mediating body was necessary that would represent Russian, Armenian and Azeri interests while adding external input into the proceedings.

Other OSCE procedures that might have been applied to the conflict remained unused however. This may have been due to the time scale of OSCE institution building or to existing procedures being unsuitable. The scale of the conflict may have rendered the application of measures like the Moscow mechanism redundant. Other bodies were designed with conflict prevention and low intensity conflicts in mind and were therefore not suitable for consideration in this case. For example, the HCNM was not established until December 1992 while preparations to develop the Minsk process were underway during early 1992. The full scale military conflict over Nagorno-Karabakh was in any case beyond the scope of the HCNM's mandate as 'an instrument of conflict prevention at the earliest possible stage.' The Minsk Group, therefore, represented an initial attempt to go beyond conflict prevention measures into an intensely complicated conflict requiring a capacity for conflict management, mediation and resolution. Initially the Minsk Group's work was overseen by two co-chairs. These, in turn, received guidance from the CIO. However, by setting up the Minsk Group the OSCE had effectively delegated responsibility for the negotiation process to a collection of states who would be unable to remain neutral due to their interests in and links with the region. This meant that the process would be fraught with problems (Fuller 1992 cited in Adalian 1995 p330). This situation was not unavoidable. There were of, course, 55 participants of the OSCE process all supposedly concerned with upholding the values of the OSCE. Therefore, an alternative group of states could have arguably been delegated to take part in the Minsk process.



The Minsk Group was part of a process that would culminate in a formal peace conference. The aim of the proposed Minsk conference was to spearhead OSCE efforts in order to devise a political solution to the conflict (OSCE Handbook 1995 p35). Despite OSCE efforts it has not (to date) been convened.

OSCE states had derived experience of peacekeeping operations from collaborative involvement in UN operations. Previous UN operations were to be studied in order to avoid their shortcomings. It was decided to involve the UN and the UN High Commissioner for Human Rights and to send a monitoring mission to the region once a cease fire had been reached. Such measures failed to prevent an escalation of the conflict as Armenian forces seized Shusha the last Azeri city in Nagorno-Karabakh along with territory forming the Lachin corridor in May 1992. During this period OSCE mediators unsuccessfully tried to enter the region. Attempts by the US to convene an emergency meeting of the Minsk Group were thwarted by Armenia following international condemnation of the extension of the conflict which further violated Azeri territorial integrity (Paye and Remacle 1995). For the remainder of 1992 the OSCE achieved little in the way of success and the Minsk process remained in deadlock.

Early attempts at mediation had resulted in stalemate because neither side was prepared to grant a major concession regarding the status and security of Nagorno-Karabakh (Mihalka 1996 (a)). The main problem with developing a political settlement to the conflict was the perceived difficulty of reconciling the principles of self determination for the Nagorno-Karabakh Armenian minority with the rights of the Azeris to maintain the territorial integrity of their state (MacFarlane 1997 p34). The right to self determination, however, did not have to mean outright secession and so adherence to both principles, (both enshrined in the Helsinki Final Act), still left room for a negotiated settlement to the conflict.

Despite the setbacks, there were benefits to early OSCE involvement. A forum had been provided within which the two sides could clarify their positions and this allowed the Armenians of Nagorno-Karabakh to at times be unofficially represented. The existence of an international framework through which the possibilities for peace could be explored offered hope to the parties involved and enabled the opposing parties to meet to discuss their views (Adalian 1995 p330). The peace process, in effect, became institutionalized something which allowed efforts to resolve the conflict to be sustained rather than merely convened on an ad hoc basis. A breakthrough appeared to have been achieved when in mid 1993 the Karabakh leader Georgy Petrossian was removed from power leading to a more conciliatory stance on the part of the Karabakh Armenians. In June 1993 an OSCE peace plan was signed by Karen Baburyan. This collapsed following a renewed Karabakhi offensive (Webber 1996 p229).

An initial Russian response was to oppose OSCE action on the grounds that the organization did not possess the experience necessary to competently handle a peacekeeping operation. Russian concerns were centred on reducing OSCE capabilities. Russian attempts to strengthen the OSCE in order to undermine NATO had meant that Russia had to give the OSCE an opportunity to prove its worth (Baev 1997 p36). However, when such opportunities conflicted with Russian interests reasons were forwarded as to why the OSCE was not suitable to take action.

The Russian position was one of opportunism (Rotfeld 1995 pp294-5). This served to further complicate the peace process. Russia attempted to manipulate OSCE policy to suit its domestic or foreign policy objectives. Moscow sought to subvert the influence of the OSCE and to marginalize the organization's role in the region, constantly seeking alternatives to OSCE involvement. Russia appeared reluctant to cede what it perceived as a loss of influence over Armenia and Azerbaijan and attempted to exert a form of hegemonic control over the two states. Moscow provided substantial military support and expertise to the Armenians after the then



Azeri President Albufez Elchibey refused to enter the CIS in 1992. Four months later the Azeri government was forced to resign and Azerbaijan entered the CIS. Despite international acceptance of the independence of the two states, Russia continued to regard Azeri affairs as part of Russian politics. Moscow also viewed OSCE actions as compromising its authority in the Caucasus but was forced to accept OSCE intervention because unilateral Russia involvement in Azerbaijan was unacceptable to the Azeris (Mihalka 1996 (a)).

However, when another breakthrough arrived in May 1994 in the form of a cease fire it was a result of Russian rather than OSCE efforts. Nonetheless, the OSCE may have played an indirect role in helping to achieve this. Russian negotiations to secure the cease fire may have been intensified as a result of Moscow's wish to directly compete with the OSCE. If the OSCE had not become involved in Nagorno-Karabakh a constructive response by Moscow may not have been forthcoming. Following the cease fire, joint Russian and OSCE efforts intensified. Such cooperation did not, according to the Russian Ambassador to Nagorno-Karabakh Vladimir Kazimirov, allay mutual suspicions and competition as both Russia and the OSCE sought to dominate the resolution process (Baranovsky 1995 p254). Russia was ready at this point to deploy its own peace keeping forces under the aegis of the CIS in order to monitor the cease fire. Heads of observation posts would also be Russian. This was an attempt to thwart an earlier OSCE proposal that international observers would monitor both the activities of the peace keepers and the combatants. By the end of 1994 the Azeris were calling for a larger OSCE role in the region resisting strongly Russian attempts to station military units in Azerbaijan (Allison 1994 p9,p50).

Having successfully negotiated a cease fire, Moscow anticipated retaining a central role in negotiations. Russian success here was designed to demonstrate that its role and not that of the OSCE was vital to the successful resolution of the conflict (Hurlbert 1995 (b) p12; Baev 1997 p36). The mediation efforts of the Minsk Group were at this stage largely bypassed by Russia's more aggressive approach, which, in

turn, failed to yield worthwhile results (Fuller 1995 p63). Russia alleged OSCE interference in the conflict and considered the organization irrelevant to its settlement. Moscow's perceptions of the possible uses of the OSCE in Nagorno-Karabakh were subjugated to Russian interests in the region more widely (Hurlbert 1995 (b) pp12-13).

As eluded to earlier, prior to the OSCE's Budapest Summit in 1994, Russia was anxious to prevent NATO's dominance in European security and proposed strengthening the OSCE as an alternative. OSCE heads of states did not give support to the Russian idea of strengthening the OSCE. They also rejected Russian proposals on third-party peacekeeping. Its support of the OSCE notwithstanding Moscow sought to prevent the OSCE taking a 'leading role' in the FSU (Lynch 2000 (a) p112). Russia however, was then compelled to allow the OSCE a greater role in the peace process in Nagorno-Karabakh. Moscow hoped that financial constraints and chaotic bureaucracy would thwart the peacekeeping operation. Russian objectives were eventually realized as the OSCE's attention and resources increasingly focused on Bosnia during 1995. However, a political settlement involving the deployment of CIS peacekeeping troops had eluded Russia because the Azeris were unwilling to allow Russian forces on to their territory. Baku was willing to accept OSCE peace keepers but expressed concern that a peacekeeping operation could freeze the situation on the ground. Among the Karabakh Armenians one of the barriers to compromise was the fear that as a non-state party their interests would not be protected by any agreement that fell short of outright independence from Azerbaijan (MacFarlane 1997 p35). The Karabakh Armenians were afraid that if they retreated from captured territory without securing credible international guarantees they would then be subject to retaliation (Hoyneck 1995 (b) p151).

Despite such problems, the Budapest Summit proved in some respects a turning point in trying to resolve the conflict and a number of important steps were taken (Baranovsky 1995 p254). Informal consent was given by 18 participating states in



response to an Italian initiative to enable a peacekeeping force to be dispatched to Nagorno-Karabakh. This failed to materialize due to OSCE insistence that a political settlement must be realized first (see below) (Fuller 1995 p63). Measures were outlined designed to placate Russia and to bring it firmly on board the Minsk process. For almost two years the Minsk Group had been undermined by a parallel Russian peace process (Chigas 1996 pp69-70). The OSCE agreed to merge its mediation efforts with Russia. Decisions were made regarding the Co-Chairs of the Minsk Group and the establishment of the High Level Planning Group (see below). Adopting Russia as one of the Co-Chairs was an attempt to coordinate and harmonize the work of the Minsk Group and that of Russia within the OSCE framework (Annual Report of the Secretary General 1995 on OSCE Activities p18). It also signified 'recognition of Russia's prominent role in the peace process' (Baranovsky 1996 p254). Within the Minsk Group both Western and Russian proposals agreed on the need to guarantee Azeri territorial integrity while ensuring that Nagorno-Karabakh achieved extensive autonomy (Lynch 2000 (a) p115).

The decision to closely involve Russia in the role of a peacemaker sat uneasily alongside the billion dollar levels of military support and aid Russia had provided to Armenia. However, Russia proved a fickle ally of Armenia. During November 1995, for example, the Russian government reputedly supported Baku's aims in the Minsk Group to regain Nagorno-Karabakh on the condition that the Azeris granted military basing rights to Moscow (Lachowski 1996 (b) p748; Manas 1996 p145). Moscow also offered concessions to the Azeris in an attempt to regain control of an early warning radar complex in Azerbaijan (Lachowski 1996 (b) p748). However, as Russia's relations with Georgia deteriorated Armenia became increasingly important to Moscow in the Transcaucasus (Lynch 2000 (b) p175).

Nevertheless, when the US subsequently took up the role as a second permanent Co-Chair in 1997 its activities were equally questionable having provided substantial aid to Armenia while maintaining Section 907 of the Freedom Support Act which

prohibited direct US governmental assistance to Azerbaijan. The Clinton administration's subsequent attempts to remove the prohibition were thwarted by Congress (Danielyan 1999 a). France in turn would become the third Co-Chair in 1997 (see below). It possessed a sizable Armenian diaspora population which led the Azeris to question French legitimacy in the peace process.

Returning to earlier developments, the Minsk Group made some practical contributions to resolving the conflict. The Co-Chairs oversaw the signing of an accord on February 6 1995 which strengthened the cease fire. The Minsk Group established processes through which armed incidents could be settled. These proved nonetheless to be under utilized but were subsequently strengthened by additional measures (Kazimirov 1996 p82). In terms of diffusing tensions between the conflicting parties the Minsk Group with assistance from the International Committee of the Red Cross and Russia was able to secure the release of prisoners of war and hostages (Kazimirov 1996 pp81-2). This campaign was timed to coincide with the first anniversary of the cease fire. During 1995 a number of disengagement procedures were also agreed upon (Manas 1996 pp69-70).

The work of the Co-Chairs also focused upon the psychological elements of conflict resolution. Attempting to exert influence over the conflicting parties, the mediators considered how to mould perceptions of the conflict and alter attitudes to the variety of ways in which the conflict could be resolved (MacFarlane 1997 p34). This also involved attempts to intensify the negotiation processes in order to bring differing positions closer together in order to realize a political settlement. A variety of diplomatic methods were used besides the rounds of negotiations and meetings that had taken place. Visits to the region were undertaken to allow direct dialogue to take place between the Co-Chairs and the parties to the conflict (Kazimirov 1996 p83).



## **Preparations for peacekeeping**

At the CSO meeting of May 1 1992 the decision was taken to start preparations for the possible deployment of a peacekeeping mission (Hoyneck 1994 (b) p122). Following this, on 9-10 July 1992 the Helsinki Summit took on the responsibility for crisis management by agreeing to organize the peacekeeping mission. The first planning group, the Advance Monitoring Group, convened in July 1992. In order to make logistical arrangements the Initial Operations Planning Group was established in May 1993 which was succeeded by the High Level Planning Group (HLPG) following the Budapest Summit 5-6 December 1994. From these groups, plans were formulated to construct an observer mission containing between 300-700 personnel. The planning involved close liaison with the Minsk Group. Visits were made to the conflict zones to gather information (Vilen et al., 1996). The HLPG was essentially a flexible concept adapting to the momentum of the negotiation process. The constant use of fact finding missions enabled its options to be revised.

During 1995 the CIO appointed a Personal Representative to the conflict. His mandate was to achieve a political settlement to the conflict and assist with measures designed to maintain the cease fire (Annual Report 1995 on OSCE Activities p18). The role was of a facilitator developing confidence building and humanitarian measures. The High Representative gave assistance to, developed contacts between, and linked together the work of the CIO, the HLPG, the Co-Chairs of the Minsk Group, the conflicting parties along with international organizations like the UN. For the Personal Representative and his five assistants much of their time was taken up with monitoring the line of contact between the conflicting parties (OSCE-‘The Conflict Dealt with by the Minsk Conference’).

Before a peacekeeping operation could be dispatched to the region a number of stringent pre-conditions needed to be satisfied. Firstly a political agreement had to be

signed before any deployment could go ahead. There must have been a cessation of hostilities and a cease fire in place. The peacekeeping operation could only be launched with the consent and at the request of the conflicting parties. A UN resolution supporting the operation needed to be passed (Wilhelm Hoyneck (the then Secretary General of the OSCE) 1995 (b) p152). Moreover, 'the mission would last for a certain period of time only.' The conflicting parties would be required to actively cooperate with the peacekeeping forces and be able to guarantee the safety of the OSCE troops (Tchilingirian cites Major-General Heikki Vilen head of the HLPG, 1997 p43). This precondition questioned the whole concept of the peacekeeping mission. If conditions were to be so safe as to not endanger the lives of peacekeeping forces why would peacekeeping troops be required and what would they be expected to do? From the outset OSCE states were determined not to become engaged in protracted peacekeeping arrangements. The length of the peacekeeping operation was to be determined at the beginning and it would be terminated at the earliest possible stage.

The stringent preconditions rendered a deployment near impossible. Such preconditions may have been so tightly formulated because governments may have calculated that there was little political capital to be gained from unfettered engagement in the conflict. There would not be public support for peacekeeping operations in such a remote region which would, in turn, put the lives of troops at risk. There was also the risk that if the conflict was ongoing, peacekeeping troops could inadvertently become another party to the conflict and subject to attack. There may have been a lack of urgency to resolve the conflict at this time with the war in Bosnia proving to be a more pressing concern.

The most fundamental issue surrounding the proposed peacekeeping operation was concerned where the necessary military resources could come from. Although a 1992 NATO decision had opened up the possibility of making military resources available to the OSCE it was not clear whether NATO would be prepared to make good on this



in the case of Nagorno-Karabakh. Russia was in any case likely to veto such a proposal rendering the possibility of NATO support unlikely. Other possible contenders like the already over committed UN or the WEU, operating out of area, were also unlikely to take up the challenge.

Complications were likely to arise over what types of measures would be included in a peacekeeping operation. The role of the peace keepers was to separate the parties to the conflict while a peace agreement was being finalized and put into practice (MacFarlane 1997 p34), yet it appeared uncertain how that would be achieved given the limits of the mandate. Concerns were expressed that peace keeping troops could be over run. Problems were anticipated regarding the command and control structures of multi-national forces. For example major powers could object to their troops taking orders from smaller states. Small states in turn may wish to intervene in operations as was the case in previous UN missions to Somalia and Yugoslavia. Planning was delayed by differences between Russian and OSCE perspectives on constructing guidelines for third party forces (Manas 1996 p124). Preparations for the peacekeeping operation were completed in 1995 (OSCE Decisions 1995 Reference Manual p2).

Financing the proposed peacekeeping operation also appeared problematic. It would be difficult to raise the required finance from voluntary contributions of OSCE participants particularly in view of the estimated costs of the operation which could amount to ten times the annual budget (Vilen et al., 1996). Estimates for the number of troops required varied from 4,000 to 6,000. The potential costs for the first year were thought to be in the region of \$300 million (Manas 1996 p124). To develop a peacekeeping capability within the OSCE would require a large injection of resources both financial and bureaucratic into the organization in order to effectively manage operations (Chigas 1996 p96 note 133). Generating broad support for sponsoring such an initiative could prove problematic. Whereas the proposed peacekeeping operation was of importance to some OSCE states this was not uniformly the case.

## **The peace process 1996-1998**

By 1996 US and Russian proposals for a peace settlement were largely in harmony. These included recognition of Azeri territorial integrity, extensive autonomy for Nagorno-Karabakh and a transport link via Lachin. In addition to its desire to gain access to Azeri oil fields, Russia was anxious to restore control over borders of the former Soviet Union. Moscow wanted to be able to patrol the border between Azerbaijan and Iran and gain firmer control over the anti-missile radar cited in Azerbaijan. The conflicting parties however remained unable to reach agreement on the status and security of Nagorno-Karabakh, along with the areas of Lachin, Shusha and on issues surrounding refugees. The Foreign Minister of Nagorno-Karabakh conceded that the Armenians of Nagorno-Karabakh no longer sought union with Armenia and implied that a confederation with Azerbaijan might be accepted (Mihalka 1996 (a)).

However, Russia continued to undermine the Minsk process, encouraging the Armenians to press for Russian peace keepers rather than accepting a force commanded by the OSCE. This led the US to accuse Russia of prolonging the conflict (Hoagland 1996 pA21). Armenia and Nagorno-Karabakh could be perceived as 'instruments of Russian policy aimed at retaining Moscow's control of the rich and strategically vital southern regions of the FSU' (Commission on Security and Cooperation in Europe 1998).

However, the Karabakh Armenians were not necessarily pawns of the Russian government. The Nagorno-Karabakh leadership had repeatedly requested meetings with the Azeri government. This would have avoided the complicating influence of external states' interests. Azerbaijan agreed to hold direct talks with the leadership of Nagorno-Karabakh but only within the context of the Minsk Group. Direct negotiations were perceived by the Azeris as a prelude to the Karabakh leadership



seeking independent status for the region (Keesings Record of World Events October 1997 p41878; Williams 1998 pA29). International mediators blamed the intransigence of the conflicting parties and the failure to accept compromise for the inability to resolve the conflict (Baleyev 1996 p42). The CIO remarked that the leaders of the parties needed to make a sober appraisal of the situation in order that negotiators could be more adequately instructed (OSCE Newsletter May 1996 p5).

Later in 1996 at the OSCE's Lisbon Summit in December, the CIO put forward three principles that would form the basis of any settlement. These were accepted by all states except Armenia. OSCE states recognized Azeri territorial integrity. They acknowledged that Nagorno-Karabakh should be allowed the highest level of autonomy and maintained that security guarantees should be given to the Armenian population of Azerbaijan. The Summit statement reflected support for the territorial integrity of Azerbaijan which meant that there was no support for Nagorno-Karabakh's independence or unification with Armenia. Armenia threatened to veto the Lisbon Document. The statement on Nagorno-Karabakh had to be issued separately as a statement of the CIO. Armenia was opposed to the statement arguing that it predetermined the status of Nagorno-Karabakh rather than allowing that decision to be taken by the Minsk Conference. Armenia attributed blame for the subsequent breakdown of negotiations to the Lisbon statement (Commission on Security and Cooperation in Europe 1998).

During 1997 determined efforts were made to resolve the conflict. This included restructuring the Minsk Group. Prior to this there had been two co-chairs, one of which was Russia following decisions taken at the 1994 Budapest Summit. The other had been a rotating co-chair. It was agreed to create a troika to include the Azeri choice of a US representative and the OSCE proposal to include a French representative (as noted above). This decision served to revitalize the negotiation process. The injection of a fresh impetus into the negotiation process was important because the OSCE lacked power to resolve the conflict although it was likely to remain as the main forum for negotiations. The influence of Russia and the US

which found expression through the triumvirate chairmanship was considered the most viable way of encouraging the conflicting parties to arrive at compromise and agreement (Tchilingirian 1997 p43).

By May 1997, the troika had devised a new set of proposals to resolve the conflict. This involved a phased approach whereby issues that could be resolved quickly were to be dealt with first and more problematic concerns were to be delayed. The plan involved Armenian withdrawal from occupied territory, an end to the Azeri blockades of Armenia and Nagorno-Karabakh, the right of refugees to return, international peace keepers to be deployed and negotiations to be held on the eventual status of Nagorno-Karabakh, Shusha and Lachin (Commission on Security and Cooperation in Europe 1998). The proposals gave Nagorno-Karabakh autonomous status within Azerbaijan and its own constitution but demanded that the enclave's armed forces be reduced. It called for Armenian forces to be withdrawn from five regions in Azerbaijan, Shusha and the Lachin corridor which could be policed by the OSCE. Nagorno-Karabakh would also become a free economic zone (Keesings News Digest for June 1997 p41710).

Armenia objected strongly to a phased resolution of the conflict based on a structured timetable of events arguing 'that withdrawal of Armenian forces would give Baku tangible benefits without ensuring Nagorno-Karabakh's security.' Nonetheless, the Minsk Group appeared optimistic that a settlement could be achieved by the end of 1997. On 21 September, the Minsk Group mooted the concept that a formal decision on Nagorno-Karabakh's status could be delayed until other issues had been resolved and continued to urge compromise. It reiterated that the OSCE would not accept independence for Nagorno-Karabakh nor unification with Armenia (Commission on Security and Cooperation in Europe 1998).

Following the Lisbon Summit the Minsk Group had applied pressure on the then Armenian President Levon Ter-Petrossian to support the Lisbon proposals. A breakthrough appeared to have been achieved when in the autumn of 1997 Ter-



Petrossian appeared ready to accept proposals for resolving the conflict. However, he informed the Minsk Group repeatedly that the Armenian people would not accept them. The proposals generated deep division both within the Armenian government and the public (Commission on Security and Cooperation in Europe 1998). Eventually, Ter-Petrossian was prepared to collaborate with the Minsk Group, however, the OSCE body did not equip him with the concessions he needed to enable widespread acceptance of the proposals within Armenia and Nagorno-Karabakh and to allow the Armenian leader to stay in power. A carefully orchestrated coup was hatched that led quietly to the overthrow and subsequent resignation of Ter-Petrossian who was succeeded by a Karabakh hard liner, Robert Kocharian, following elections in March 1998. The phased approach was indicative of a degree of flexibility in the peace process, nonetheless, this proved insufficient to maintain Ter-Petrossian in power. By the winter of 1997 the talks conducted through the Minsk Group were again deadlocked. This meant that the work of the Minsk Group came to a standstill and the likelihood of renewed violent conflict was greater than before Ter-Petrossian's departure (Goble 1998).

Nagorno Karabakh's president, Arkady Ghukassian, was dismissive of Armenian attempts to broker a settlement, stating that 'Armenia has not been authorized to settle the dispute on our behalf' (Commission on Security and Cooperation in Europe 1998). The leadership of Nagorno-Karabakh also considered that the Clinton Administration was favouring Azerbaijan in the resolution process perceiving the phased approach as 'a symptom of oil diplomacy.' The Karabakh president stated, 'Azerbaijan has oil, but only we can contribute the necessary stability to give it value' (Williams 1998). However, any agreement was unlikely without the support of the Armenians. Nothing happened in Nagorno-Karabakh without the tacit agreement of the Armenians (Reiff 1997). The Armenian leader, Kocharian favoured adopting a package settlement rather than the phased solution grudgingly accepted by Ter-Petrossian (Commission on Security and Cooperation in Europe 1998).

During November 1998 the Minsk Group offered a new set of peace proposals to the conflicting parties with the idea of offering a face saving solution that was acceptable to all sides (Danielyan 1999 (b)). The plan involved forming 'a common state' between Azerbaijan and Nagorno-Karabakh (Keesings Record of World Events November 1998 p42636). By the end of 1998 no consensus had been reached on outlining a basis for formal negotiations (OSCE- 'The Conflict Dealt with by the Minsk Conference'). The Azeris refused to accept the new proposals because they threatened the territorial integrity of Azerbaijan. Instead Baku demanded a return to the plans it favoured, those put forward by the OSCE in 1997 which allowed Nagorno-Karabakh broad autonomy within Azerbaijan (Keesings Record of World Events November 1998 p42636).

By the end of 1998 a settlement had continued to elude the Minsk Group. Differences displayed between representatives of participating states reduced the effectiveness of OSCE mediation. Earlier, the Azeri President, Aliev, maintained that Russia was attempting to bring negotiation processes back under its full control and sought to remove the US and the OSCE from participating in the resolution process. It was considered that a failure in the OSCE led peace talks would be to Russia's advantage. It would discredit international mediation and bring the negotiation processes under Russian control. Russia did not want a peace settlement that would bring stability to the region because this would create conditions favourable to Western economic expansion in the region. It would also remove Russia's ability to exert pressure on the Azeris with Moscow anxious to secure concessions from Baku on a number of issues (Balayev 1996 p42). Nevertheless, Azerbaijan was misguided to equate ensuring the West's economic interests with support for the Azeri position over Nagorno-Karabakh. 'Economic projects have not led to any serious political dividends' for Azerbaijan but instead have led to increased tensions in relations between Baku and Moscow (Balayev 1996 p42).



However, the increasingly independent role of the US within the Minsk Group ensured that intense negotiations continued. Washington developed a close relationship with Aliiev in order to secure US rights to Caspian oil fields, thought to contain resources estimated at 4 trillion US dollars. This would give the US access to alternative energy sources rather than having to rely on Middle Eastern markets (Baker 1997 p12). Geo-politically, it would result in more American leverage over both regions and increase US chances of staving off fierce competition from other major regional players such as Russia, China, Iran, Turkey and France. Other reasons lay in a US fear of a potential Islamic regime in Azerbaijan which led Washington to firmly back Aliiev's secular government. Although these factors increased the likelihood of a settlement they did not mean that a peace plan would be framed to advantage Azeri interests. Aliiev was determined to secure his son as his successor. Such internal political battles appeared likely to affect the ways in which other fundamental Azeri interests were pursued. It appeared likely that the US would influence Azeri acceptance of any peace proposals and that the Azeris, anxious for a close relationship with the US, would settle to less than their full advantage. For Baku close alignment with the US would enhance stability within the state. It could enable inward investment into Azerbaijan to be generated, allow access to US markets, make a future peace settlement more viable and provide a powerful counterweight to threats posed by Russia.

## **Conclusion**

The proposed peace keeping operation in Nagorno-Karabakh is the most ambitious project that the OSCE has been charged with. The conflict in the region was inherently complicated and would have tested the capabilities of any organization. It was a brave attempt by the OSCE to operate independently from the UN and develop a European peacekeeping capability. The Minsk Group was in itself a unique structure designed to proffer an effective method of conflict resolution. It was

unfortunate or maybe inevitable given the enormous stakes arising from oil and strategic interests in the region, that the Minsk process became severely compromised through competing state interests. If conflict resolution measures applied through the Minsk Group or a similar forum are to succeed in the future this could demonstrate that Europe and the US have the ability to address its regional conflicts. It would also curtail the influence of external states, like Iran, which may offer support to a particular party in the conflict and challenge the interests of key OSCE participants.

Towards the end of the 1990s the political climate between Russia and the West hardened making the implementation of a future peacekeeping operation look increasingly remote. OSCE resources were also extensively committed in the Balkans. The appeal of securing resources, commitment and extra-mural support for a peacekeeping operation to Nagorno-Karabakh had waned. Nagorno-Karabakh remained the only case of an OSCE proposal to organize a peacekeeping mission. The complexities over issues surrounding Nagorno-Karabakh made it evident that at this stage of the organization's development, coupled with its lack of a military capability, a peacekeeping mission was an overly ambitious target. This may be why similar proposals for OSCE peacekeeping measures in other areas of Europe have not been forthcoming. In addition, there was not an adequate amount of international confidence in the capabilities of the OSCE to give the organization the authority, legitimacy, support and resources it would need for such an undertaking.

Nevertheless, the peace process continued apace. OSCE actions had been circumscribed by Russia's desire for hegemony in the region and the interests of major OSCE players. From 1997 the choice of the three Co-Chairs, US, Russia and France demonstrated that it was the interests of these states that would drive the peace process. The Minsk Group's involvement in the peace process had added an international dimension to the resolution process. While the Minsk Group encouraged negotiations to continue it also increased the number of parties to the conflict and multiplied the range of interests needing to be satisfied through an



eventual agreement. Internationalizing the conflict had led to a more complex situation although there appeared to be no alternative to this. In terms of advancing the peace process more progress had been made when the two parties circumvented the Minsk process and talked directly to each other (Sheets 1996 p33). Furthermore, the limitations of the OSCE as an organization of states meant that issues surrounding the non-state participation of the Karabakh Armenians in the negotiations were never satisfactorily addressed.

The OSCE was unable to prevent the interests of the major powers in the region conflicting with the flow of the resolution process. The pursuit of such interests had been encouraged by the choice of the co-chairs and the participants of the Minsk Group. As an alternative to the contemporary composition of the Minsk Group it is not unrealistic to suggest that a number of OSCE states not directly interested in the conflict could have provided impartial mediation. That they did not is indicative of the fact that an alternative group of states would have lacked the necessary influence to exert leverage over the conflicting parties. The way in which the Minsk Group was composed gave support to the argument that it reflected the interests of its major participants. By late 1998 however, the US appeared to dominate proceedings, effectively sidelining the Minsk Group along with Russia. The case of Nagorno-Karabakh clearly illustrated that power interests were paramount in the resolution process and that the Minsk Group provided an arena for these to be pursued. If success was eventually attributed to the work of the organization it would result from the interests of the dominant state(s) being in tune with those of the parties to the conflict. The US had in effect supported both the conflicting parties- vital economic interests and the desire to support a US orientated regime were at stake in Azerbaijan. Its support for Armenia tended more towards an ideological identification with the state and a determination to uphold a 'Christian' culture by offering political and economic support to a state surrounded by Islamic influences.

Where the OSCE was effective was in addressing the logistical components to peacekeeping and in providing channels for sustained dialogue. The Minsk Group remained intact throughout the undulating processes of negotiation and the numerous political crises afflicting the parties to the conflict. The Minsk process demonstrated that there was concerted international attention focused upon the conflict and that multilateral rather than unilateral negotiations would be expected. Russia alone was not going to be allowed to dictate the terms of any eventual agreement, nor to successfully manipulate the interests at stake or to frustrate attempts to secure a lasting peace settlement. The OSCE was not adept at exacting leverage over the conflicting parties and possessed no organizational instruments to achieve this. Concerns had also been raised over the organization's ability to secure adequate financial resources for the operation. However, US and European involvement in the Gulf War and Kosovo demonstrated that resources are always forthcoming where the stakes are raised and the political will present. Most fundamentally, the difficulties involved in attempting to resolve an ongoing conflict illustrate clearly the importance of developing and utilizing effective early warning systems and conflict prevention measures.



## **Chapter Six: The OSCE and Bosnia-Herzegovina**

### **Introduction**

This chapter provides an assessment of the OSCE's work in Bosnia and Herzegovina from the early 1990s until late 1998. The OSCE's mandate is divided into two distinct stages, 1991-1995 and the second stage from 1995-1998, which was delineated by the Dayton agreement. The first part of the chapter briefly discusses the outbreak of war in Bosnia and Herzegovina. This provides an explanation of the complex circumstances into which the OSCE was called to act. The discussion then turns to examine the first stage of the OSCE's work in Bosnia and Herzegovina in the light of the minimal role that the organization was able to play. The emphasis then turns to the Dayton agreement and aspects of OSCE involvement. Each of three areas of responsibility accorded to the OSCE are examined. Finally, conclusions are drawn offering an appraisal of the OSCE's work.

### **The background to the war in Bosnia and Herzegovina**

In order to operate effectively, the Socialist Federal Republic of Yugoslavia (SFRY) was dependent on consensus being reached between the six republics and two autonomous provinces that comprised the SFRY. During the 1980s as Yugoslavia slipped into economic crisis, the republics proved unable to act collectively to instigate necessary reforms and instead pursued regional interests. By the late 1980s Yugoslavia had become a dysfunctional state. The republics of Croatia and Slovenia no longer wished to subsidize or share their wealth with the poorer regions of Yugoslavia (Bookman 1994 p177). Austerity measures imposed by the IMF and World Bank increased animosity between the republics. By 1988 inflation ran at 1200% (Thomas 1998).

Social tensions rose adding to a general air of desperation. As dissatisfaction heightened, the Serbian leader, Slobadan Milosevic, rose to power, propagating ethnic nationalism. His nationalist policies were matched by Franjo Tudjman, who rapidly rose to power in Croatia. Nationalism created a sense of community and purpose while providing scapegoats for economic and social problems. Initially, Milosevic had intended to take over SFRY 'as part of a communist counter reform reaction.' However, by 1989 Milosevic had 'acquired an unchallengeable standing in Serbia' using both communist and nationalist rhetoric. His attempts to gain majority control of the federal government were thwarted by Slovenian and Croatian independence (Malcolm 1994 pp213-216). Following Slovenia's departure from the Federation in 1991 Milosevic's goals were revised. The emphasis was then placed on establishing a Greater Serbia (Thomas 1998).

Prior to these events, during the Autumn of 1990 Western intelligence revealed that a break up of the Yugoslav Federation was about to occur which would result in horrendous levels of violence. Meetings held by both NATO and the then CSCE in November 1990, however, voted not to take any preventive action (Dyker and Vejvoda 1996 p164). Instead, 'the West chose to ignore the danger signals when action would have been effective and less costly. As late as Autumn 1991 a preemptive Western presence in Bosnia would have been sufficient to maintain stability (Schopflin 1998 pp18-19).

Slovenia and Croatia had been the first two of the Yugoslav republics to declare independence in June 1991. Germany immediately recognized the independence of the two states and offered inducements to ensure that other EU members did likewise. For Bosnia, recognition removed the 'constitutional protection' it (had) 'enjoyed for the territorial claims of the two regional imperia, Serbia and Croatia' (Dempsey 1998). A ten day war between Slovenia and the Serb controlled Yugoslav National Army (JNA) ensued which ended via EU mediation.



International recognition had occurred without first securing the rights of minorities living in Croatia (Slovenia possessed a largely homogeneous population). The US keen to see the collapse of the SFRY as the largest post Soviet socialist state gave covert support to right wing nationalist forces which in turn also received backing from Germany and Austria. Under the leadership of Franjo Tudjman capitalism was imposed in Croatia. Minorities were deprived of citizenship, employment and pension rights. Thousands of Serbs were expelled from Croatia while others were attacked or murdered (Petras and Vieux 1996 p14). As provocation increased, the Serbs of Croatia turned increasingly to Milosevic for military support. During July 1991 war broke out between the Serbian led JNA and Croatia. A UN brokered cease fire was subsequently negotiated in January 1992.

After the EU had recognized Slovenia and Croatia, this left three courses of action open to Bosnia all of which led to war. The first was that Bosnia could remain part of the rump Yugoslavia and be governed by Milosevic. This was unacceptable to both Muslims and Croats. The next option was to accept the division of Bosnia between Croatia and Serbia. This was proposed by Milosevic and Tudjman and was unacceptable to Muslims and to those Croats and Serbs who wanted to maintain a unified Yugoslavian state. The third option was the course taken, which was to apply for international recognition as a sovereign state. This proved unacceptable to the Serbs (Glenny 1993 pp143-144).

On February 29- 1 March 1992 a referendum was held in Bosnia and Herzegovina to determine public support for independence following the disintegration of the SFRY. The Serbs who comprised 32% of the population boycotted the referendum. 63% of eligible voters took part, of these 99.4% voted in favour of independence (Sonyel 1994 p28). Not wanting to live under Muslim rule, the Bosnian Serbs on February 29 1992 declared themselves part of a separate state within Bosnia. Following the declaration of independence by Bosnia, Serb attacks on the Muslims and Croatian

areas began in March 1992. The independent Bosnian state was recognized by the EU on April 6 1992 and by the US the following day. The US Secretary of State advanced the argument that international recognition would indicate that Bosnia had international protection and deter Serbian aggression. This was not to be the case. The low intensity conflict which had been simmering in Bosnia then imploded into full scale war (Woodward 1995 pp146-147). Serbia mobilized its minority population in Bosnia to take up arms and then invaded Bosnia. The Serbian war aims were to expel or exterminate the three million Muslims living in Bosnia in order to create a Greater Serbian state (Sonyel 1994 p28). The Bosnian Croats also wanted to merge areas of Bosnia with Croatia. The majority of the Muslims of Bosnia were determined to maintain a unified and multi-ethnic state (Dempsey 1998).

The under armed and poorly organized Bosnian Army comprised small numbers of Serbs and Croats but mainly consisted of Muslims. The army was repeatedly defeated by the Serbs and Croatian militias. Both Serbs and Croats engaged in vicious campaigns of murder, destruction and rape designed to annihilate the Muslims. A UN arms embargo had been placed against Yugoslavia in September 1991. Following the recognition of Bosnia the embargo was still applied as though nothing had changed. This was maintained by the insistence of the UN Security Council under pressure (from the pro-Serb regimes) of Britain and France (Bennett 1995 p188). (Britain and France were determined not to see the development of a Muslim state within Europe). (Russia also gave widespread support to the Serbs). This was arguably the biggest contribution by the West to the destruction of Bosnia. The war may have been over within four months if the Bosnian government had been allowed to defend itself (Malcolm 1996 pp243-244). The ratio of Serb to Bosnian weapons had been 9:1 (Lukic and Lynch 1996 pp246-247). The Bosnian army was reinforced through covert arms supplies, principally from Iran, Turkey and Saudi Arabia with the tacit agreement of the US. However, the Serbs maintained an overwhelming military advantage. The intense fighting in 1993 between Muslims



and Croats ended formally in August 1994 following the signing of the Washington Agreement. This created the precarious Muslim and Croat Federation of Bosnia.

Anxious to stem the flow of refugees into Western Europe, six 'safe areas' were established. The UN imposed a no fly zone over Bosnia to be enforced by NATO. These areas proved to be death traps and were subject to constant bombardment by Serbs. The Muslims of Bosnia would be guarded by UN forces whose mandate entitled them not to return fire if the Muslims were attacked but only if UN soldiers were shot upon (Malcolm 1994 p250). Selective NATO operations against Serb targets began in February 5 1994 after a mortar attack in Sarajevo killed 68 people. In July 1995 Serbs over ran the safe areas of Srebrenica and Zepa. This led to mass executions of thousands of Muslim men. It was not until August and September 1995 that NATO launched air strikes to protect the remaining four safe areas (Thomas 1998). However, a strong Croat and Bosnian-Croat offensive against the Bosnian Serbs in Western Bosnia and the Krajina proved to be the decisive factor that brought the Serbs to their knees (Corwin 1999 p233). On September 8 1995 the Foreign Ministers of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia agreed to a peace agreement, nominally preserving Bosnia and Herzegovina as a complicated confederation.

The causes of Bosnia's destruction resulted from Serbian strategic aims combined with ethnic nationalism that was virulently anti-Islamic. The policies pursued by Milosevic encouraged the systematic murder of Muslims. During the war more than 150,000 people were brutally murdered and over two million were expelled from their homes (Malcolm 1994 p251-252). While atrocities were committed by all parties the Bosnian army's 'actions were never characterized as systematically criminal' (Thomas 1998). Bosnia's destruction was also a result of 'the misconception and fatal interference of the leaders of the West' (Malcom 1994 p251).

The Dayton accords gave less advantage to the Muslims than under any of the other previously proposed peace plans. The failure of the US to encourage the Bosnian Muslims to accept any of the earlier proposals meant that by 1995 they occupied less territory in Bosnia losing land in Eastern Bosnia to the Serbs and land in the centre to the Croats (Owen 1995 p364). This put paid to the idea of US support for the Muslims of Bosnia (Guardian 1.1.97 p7). 'At the cost of tens of thousands of lives, the US blocked European peace initiatives in order to safeguard its political leadership on the continent via NATO.' The then US Secretary of State, Warren Christopher stated, 'there will be no peace agreement in Bosnia unless NATO and the United States, the United States in particular, take the lead in the implementation of a peace agreement' (Petras and Vieux 1996 p4).

Dayton resulted partly from a need to profit from a successfully orchestrated peace process in order to service the domestic political needs of the Clinton administration. With a presidential election looming Clinton needed to demonstrate a coherent foreign policy. It was forecast that UNPROFOR would collapse following the hostage crisis, (when UN troops were captured by Bosnian Serbian forces during May 1995), there also remained the possibility of a US troop deployment to rescue UN forces and considerable pressure was being exerted by Congress to ensure the lifting of the arms embargo (Daalder 2000 p163).

Earlier in 1995, US Assistant Secretary of State for European and Canadian Affairs, Richard Holbrooke, (who became the chief negotiator and architect of the Dayton accords) had stated that Bosnia represented 'the greatest collective security failure of the West since the 1930s' (Holbrooke 1995 p40). Holbrooke acknowledged that the war could have been stopped with Western intervention in 1991-92 and that a better deal for the Bosnian Muslims could have been secured than what was eventually achieved at Dayton (Holbrooke 1998 (a)). Resolving the conflict became crucial to 'developing a new sense of purpose for the alliance' and restoring its credibility and that of the US. Dayton served to fulfill this goal (Daalder 2000 p188). In the talks



leading up to Dayton, the US made it clear that US assistance would end if Sarajevo were to scupper the negotiations (Holbrooke 1998 (b) pp273-4, 282, 288). Moreover, the US was clearly anxious to stem increasing Iranian influence in Bosnia and establish American hegemony in the region. Holbrooke angered at the performance of international organizations, particularly the UN, throughout the conflict over Bosnia, demanded unilateral US negotiations (Holbrooke 1998 (a)). The US monopoly of the peace process was to enable American domination of the restructuring of Bosnia and oversight of a virtual international protectorate designed to engineer a political future for Bosnia reflecting American values (Petras and Vieux 1996 pp24-25).

### **The early involvement of the OSCE in Bosnia**

In the pre-Dayton period, the OSCE role in Bosnia was negligible. Britain and France had dominated the course of international involvement through the UN and EU. Their containment approach had prevented a Western led military response to the crises and had enabled the Serbs to achieve their war aims (Loza 1996 p28).

By the time war had broken out in Bosnia in 1992, the OSCE's role in the conflict was largely subordinate to the work of the WEU, EU, UN and NATO. In the early stages of the conflict, the OSCE proved unable to make any impact on the situation. This was a continuation of OSCE inactivity following the out break of war between the JNA and Slovenia and the conflict between the Serb and Croats during 1991. The OSCE's role was reduced to holding meetings, debates and passing resolutions (Rotfeld 1993 p173). Both the US and Russia had vetoed OSCE action on the grounds that the conflicts in the Former Yugoslavia were internal matters (Dyker and Vejvoda 1996 p164).

In addition, there was a variety of other reasons for the OSCE's inability to respond to the war in Bosnia. The OSCE was largely unprepared for such conflict and the

scale of the crisis overtook the organization. The conflicting interests of the participating states, as previously mentioned, hindered the development of collective responses and had contributed to the onset of the wars in the former Yugoslavia. During the early 1990s the OSCE was still largely designed to deal with inter-state conflict and lacked the institutional capacity to deal with inter-ethnic strife (Huber 1993 p30). The Bosnian conflict was widely perceived as inter-ethnic war and so the OSCE was conveniently not considered an appropriate medium through which the situation could be addressed. However, the conflict could be perceived as containing elements of both inter-state and intra-state conflict with coterminous Serbian led attacks against the sovereign state of Bosnia and inter-ethnic conflict arising within Bosnia. Despite developing a range of instruments and mechanisms to deal with conflicts, at the time of the Yugoslav crises these were still being voted upon (Woodward 1995 p274). Most importantly, while the OSCE could monitor violations of its principles it did not possess mechanisms to enforce standards (Wheeler 1993 p143).

One instance of the inability of OSCE states to coordinate an effective response to an ongoing conflict was demonstrated in events that followed the OSCE's Rome Summit of 1991. In Rome, OSCE states had agreed to support the idea that the unanimity rule could be suspended where there was sufficient evidence of human rights violations. However, in July 1992 the participating states were unable to agree on the expulsion of the Federal Republic of Yugoslavia (FRY), (Montenegro and Serbia), for violating core OSCE principles in the former Yugoslavia. This was due to the threat of a Russian veto. Instead it was agreed to suspend the FRY from inheriting the seat of the former Yugoslavia. A German proposal during 1991 that the OSCE should have the ability to place sanctions against states resisting intervention had fallen on deaf ears (Wheeler 1993 pp141 and 143). One consequence of the suspension was that during the war in Bosnia when dialogue with Belgrade was essential, contacts with Serbia had to take place on an ad hoc basis enabling the Serbian leadership to play off one set of negotiators against the other. By way of



reprisal, Belgrade suspended OSCE missions to Vojvodina, Sanjak and Kosova. This deprived the OSCE of accurate on the spot knowledge of human rights abuses perpetrated against Albanians and Hungarians (De Fraye 1997 p184).

Throughout 1992 the OSCE had developed infrastructure in order to make flexible and more intrusive responses to conflicts possible (Huber 1993 p30). Where instruments existed they remained under utilized or unused due to the inability of OSCE participating states to achieve consensus on how such measures could be implemented. There was a reluctance to see existing or newly acquired instruments activated or further developed. For example, while the OSCE was given the right to monitor human rights behaviour of its participating states, governments were reluctant to allow the organizations enhanced powers 'to enforce respect for human rights' on the grounds that such abilities could be used to legitimate 'humanitarian intervention in their internal affairs in the future' (Wheeler 1993 p143).

By 1994 the OSCE's role in Bosnia remained negligible. A small mission to Sarajevo was established during the year proffering a low key role. The mission was staffed by three expatriates who supported the work of the three ombudspersons assigned to Bosnia and cooperated with UNPROFOR (OSCE Annual Report 1994). Following the conclusion of the Dayton accords in 1995 the OSCE's work in Bosnia started in earnest. By then the political situation had changed from one of war to a precarious state of 'peace' encouraged by the deployment of military contingents from NATO. The OSCE mandate expanded and was tailored to the reconstruction programme designed for Bosnia.

### **The Dayton Accords**

The Dayton Accords gave the OSCE responsibility for implementing three aspects of the accords, human rights provisions, arms control and CSBM agreements along

with organizing and administering elections. These were areas in which the OSCE possessed varying levels of expertise and experience. Arms control and CSBMs apart, it is not altogether clear why the OSCE was chosen to administer these tasks rather than the UN which was already involved with civilian programmes in Bosnia. There was a low level of public awareness regarding the work conducted by the OSCE. It was unlikely from the outset that any organization could meet the unrealistic targets outlined at Dayton. The OSCE would not therefore, attract the same type of adverse publicity that a failing UN operation could generate.

The OSCE did, however, possess certain advantages. Russian involvement within the OSCE and Dayton, was presented as important. Following NATO attacks on Serb positions within Bosnia which Russia had been unable to prevent and Moscow's marginalization from the Dayton negotiations, there was a need to avoid publicly humiliating the ailing state and to bolster the Western backed Yeltsin's prospects in the forthcoming Russian presidential elections (Parrish 1996 p22). Through participating in the OSCE, Russia could become involved in the civilian aspects of the mandate on an equal basis to Western states and could present itself as influential. The OSCE unlike the UN had an untarnished public image in the Balkans. In addition, because the OSCE was based only on political commitments it possessed more flexibility (Sica 1996). The involvement of both NATO and the OSCE was made necessary by the Pentagon's insistence that the military and civilian aspects of the Dayton Agreement would be separated. The US funded military operations while the EU assumed responsibility for economic reconstruction (Woodward 1996 p15).

The Dayton accord was a peace plan which maintained the 'contradiction of simultaneous division and unity.' This was demonstrated when Bosnia became a state of two entities (Vukadinovic 1997 p19). Within the Dayton agreement there was the acknowledgment that Bosnia continued to exist while the division of the state into three ethnic entities confirmed the de facto situation which ethnic cleansing imposed on Bosnia (Siladzic 1996 p56). The agreement included a territorial



settlement which maintained the 51:49% division between the two entities, the Muslim and Croat Federation and the Republika Srpska (Malcolm 1996 p268). While donor agencies attempted to reunite the country, three parallel processes of reconstruction and transition occurred, one in each zone. The Dayton Accords was a divisive policy legitimizing ethnic separation which had been designed and endorsed by Western governments. It also highlighted the inability of both the EU or the UN to resolve the conflict (Vukadinovic 1997 p21).

The OSCE, for its part, was handed an impossible mandate given the contradictory nature of the peace agreement, the limited resources, and the realities on the ground. There were concerns that the OSCE was not up to the job. The OSCE was to administer its responsibilities under Dayton by restructuring its existing mission in Sarajevo. Following the Budapest Ministerial Council on December 8<sup>th</sup> 1995, an OSCE Mission to Bosnia and Herzegovina was established. The head office in Sarajevo supported five regional centres and fielded delegations in 35 localities across Bosnia and Herzegovina. The US which had hammered out and forced through the Dayton accords assumed leadership. French protests over US leadership were overruled (Mihalka 1996 (b) p45). Robert Frowick was the first of a series of American ambassadors to head the mission. At full strength, the mission consisted of 255 staff and had an annual budget of \$25 million (Sica 1996). The mission was given a high level of resources in comparison to the OSCE's overall annual budget which stood at \$33 million at this time. In 1996 this comprised 46.29% of the OSCE's budget (OSCE Handbook 1996 Annex XI). While this was a large amount for an OSCE mission it was minimal in relation to the demands of the mandate.

## **The Elections**

### ***The Bosnia and Herzegovina General Elections September 14 1996***

It was stipulated in the Dayton accords that elections would be held between six to nine months after the agreement came into effect. The OSCE was to ensure that conditions were present to allow free and fair elections to take place. It was hoped these would take place in a politically neutral environment and that the electorate could participate without fear or intimidation and be able to cast votes in secret. Freedom of expression, the media, association and movement was to be encouraged within the republic (The Dayton Peace Accords Annex 3 p25). In reality, the country was in turmoil, there were over two million refugees and hundreds of thousands of displaced people (OMRI Daily Digest January 19 1996). The subsequent elections were to achieve little other than to reward the perpetrators of war with governmental status and access to substantial amounts of international aid and assistance, in the ethnically pure enclaves within the Muslim and Croat Federation and the Republika Srpska that they had set out to create and would legitimately control.

The OSCE undeterred by the chaotic conditions in Bosnia, allocated high levels of resources and deployed a large degree of political manipulation to ensure that elections proceeded. Both the general and municipal elections had been scheduled to take place in September 1996. Despite intense pressure from the US following the acknowledgment of a high level of irregularities, it was decided to postpone the municipal elections. These were staged instead in September 1997. In the run up to the September 1996 general elections, the OSCE established a fund of DM 7.5 million to assist political parties and candidates with election advertising and expenses (OSCE Newsletter August 1996). Problems soon arose regarding the



distribution of money, with accusations that funds were being received by suspected war criminals and mafia (Marcus 1997).

Unsurprisingly, the election campaign was dominated by the three parties who each represented the three main ethnic groups, the Party of Democratic Action (SDA), the Serb Democratic Party (SDS) and the Croatian Democratic Union of Bosnia and Herzegovina (HDZ). Despite a virtual monopoly of the media by the three main parties, attempts were made by the OSCE mission to open up public access to information and assist with voter education. OSCE efforts were of limited success, they included a Free Elections Radio Network (FERN) which broadcast a national independent programme of election information (OSCE Newsletter July 1996 p7). Often such attempts were blocked. At one stage Serb authorities banned broadcasts from the Lisina transmitter (OMRI Daily Digest August 16 1996).

The rules and regulations that the OSCE had developed failed to prevent systematic violations of the electoral code in government controlled media. In Croat and Serb controlled regions the authorities monopolized the media and few independent sources existed. The state controlled media was used by authorities to smear their opponents, to disseminate secessionist messages and to pursue their own agendas. Media access for opposition parties was effectively blocked through the imposition of excessive access fees. In the Muslim and Croat Federation problems existed but were less severe. FERN broadcasts were received throughout the country and made a positive impact. Where abuses were reported the OSCE Media Experts Commission had the power to impose fines but routinely failed to react to many of the violations or instead issued only warnings (Borchgrevink et al., 1996).

The OSCE established an Elections Appeals Sub-commission (EASC) to deal with complaints, which proved to be ineffective. 64% of complaints were dismissed or denied by the EASC. Such complaints related to the election campaign and violence involved within it or registration related problems. Where the EASC did take action

this had little effect on the parties concerned. Voters were free to register their vote in any municipality, either where they were living, had previously lived or may choose to live in the future. Evidence emerged which revealed that tens of thousands of Serbs refugees had been manipulated by the Bosnian Serb authorities. The SDS in Doboj, Republika Srpska were found guilty of denying humanitarian aid to refugees unless they agreed to vote in their new settlements. This was in order to cement territorial gains by orchestrating a Serb majority in formerly Muslim areas (Keesings Record of World Events August 1996 p41237). A public apology was demanded and a \$25,000 fine levied against the SDS (OMRI Daily Digest 16 August 1996). The fine was not money that the SDS had to pay out to the OSCE but money that was withheld by the OSCE to the SDS and so it was not a strong deterrent to discourage future violations (Paul 1996). Widespread registration irregularities were also carried out by the Bosnian Croats (George 1996).

OSCE officials themselves doubted whether conditions would allow the 1996 general elections to go ahead. On August 14 the CIO reportedly expressed serious doubts regarding how free and fair the elections could be expected to be. The CIO had earlier stated that he would not give his automatic approval to the outcome of the elections unless he could be certain that the 'concepts of free, fair and democratic retain their meanings.' The CIO was particularly concerned over ever increasing levels of intimidation and discrimination including attempts to create ethnically pure states, problems over freedom of movement and the return of refugees (OMRI Daily Digest August 16 1996 and June 5 1996). Since the Dayton accords the population of displaced persons had grown by 90,000. The continued expulsions and eviction of minorities meant that it was unlikely that there would be many minority communities left, making the possibilities for repatriation increasingly remote (Paul 1996).

The ICG recommended that the September 1996 General elections should be postponed because of the problems mentioned above. In response Frowick maintained that the elections must go ahead. Instead of postponing the elections he



decided to issue warnings over possible courses of OSCE action should these problems fail to be addressed (OMRI Daily Digest August 20 1996). It was however apparent months before the elections were due to be staged that the minimum conditions to allow free and fair elections to take place would not be reached by September 1996 (Anderson 1996).

The OSCE's own assessment of the electoral climate reportedly changed from stating that conditions must be 'free and fair' to 'reasonably democratic' to 'reasonably democratic Balkan style' (Paul 1996). Despite the cautious language of the OSCE's Coordinator for International Monitoring (CIM), he did actually admit that the elections took place in conditions that were in some cases below the minimum standards of the OSCE Copenhagen commitments and that there were problems with registration, the media, the electoral campaign and freedom of movement. Where problems were noted they were not considered serious enough to compromise the election results (Second Statement of the CIM p1 in The OSCE/ODIHR Election Observation Reports 1996).

An ICG report accused the OSCE of an upward revision of the electoral figures in order to record a more plausible turnout. The ICG argued that once the figures had been adjusted to account for spoilt ballot papers and refugees who were eligible but did not vote the figures among Serbs was 98.5% and amongst Muslims 103.1% (cited in Keesings Records of World Events September 1996 pp41279-41280). The OSCE subsequently 'revised' its estimate of the Bosnian electorate. Western officials considered that 200,000 ballots had been cast fraudulently and that Alija Izetbegovic's victory had been secured by fraud (Independent 25.9.96). In response an OSCE legal tribunal recommended a recount but this was refused by a panel of OSCE senior officials and representatives of Bosnia's three main ethnic groups. Frowick stated that 'possible mistakes' did not make any significant difference to the outcome and he confirmed the validity of the elections result (Keesings September 1996 pp41279-41280). Critics accused the OSCE of succumbing to US pressure in

order that the US could claim that the implementation of the Dayton accords was on schedule (OMRI Daily Digest September 30 1996).

### *The Bosnia and Herzegovina Municipal Elections September 13-14<sup>th</sup> 1997*

Prior to the municipal elections, the CIO stated that their purpose was 'to achieve new structures of authority in municipalities around the country' (Danish Ministry of Foreign Affairs March 6 1997). The idea was to reverse some of the gains secured through ethnic cleansing by allowing people who had resided in the municipalities in 1991 to vote for councillors who would represent their interests. It was the most extensive operation undertaken by the OSCE (Hockstader 1997 (a) pA20). The OSCE was to oversee elections in 135 municipalities and one city council. This was a complicated operation from a logistical perspective involving screening the names of around 20,000 electoral candidates. In under eight weeks 2.4 million voters had been registered.

Again the pre-election period was marred by serious problems and attempts at fraudulent registration were rife. For example, OSCE officials were forced to close registration centres and order the re-registration of voters because of fraud involving the Bosnian Serb authorities in Brcko (Keesings Record of World Events June 1997 p41704). Although the rules and regulations had been revised in light of the problems experienced in the 1996 general elections, organized campaigns designed to intimidate voters were disclosed.

The integrity of the OSCE was frequently compromised. At one stage the SDS was decertified from standing in the elections in Pale. Despite the grounds for the decision being in line with the Dayton provisions, Frowick over turned the decision after receiving support from the US and the Contact Group. Frowick stated ' you can't expect free and fair elections. We try to make it as democratic as we can' (Hockstader 1997 (b) pA18). However, Frowick had feared for the safety of Western



election observers including 200 Americans after news that the Pale Serbs were preparing to attack them. This led to questions as to what the NATO led peacekeeping forces were doing in Bosnia if the OSCE could be forced to retract legitimate decisions (Hill 1997) due to fears over their personnel. ODIHR issued muted criticism of Frowick's decision on the grounds that it set a bad example (OSCE/ODIHR Election Observation Reports- Bosnia and Herzegovina Municipal Elections 13-14 September 1997 p7).

Throughout the election campaigns extreme propaganda and hate campaigns were rife. Working with the Office of the High Representative, the OSCE's Media Expert's Commission adopted measures designed to refocus the media. The Pentagon made aircraft available to jam anti-Western broadcasts transmitted by Bosnian Serbs (Hockstader 1997 (a) pA20). NATO considered sending an additional 3000 troops to enable the elections to go ahead (Keesings Record of World Events May 1997 p41655). The considerable SFOR presence still required two years after Dayton, at and on route to polling stations illustrated the fragility of the peace process. The OSCE considered that the parties were manipulating the election processes as a method of continuing the conflict by other means (OSCE/ODIHR Election Observation Reports- Bosnia and Herzegovina Municipal Elections 13-14 September 1997 Assessment issued by Javier Ruperez p2).

Up until the eleventh hour it was uncertain that the elections would go ahead. The HDZ urged its supporters to boycott the elections on the grounds that conditions were not present for free and fair elections to take place. A power struggle within the SDS also threatened to scupper its participation. The SDS decided to participate after Serb radio reported that the OSCE agreed not to organize the arrest of indicted war criminals at polling stations. The HDZ participated after intense diplomatic pressure had been exerted on Franjo Tudjman by Western diplomats (Keesings Record of World Events September 1997 p41833).

It was a major achievement that the elections took place without violence. The OSCE acknowledged that the elections were still a long way from complying with acceptable international standards and OSCE commitments (OSCE/ODIHR Election Observation Reports-Bosnia and Herzegovina Municipal Elections 13-14 September 1997 Assessment issued by Javier Ruperez p4). The outcome of the elections appeared to once again confirm and reinforce ethnic separation with voting conducted along sectarian lines. Stability depended on a continued international military presence rather than developing democratic regimes.

82 parties had contested the elections along with 9 coalitions and 159 independent candidates. In the Muslim and Croat Federation the real power lay in the hands of the governors of the cantons who had been elected the previous year. During the elections thousands of people returned to the towns that they had resided in 1991 to cast votes and tens of thousands cast absentee ballots for councils in their former home towns (Hockstader 1997 (a) pA20). The voter turn out was 60% and of those, 90% had cast votes for officials in areas that they had resided in before the war (Keesings Record of World Events September 1997 p41833). The SDA and its coalition partners gained control of Srebrenica. This was a clear victory for OSCE policy (as previously mentioned) that was designed to counteract the effects of ethnic cleansing (Keesings Record of World Events October 1997 p41874). The problem for the OSCE was that if the organization was successful in reversing some of the gains achieved through ethnic cleansing how could the results then be implemented if they proved unpopular given the reluctance of NATO leaders to become involved in internal political battles in Bosnia and Herzegovina (Hockstader: 1997(a) pA20). For example, how could elected officials belonging to one ethnic group be installed in territory controlled by another if NATO was unwilling to guarantee their safety?

OSCE interventions continued after the elections to monitor the conditions under which the municipal councils were created. Work continued to ensure that political parties adhered to the rules and regulations governing final certification of the



election results. OSCE officers were forced to mediate, to issue threats to parties and to decide on the political positions that majority parties would have to give to minority parties (ICG Report-Is Dayton Failing? 1999). The Bonn Conference in December 1997 ruled that municipalities failing to comply with regulations for the implementation of the elections results would be subject to final and binding arbitration by the OSCE Head of Mission and the High Representative (OSCE Newsletter January 1998). The OSCE also attempted to counteract some of the problems apparent in the elections by revising rules and regulations and devising new measures to strengthen political processes.

***Elections to the Republika Srpska People's Assembly November 22-23 1997***

Elections were held after the Assembly was dissolved in July 1997 by President Biljana Plavsic following allegations of corrupt practices by SDS members. However, the Assembly refused to be dissolved and continued to meet which led to a constitutional crisis. Despite lacking a mandate under Dayton, the OSCE became 'openly involved in the internal politics of Republika Srpska' and actively supported Plavsic (Corwin 1999 p240). The OSCE organized elections were designed to break the deadlock between Plavsic and her hard line nationalist rivals led by the former Bosnian Serb leader Radovan Karadzic. There were no reports of major incidents (Keesings Record of World Events November 1997 p41933). The election returned a pro-Dayton government with both Croat and Muslim Bosnian representatives while hard line nationalists lost their parliamentary majority (US Department of State: Bosnia and Herzegovina Country Report on Human Rights Practices for 1997). The People's Assembly elected a pro-Western moderate Milorad Dodik as the new Prime Minister of Republika Srpska on January 18 1998 (Keesings Record of World Events January 1998 p42023). This was hailed as a victory for OSCE policy. However, Dodik's election was thought to have been engineered through the involvement of the High Representative of the Peace Implementation Council (Dempsey 1998).

### ***The Bosnia and Herzegovina General Elections 12-13 September 1998***

The optimism displayed following Dodik's election in November 1997 quickly evaporated following the election of a hard line Bosnian Serb, Nikola Poplasen to the office of President in the 1998 General Elections. Open Western support for Biljana Plavsic was thought to have been a factor in Poplasen's victory (ICG Report- Is Dayton Failing?). Two weeks prior to the elections on a visit to Republika Srpska, US Secretary of State Madeleine Albright highlighted the economic benefits that Bosnian Serbs could expect to receive if they voted Washington's way. The OSCE reacted to the likely victory of Poplasen by delaying the release of early results. Nine of Poplasen's allies running for the Bosnian parliament were disqualified for violating election rules. Western officials also considered the possibility of abandoning the election results (Dempsey 1998). Momcilo Krajisnik a Serb hard liner was defeated in the contest for the Serbian seat of the collective Bosnian presidency to a moderate. However, a hard line Croat replaced a more moderate Croat leader at the executive level. The SDA leader, Alija Izetbegovic, retained his position on the collective Presidency receiving the largest number of votes (Keesings Record of World Events September 1998 p42521). However this situation would be challenged by the OSCE.

OSCE Ambassador Robert Barry maintained that there had been a continual erosion of general support for nationalist politicians at the legislative level. Barry considered that in comparison to the 1996 general elections, nationalist parties had fared less well (Keesings Record of World Events September 1998 p42521). Of the four sets of elections since 1996, the 1998 elections had 'slightly reduced the power of the ruling nationalist parties.' Following the 1998 general elections, attempts to institute multi-ethnic administrations became farcical in most of Bosnia and Herzegovina's municipalities. Ethnic minority politicians held positions where they were sidelined and isolated from decision making. They were 'there because the OSCE put them



there. As soon as the international community turns its back they will be removed' (ICG Report- Is Dayton failing? 1999).

The conduct of the 1998 general elections was widely reported as satisfactory. Turnout was 78% and there were no reports of violence. Nevertheless, administrative problems hampered the elections. There were massive errors in voter lists. In one municipality, Doboje, over 3000 people were disenfranchised. During 1998 it had become apparent that the OSCE was not operating as an impartial referee, which had been envisioned by Dayton and was actively involved in trying to unseat nationalist parties from the three ethnic groups. At an OSCE Democratization Branch Seminar in Teslic in October 1998 the circulation of an OSCE internal document revealed strategies which involved building up the Social Democratic Party, in order to defeat the SDA at all electoral levels (ICG Report-Is Dayton Failing? 1999).

## **Human Rights**

Annex 6 of the Dayton Agreement provided the framework for human rights provisions to be developed within Bosnia. The OSCE established a Commission on Human Rights and appointed an international Human Rights Ombudsperson who would report to an OSCE Human Rights Chamber where allegations of human rights violations could be addressed (Mihalka 1996 (b) p45). Such work was supported by the HCNM and ODIHR. The Ombudsperson had wide powers of investigation and could issue conclusions. Parties found to violate human rights would be required to produce a written explanation as to how they would comply with the conclusions. However, after issuing a number of binding decisions, authorities in all entities often failed to cooperate with the Human Rights Ombudsperson. In some cases this led to the Peace Implementation Council's High Representative imposing binding decisions (Amnesty International USA Annual Report 1999).

The forty staff of the OSCE implemented a democratization strategy which included a major programme devised to monitor and report on human rights. This involved intervention on behalf of individuals in order to end patterns of abuse. Measures were also designed to develop unity between the two entities, work with youth groups, support voter education and elections at the grass root level. Concerns were voiced from the start over the small scale of the human rights monitoring mission, the inexperience of many OSCE staff and their lack of human rights training. Despite such problems, the OSCE was the only international organization to possess a number of 'specifically designated human rights field monitors.' Nonetheless, while professional reports were produced, inadequate numbers of OSCE staff meant that only a limited snapshot of the human rights situation could be described. Human rights were implemented sluggishly. Violations continued. Minorities were subject to deaths in police custody, beatings, arrests, detentions, bombing and grenade attacks. People were dismissed from jobs, denied health care, refused ID documents and illegally evicted from their homes (Paul 1996). A lack of resources prevented the OSCE from involvement in time consuming cases such as forced evictions.

While the OSCE was not responsible for returning refugees, it had a degree of responsibility for creating conditions allowing refugees to return to their homes. By the end of 1997 of the 2.3 million people displaced from their homes and the additional 80 000 displaced since the end of the war only 381 000 had returned home and only 22 500 returned to areas where the army of their ethnic group did not control the territory (Sharp 1998 p27). During 1998 the General Accounting Office recorded that ethnic violence in Bosnia had increased significantly. The previous 18 months had seen numerous bomb attacks, shootings and intimidation (Dempsey 1998). The scale of the problems involved, hampered OSCE attempts to create conditions conducive to the return of refugees. As the OSCE continued to extend its human rights mechanisms already limited resources became increasingly thinly spread and depleted.



Guaranteeing human rights was widely considered to be the best way of creating security within a state. However, the limitations of Annex 6 of the Dayton accords meant that the human rights component was similar to agreements for countries not at war and did not taken into account the unstable situation in Bosnia. The parties were not concerned by the penalties for infringing the agreement (Fournier at al 1996). The OSCE could set but not enforce standards. The emphasis placed upon improving human rights was swiftly subsumed within the structure of the OSCE's election responsibilities. This led to a concentration on elections to the detriment of other important human rights issues (OHR Document: Implementation of the Human Rights Provisions of the Peace Agreement, Mid-Term Review Conference, Florence, June 13 1996). The OSCE had little know how 'in the operational dimension of human rights' (Sica 1996).

While the OSCE's work was hampered by a lack of resources human rights were further eroded in both entities partly by the elected authorities who exacerbated ethnic divisions and were directly or indirectly involved in perpetuating human rights violations. The OSCE's mandate was further compromised by the restricted practices of international organizations supporting the work of the organization. Here for example, NATO wary of 'mission creep' interpreted its mandate in a restricted way despite being given far reaching powers at Dayton. The NATO commander's powers were similar to those of a military governor (Mihalka 1996 (b) p44). Despite this, NATO's military capabilities were not used to 'enforce the civilian provisions of the treaty.' This resulted in refugees being unable to return home to areas controlled by different ethnic groups (Moore 1996 p5).

## Arms Control and CSBMs

The OSCE's oversight of the negotiations and implementation of measures to control armaments and develop CSBMs were the most successful aspect of the Dayton accords that the organization administered. The OSCE possessed considerable experience in these areas. Nevertheless, it was the first time that the OSCE had been called upon to assist with the restoration of cordial relations between former warring parties (Fournier et al 1996). In this regard, three sets of negotiations emerged from Dayton. The parties were to reach agreement on CSBMs, arms and military limitations and sub-regional arms control agreements under the auspices of the FSC (Sica 1996). The underlying idea was to create parity between the three parties and prevent the onset of an arms race in the Balkans. This would also involve the US designed Equip and Train programme aimed at integrating the Muslims of Bosnia and the Bosnian Croat forces into a single unit. The promise of an Equip and Train programme had been offered to the Bosnian Muslims as an inducement to sign the Dayton accords. It was also a means of forcing the Bosnian government to sever its links with Iran, expel Mujahadin and to curtail the state's Islamic connections. Izetbegovic acquiesced, with both military and economic aid resting on meeting these conditions (Daalder 2000 p151).

Despite the Equip and Train programme Muslim and Croat armies continued to operate separately. A 2:1 ratio was agreed for the Federation of Bosnia and Herzegovina and the Republika Srpska. A sub-regional military balance would be created between the Federal Republic of Yugoslavia, the Bosnian Federation and Croatia on a 5:2:2 ratio. The ratio was set by the OSCE because the parties could not agree on limits (Prienda 1997 p10). The major drawback with the agreements was that they did not cover light weaponry with which the wars had been fought.



The Agreement on Confidence and Security-Building Measures in Bosnia and Herzegovina was concluded in Vienna on January 26 1996. It was modeled on the 1994 Vienna Document and took some of its provisions from the 1990 CFE Treaty (Lachowski 1998 p536). However, additional restrictions and restraining measures were included. This agreement was significant because it was the first time that warring parties had moved from war to arms control within a matter of weeks (Gyarmati cited in Fournier et al., 1996). The agreement was designed to increase confidence between the parties in order to 'reduce the risk of conflict' (Lachowski 1998 p536). This included measures facilitating the exchange information on weapons stockpiles and manufacturing capabilities, 'risk reduction mechanisms and cooperation and notification and observation of, and constraints on, certain types of military activities' (Lachowski 1996 (a) p736).

In order to implement the agreement, the OSCE's new mechanisms included Military Liaison Missions (MLMs) and the prevention of imported arms until the arms control reduction talks had established limits. The MLMs enabled the de facto creation of 'the first continuously functioning trans-entity military structure in Bosnia and Herzegovina' (OSCE Fact Sheet on the Achievements of the Office for Regional Stabilization 1997). However, it was not until June 1998 that the MLMs were created and then these did not function properly. The armies were reluctant to cooperate and preferred to rely on the OSCE to take responsibility. In addition there was no parliamentary oversight of the army (ICG Report 1999). Nevertheless, the OSCE established a number of bodies through which talks could be conducted, ambiguities ironed out and compliance overseen. The agreement was important because of the large multilateral peace enforcement operation available to support it (Fournier et al., 1996).

Despite several loopholes within the agreement, - for example, there were no provisions to prevent the introduction of new foreign forces and a lack of restrictions on international training programmes (Lachowski 1996 (a) p737) - the progress of the

CSBM agreement proceeded remarkably well. This was despite the lack of OSCE leverage to ensure compliance. During the first two years, problems emerged with implementing the agreement which were of minor rather than major significance. For example, the Republika Srpska notified two activities which lay outside the parameters of the agreement. These were subsequently scaled down. Some success was noted when 'synergy developed between CSBMs and the regional arms control process' and a number of voluntary measures was conducted. The OSCE had worked to strengthen the agreement by facilitating measures designed to promote cooperation between the parties. For example, voluntary meetings were held between officers of the two entities under OSCE auspices that further developed confidence building measures (Lachowski 1998 p537).

## **Arms Control**

Turning to arms control, the Florence Agreement on Sub-Regional Arms Control of 14 June 1996 detailed numerical ceilings for five categories of heavy military hardware. The signatories were Bosnia and Herzegovina (which included the two entities of the Republika Srpska and the Muslim-Croat Federation), Croatia and the Federal Republic of Yugoslavia. The first phase of the reductions was concluded by December 31 1996. During 1997 there was some confusion over the amount of weaponry held and uncertainty over what should have been destroyed. Although the OSCE had carried out systematic evaluations, NATO's Stabilization Force (SFOR) who were assisting OSCE operations, relied on random checks. The parties hurled accusations at each other of under-reporting, concealment, abusing exemptions, not reporting equipment from the Equip and Train programme and preventing site inspections (Lachowski 1998 pp517-518). For example, the Republika Srpska alarmed at the latest military hardware being supplied to the Federation of Bosnia and



Herzegovina, engaged in delaying tactics (ICG Report cited in Lachowski 1998 p517).

Despite the exploitation of loopholes within the agreement, by the end of the reduction period the OSCE confirmed that 6580 weapons had been destroyed and that 180 inspections had been conducted, for the most part satisfactorily. The parties were considered to have fully met their obligations in terms of equipment limited by the agreement. There were still shortcomings for example, 'insufficient security cooperation.' To further improvements the OSCE suggested new measures, for example, inspections of undeclared sites to begin in 1999 (Lachowski 1999 p635). The OSCE's work had assisted with establishing a competent inspection regime and exchange of information. Working through the Florence Agreement, the OSCE contributed to increasing military stability in Bosnia and Herzegovina. This was a pre-cursor to creating a stable regional military balance (Lachowski 1998 pp520-521). The FSC was to hold negotiations to enable the parties to establish a regional balance. However, this has not been implemented nor have participating states been identified. The main reason being that the instability emanating from a Serbia controlled by Milosevic makes most Balkan states reluctant to consider arms control (ICG Report- Is Dayton Failing? 1999).

## **Conclusion**

The OSCE was unequipped to design effective responses to the conflict over Bosnia. In the first stage of OSCE involvement, from 1991-1995, the organization was prevented by its participating states from making any serious attempts at conflict management and resolution. However, there was nothing to suggest that had the organization been allowed a more meaningful role it could have delivered results. During this period there was a lack of European confidence in the OSCE which, when combined with the open pursuit of states' interests in the Balkans, provided an

atmosphere that would have tested the abilities of any institution. Other international organizations proved equally inept and it was the unilateral involvement of the US that forced through the arguably unsatisfactory Dayton peace settlement.

On the basis of this settlement, the status of the OSCE was elevated and it was handed its most challenging task to date. Of the three areas of responsibility delegated to the OSCE, the organization proved relatively successful in only one, namely the oversight of arms control arrangements and CSBMs. However, an inability to adequately address the supervision and conduct of elections and human rights issues was not necessarily a reflection of the inadequacies of the organization. It had more to do with the situation created within Bosnia by the policies pursued by ultra-nationalists and the legitimization given to their actions via the Dayton agreement supported by Western Europe, Russia and the US. The organization of the first set of elections was a mammoth task given that it was an attempt to impose democracy onto what still was in many respects a war zone. In such circumstances it was remarkable that elections were able to proceed at all. However, the outcomes rather than preparing the ground for democracy served to legitimate the perpetrators of genocide and reinforce ethnic division. This continued to largely be the case throughout the period of time under discussion here.

Susan Woodward (cited in Riskin 1999) has argued that 'many of the initial assumptions about the impact of elections have not been supported.' The crucial role that elections played as part of an international plan to create peace and allow refugees to return home made necessary a continuing international presence. Woodward states that the conflict is 'now between local actors and international institutions.' There was no indication as to how a withdrawal strategy could be developed allowing Bosnian authorities to take responsibility for running their own administration along with control and maintenance of a viable political system.

Due to a lack of resources and to ineffective support from NATO, the OSCE paid less attention to human rights issues. While there was much documentation of human



rights abuses little effective action was taken to redress the situation. For example, by failing to provide the means through which refugees could return to their homes ethnic divisions became further entrenched. What was worse was that people were still continuing to be forced to leave their homes while ethnic cleansing continued under the eyes of international forces. Such difficulties partly arose out of a US policy that divided military and civilian responsibilities between different international organizations something which prevented effective coordination between the various bodies. What was needed was a central coordinating body (Sharp 1999).

The OSCE in the post-Dayton period had responded to the situation in Bosnia in an ad hoc manner by establishing new institutions to deal with issues as they arose. After each new problem was recognized a new institution appeared to deal with it. The result was a bewildering array of institutions which because of the absence of an underpinning system of authority was unable to address the problems they were set up to manage. This problem was not particular to Bosnia but characterized the general way the OSCE responded to issues. As it stood, the Dayton agreement was weak and unlikely to provide the foundation for a stable and durable peace within Bosnia.

The OSCE remained important within Bosnia because European powers had been so reluctant to become militarily involved. However, the continued dependence by the Europeans on the US and ultimately NATO indicated that the OSCE's role in Bosnia was both fashioned and constrained by the agendas of its participating states. For example, there was general collusion with US demands to legitimize the outcome of the 1996 general elections.

The US had a major influence on the direction of OSCE policy towards Bosnia. The Bosnian conflict had illustrated how far Europeans were from developing a unified and effective security policy and how much they still depended upon the US. This

served to emphasize US hegemony. Bosnia provided a new purpose for NATO alongside a reassertion of its continuing importance as the only effective guarantor of European security. Sustained involvement in Bosnia was seen as crucial to retaining US leadership in NATO. Dayton was 'based on a clear eyed view of US interests' which included preventing further 'meddling by Iran' in Bosnia (Albright 1997). Economically, Bosnia was important to the West as a region rich in coal and minerals. It was also important as part of a possible route for transporting oil from the Caspian region. The Balkans was also vital as a logistical strategy ground for advancing geo-political interests in Central Asia (Rippert 1999).

Continued European involvement in Bosnia was dependent on a sustained US commitment to the region. Britain's policy towards Bosnia maintained strong support for US leadership. The OSCE's involvement in Bosnia represented a means of involving Russia. Moscow continued to use opportunities created by its involvement in Bosnia to maintain influence within the state and within OSCE circles to press for a stronger organization (UK Parliamentary Select Committee on Defence- Minutes of Evidence - 31 March 1999). Germany was anxious that the OSCE mission should succeed due to its geo-political situation, having borne the brunt of accommodating Bosnian refugees. It had committed over \$12.4 billion in financial aid to Bosnia (German Government information).

For the OSCE, its human rights mandate was clearly limited and restricted to a narrow range of tasks. While the OSCE's mandate concentrated largely on elections, other areas of human rights that were not an OSCE prerogative were sidelined by international agencies. Although not an OSCE matter, official government estimates reveal 60% of Bosnian workers to be unemployed. However, figures could be nearer to 80% (Dempsey 1998). The right to employment is widely recognized as a human right. In the light of this it would appear that more resources needed to be allocated to employment creation. It cannot be said that the right to vote is more important than the right to work. From the OSCE's emphasis on elections it can be said that



elections were deemed of greater importance because what was at stake was not the human rights issues of the Bosnian people, but Western intervention designed to create a form of political system deemed acceptable to Western interests. What had emerged instead by the end of 1998 was an unacknowledged international protectorate running Bosnia and Herzegovina employing thousands of international workers and diplomats. The human rights of the Bosnian people appeared to be ignored because they were not allowed to decide upon and design the structure of their own political system. As the US Secretary of State, Madeleine Albright, said, we must succeed in Bosnia and 'make our own vision a reality.' 'Those who reject the US vision of Bosnia will not receive US help' (Albright 1997).

## Conclusion

The thesis has sought to describe the nature of the OSCE's work in the post-Cold War period as it relates to conflict prevention, management and resolution. The conclusion will discuss the OSCE's strengths and weaknesses and the relevance of neo-realist and neo-liberal institutionalist theories to the case studies. From this, general conclusions about the OSCE can be drawn. Several suggestions are outlined as possible considerations towards the future development of the organization.

The type of intervention that the OSCE has adopted offers a range of measures not previously seen in Europe. In the post-Cold War period the OSCE broke new ground by taking on responsibility for developing conflict prevention measures (Hurlbert 1995 (a)). The OSCE has at the same time retained traditional competencies. The OSCE performs wide ranging functions which include measures to support the development of democratic and civil society. In this regard, the OSCE fills a gap which is not presently catered for by either the EU or NATO. Both organizations lack aspects of the OSCE's speciality in nation building (White 1999). The OSCE also fills the gap between diplomacy and military involvement (Smith 1999). The OSCE has been able to enter regions of the Russian Federation, such as Chechnya, where no other international organization can. The work performed by the OSCE also serves to reduce the heavy political costs of potential NATO intervention in areas of conflict (White 1999).

The OSCE's abilities to address different forms of conflict have contributed to the organization becoming one of the pillars of the evolving European security system. The OSCE's mechanisms have assumed importance as 'tools of first resort' for the participating states as they try to address intra-state conflict. Attempts to control conflict have gone hand in hand with measures designed to construct and 'consolidate democratic forms of governance' (Flynn and Farrell 1999 pp 508-512).



The work conducted by the OSCE has relied on fostering cooperative relationships between participants and the organization. 'Political consultation within the OSCE fulfills a reassuring function for all participating states' (Greco 1995 p5). In all areas of its conflict management responsibilities, the OSCE has readily adopted creative approaches that suggest a transcendence of previously held concepts regarding the timing and nature of intervention.

In terms of conflict prevention measures, the OSCE has largely succeeded in overcoming the resistance of states to organized and acknowledged forms of intervention into their internal affairs. In this regard, the OSCE has become uniquely intrusive. The OSCE along with the COE, form part of an international movement generating new norms regarding what constitutes acceptable behaviour of governments towards minority populations, in an environment where definitions of security increasingly take into account human rights. Humanitarian intervention has led to a progressive erosion of state sovereignty when human rights issues are at stake (Greco 1995 p5). States are increasingly being required by the international organizations they subscribe to, to consider human rights issues in a way that previously they were not.

The OSCE's lack of coercion in implementing conflict prevention mechanisms may be one important reason why measures have frequently been accommodated by recipient governments. The involvement of the OSCE in conflict prevention has seen the organization at its most productive. It has proven to be a cost effective engagement especially when compared to the often high human and material costs of multilateral or unilateral involvement in ongoing conflicts. There remains potential for the OSCE to further strengthen and develop its conflict prevention capabilities. For example, by establishing an early warning centre. This could combine research and intelligence gathering facilities with the development of early warning devices. More resources could also be provided to existing offices, like the HCNM.

While there is room for strengthening the OSCE's conflict prevention capabilities, in the area of conflict management and resolution and post-conflict reconstruction, the OSCE needs to improve collaboration with other agencies, for example, the EU, NATO and the UN, if effective operations are to be implemented. With regard to oversight of peacekeeping operations, the OSCE has to resolve issues regarding where external military resources would be drawn from and how they would be composed. As other international organizations like the EU assume new responsibilities, that may encroach on existing OSCE responsibilities, further inter-organizational coordination is required.

### **Appraising the case studies**

In Macedonia the OSCE adopted a discreet, facilitative approach designed to operate in conjunction with the government and the parties to the conflict. Here, the OSCE relied upon cooperation and accommodation in order to assist with the maintenance of peace and stability within the state. Adopting an inclusive approach, channels of communication enabling sustained dialogue to take place were created, allowing for information to be exchanged and confidence to be increased. Through cooperation facilitated by the OSCE, states are encouraged to consider and adopt courses of action that they might otherwise have not considered or may have rejected and are offered support in order to carry out such changes.

Despite criticism that the OSCE's operations were biased in their support for the government, the work of both the mission and the HCNM can be interpreted as attempts to both support the government and create more favourable conditions for minorities within Macedonia. Minorities were therefore aware that international



scrutiny of the government's behaviour along with constant monitoring of conditions within the state was taking place.

Skopje's openness to the programmes of the OSCE may have rested upon the fact that the organization aimed to work in harmony with the government and had no mandate to impose coercive and forceful regimes. While the OSCE could make suggestions to the government as to how to improve inter-ethnic relations it had no powers of enforcement and therefore relied upon establishing effective working relationships. The Macedonian government cautiously received OSCE proposals. It has neither rejected or wholeheartedly embraced the organization's suggestions and has instead selectively implemented them. Intervention took place in the early stages of the conflict and has continued while the conflict remained latent. This is illustrative of an innovative problem solving approach adopted by the OSCE. The work of the OSCE has been indicative of a 'degree of autonomy and moral authority to move against misrule and intolerance while at the same time being flexible enough to accommodate different views and methods' (Krupnick 1998 p50). The role of the HCNM clearly illustrates this.

Turning now to the conflict over Nagorno-Karabakh. This case illustrates the difficulties of involvement in an ongoing conflict and therefore serves to emphasize the importance of preventive diplomacy at an early stage of a conflict. In this case, the high stakes involved to all the parties concerned were of crucial importance.

The idea of placing a multilateral peacekeeping force in Azerbaijan involving a substantial military contingent proffered a risky interventionist strategy. What was unusual about the OSCE's involvement here was the willingness of the organization to develop its capabilities into the peacekeeping field. This also meant that the parameters for external military intervention in the FSU were extended. The decision that Nagorno-Karabakh would be the first site for this type of OSCE operation is a possible reflection of the optimism with which the organization acted in the early

1990s along with a desire to enhance its capabilities. Russia may have agreed to the idea in order to develop the organization's 'hard' security capabilities and was keen to gain OSCE support for CIS peacekeeping operations. Moscow then created an environment to ensure that an OSCE led peacekeeping mission did not go ahead in order to preserve its freedom of movement in the Transcaucasus region. The organization's attempts to develop conditions conducive to establishing both a conference to discuss peacekeeping and a peacekeeping mission were severely circumscribed by the ability of Russia to prevent the OSCE from carrying out its previously agreed role.

Attempts to resolve the conflict over Nagorno-Karabakh were hampered by the parties themselves, whose intransigence and insistence on achieving maximal outcomes complicated the processes of achieving an acceptable peace agreement. The OSCE did not possess effective response mechanisms towards encouraging the conflicting parties to arrive at a settlement. However, there is nothing to suggest that any other international organization could have achieved a different outcome.

Despite its weaknesses, the OSCE has played a facilitative role during the conflict over Nagorno-Karabakh. The organization has contributed to sustaining the negotiation process and the work of the Minsk Group was useful in setting up discreet channels for dialogue. The parties to the conflict had sufficient confidence in the diplomatic processes overseen by the OSCE to avoid the resumption of violence and also to avoid seeking to end the conflict through military means. The Minsk Group provided continuity and consistency to the resolution process and allowed for a multilateral approach to problem solving which served to prevent a Russian monopoly of the peace process and prevented the possibility of Russian led CIS 'peacekeeping' forces being imposed on Azerbaijan.

Turning now to the case of Bosnia-Herzegovina, here weaknesses within the OSCE's approach were again apparent. Early in the development of the conflict the OSCE



was prevented from taking a meaningful role. At that stage in the organization's development it had neither the mechanisms to take effective action nor could it sustain its participating state's confidence in its abilities to design suitable courses of action. Clearly, the organization was powerless in 'countering committed aggressors' (Peters 1995 p77). However, following the conclusion of the Dayton Accords it was deemed a suitable organization to take on the Herculean task of organizing elections and overseeing human rights provisions and arms control agreements. The OSCE then had to attempt to implement the unsatisfactory provisions of an inadequate 'peace' arrangement. In only one of these areas did the OSCE demonstrate success, through the arms control agreements. Human rights were only nominally addressed and the conduct of the elections proved inadequate. Three years after the conclusion of the Dayton accords there was only minor evidence to suggest that democratic processes were becoming self sustaining.

In Bosnia and Herzegovina tensions between coercion and accommodation were apparent. For example, while the OSCE wanted to encourage the development of democratic processes, its methods of doing so became increasingly to rely on dubious measures to ensure that 'suitable candidates' were installed. Here, one of the organization's strengths, its impartiality, was also called into question. While the OSCE wanted to promote democracy, it at times attempted to exclude ultra-nationalists from holding office, even though when legitimately elected under due democratic process these figures had the right to take up these positions. The democratic processes supported by the OSCE then at times became questionable. This situation illustrates the problem of how devise appropriate methods of dealing with politicians intent on using the electoral processes to undermine democracy.

## **The explanatory power of competing theories**

### ***Neo-realism***

The contribution of neo-realism to this thesis largely lies in discussing how states have used the OSCE to pursue their interests either directly or indirectly. This has occurred in order to secure both short term and longer term objectives. Neo-realists maintain that states are occupied with determining whether cooperation facilitates or hinders the achievement of relative gains. It not obvious how involvement with the OSCE has enabled its participating states to achieve relative gains, yet they have still demonstrated considerable commitment to the organization. The work of the OSCE has largely appeared to operate against the development of another of neo-realism's concerns, the security dilemma.

However, OSCE participating states have readily been able to invest in conflict prevention measures because the implementation of such measures has not compromised the vital interests of the states directly involved or those of other OSCE participants also engaged in securing implementation.

The case of Macedonia illustrates how the conflict prevention measures implemented by the OSCE were accepted by Skopje for pragmatic reasons, namely to safeguard the stability of the state and to strengthen relations between Macedonia and Western states. The idea was to demonstrate suitable Western orientated credentials in order to assist Macedonia aims of securing aid, investment and access to international organizations. It was frequently apparent that Skopje could accommodate more of the OSCE's suggestions with little effort involved, but considered that its immediate interests were not served by doing so. Skopje, mindful of not appearing overly receptive to conflict prevention measures designed to accommodate the demands of ethnic Albanians, feared alienating its Macedonian supporters. For their part, the



OSCE's participating states failed to offer more robust economic and political measures in order to strengthen stability within Macedonia. Instead, OSCE states preferred to carefully protect their relationships with adjacent states, such as Greece, which were regarded as more vital than those with Skopje. The implementation of the Sanction Assistance Missions in Macedonia can also be seen as the pursuit of an interest dominated international agenda overriding the needs of a small Balkan state.

The OSCE's involvement in Nagorno-Karabakh highlighted how major OSCE states sought to manipulate the organization's resolution processes to pursue their own state agendas. For example, Russia's involvement with the OSCE's resolution measures fluctuated in accordance with Moscow's changing perceptions regarding the utility of the organization to facilitate Russian foreign policy objectives. The US used the Minsk process as a means to resolve the conflict in a way that would promote American economic and political objectives in the Caspian Sea region and shape the nature of its future relationships between Armenia and Azerbaijan. The US also sought to use the OSCE process to influence the nature of the recipient states' relationships with other regional powers, namely, Iran.

In other cases of OSCE involvement where violence had already broken out, as in Georgia, Moldova and Tajikistan, OSCE conflict management measures have proved less than effective principally because influential states have for their own reasons failed to confront Russia or to provide the necessary resources needed to support effective activities undertaken by OSCE missions (Chigas 1996 p63). Chechnya provides another example of the OSCE's inability to tackle violent aggression. Here, prominent states were unwilling to jeopardize relations with Moscow in order to strongly censure Russian atrocities. The OSCE action was limited to the dispatch of an Assistance Group to the region, where it established political processes through which channels for dialogue and negotiation were provided.

The engagement of the OSCE in the post-conflict reconstruction of Bosnia and Herzegovina revealed in part a collective decision taken in order to protect the reputations of both NATO and the UN from further damage. International expectations of what the OSCE could be expected to achieve were limited. The OSCE was then tasked with overseeing operations that lacked adequate resources and international confidence in its abilities to effectively execute its tasks. OSCE states used the reconstruction process as part of a longer term process designed to create a state that would ultimately reflect Western values and interests.

### *Neo-liberal institutionalism*

From a neo-liberal institutionalist perspective, which recognizes that states may pursue their interests through an international organization such as the OSCE, the organization has, nonetheless, demonstrated the efficacy of international cooperation.

The OSCE has provided a platform through which security issues of common concern can be raised and addressed. The risks involved in direct intervention in intra-state conflicts have been reduced for states because cooperative action channeled through the OSCE has allowed for the pooling of resources and expertise and has legitimized decision making. International cooperation channeled through the OSCE has increased the credibility of collective commitments and provided the means of addressing often complex problems.

The concept of multilateral conflict prevention is a liberal principle, and suggests that the development of the OSCE does not accord with neo-realist concepts. For example, the presence of the in-country missions can be seen as mechanisms operating against the establishment of the security dilemma. The OSCE in this instance has facilitated transparency between parties and provided forums where their



concerns and grievances can be aired. Despite criticisms that European states could have acted more robustly, the utility of the facilitative approach that the OSCE adopted in Macedonia indicates that new multilateral approaches have been developed to address internal conflicts. The preventive diplomacy conducted by the OSCE in Macedonia has contributed to the state's avoidance of the collapse into the types of chaos experienced by other Balkan states. The OSCE's role as an intermediary between the ethnic Albanians and the Macedonian government operated against the establishment of a security dilemma, by providing channels for dialogue along with proposals for improving inter-ethnic relations. The cases of Latvia and Estonia also provide other examples of illustrations where the OSCE has contributed to the largely effective implementation of conflict prevention measures.

In the case of Nagorno-Karabakh the OSCE facilitated dialogue, linkages and the provision of a multilateral forum where negotiations could be monitored and scrutinized. While the power political interests of key states were apparent within this process the OSCE provided a facility whereby negotiations could be conducted encouraging transparency. Despite shortcomings, the negotiation processes facilitated by the OSCE acted as a safeguard against the unilateral involvement of Russia. It also strengthened concepts regarding the utility of negotiation as a means of conflict resolution while at the same time not disguising the real difficulties involved in attempting to resolve conflict. Although the key participants of the Minsk Group were states with substantial interests in the region, this may have aided the resolution process rather than merely allowing such states an arena within which to play out their interests. The close relationships that the states who co-chaired the Minsk process had with the conflicting parties could have enabled the Co-chairs to exert the type of influence that would otherwise have been lacking.

The OSCE's involvement in Bosnia and Herzegovina again lends support to neo-liberal institutionalist theory. It became apparent that multilateral responses were necessary in order to provide a means of reconstructing the state and to respond to the

needs of refugees. The reconstruction measures required were clearly beyond the capabilities of individual states and were an example of the potential for international organizations to facilitate cooperative responses to a post-conflict situation. Without such assistance, violent conflict was likely to resume with the attendant problems spilling over into adjacent European states. Here, the OSCE dealt with some of the broader, multi-faceted concepts of security alongside military issues, (which transcended the traditional neo-realist emphasis on security as a predominantly military issue) providing expertise in the areas of human rights, elections and arms control. The OSCE's oversight of arms control agreements and confidence and security building measures operated against the security dilemma through the provision of information and allowed for enhanced transparency between the previously conflicting parties.

This notwithstanding, fundamental OSCE's weaknesses in both Bosnia and Nagorno-Karabakh were the organization's lack of enforcement powers in an arena where power-political interests were seen to dominate. However, to enable the organization to act in such a way would essentially compromise its strengths, which are its non-threatening, consensual approach to problems, resting on confidence building and a lack of coercion. If the OSCE became an organization that provided both cooperative measures and forceful sanctions of its participants' behaviour this could damage states' confidence in the utility of cooperation (Chigas 1996 p82). When, for example, consensus exists to alter existing norms of state behaviour it is more significant because states have the ability to prevent such developments (Farrell and Flynn 1999 p512).



## ***Constructivism***

While the relevance of both neo-realism and neo-liberal institutionalism is apparent in the case studies, there are areas of the OSCE's performance that are not satisfactorily explained by either theory. Other perspectives such as constructivism have something different to say here. For example, neo-realism does not recognize nor explain why states have adopted norm construction as a means of developing a new European security system. Neo-liberal institutionalism fails to discuss why European states have pursued 'a philosophy of international order that links their relations with one another to a specific form of domestic rule' (Flynn and Farrell 1999 p530). Here constructivists can add to the debate by offering ideas discussing the nature of norms, values and identities. From a constructivist perspective, the OSCE has been important in changing the way people in the OSCE region think about security. This is occurring because the organization is 'helping to devise, diffuse, and institutionalize the concept of comprehensive, indivisible, and cooperative security.' In this regard, the OSCE has facilitated a learning process encouraging governments to adopt reassurance and trust building measures. This is encouraging an increasing 'sense of mutual identification in the region' (Adler 1998 p148).

The OSCE's record of achievements need not be solely assessed by outcomes in individual conflicts but can be assessed more broadly. For example, by the ways in which the organization's values have diffused into the practices of other international organizations, assisting the creation 'of a foundation of community practice and behaviour.' From this perspective the OSCE has been effective in modifying definitions of security and furthering concepts of cooperative security (Adler 1998 pp119-148). The European Stability Pact devised by the EU was based explicitly on OSCE principles (Greco 1995 p10). OSCE methods have influenced the ways in which NATO has adopted community building approaches. The OSCE model has

effected the structure of the multilateral Arab-Israeli peace talks. Such approaches have enable the OSCE to extend its institutional norms to Eastern Europe and beyond (Adler 1998 pp119 -148).

### **Other issues**

The OSCE has developed into an organization designed to address the risks and uncertainties emanating mainly from the weaker states of Eastern Europe and the FSU. Possibly more confidence could be generated in its legitimacy as a pan-European cooperative security system if the OSCE was seen as an organization that is also an appropriate forum through which to seriously address similar problems arising in the West. As an example, the HCNM could visit Northern Ireland to suggest measures to improve relationships and reduce inequalities between Protestants and Roman Catholics.

The OSCE's methods of treatment of the conflicts it has been involved with has meant that the often deep rooted causes of conflict are not dealt with. These could include structural, economic and social inequalities, which the OSCE has only limited means to address. International, external or internal factors that may have contributed to the cause of the conflict are obscured because many conflicts are frequently understood in terms of their ethnic components. This leads to a tendency to locate the source of the problems with those who are directly engaged in the conflagration. In particular, it absolves responsibility from external actors who have contributed either directly or indirectly to the onset of conflict. In this sense the OSCE is not equipped to play more than a palliative role.

Ultimately, it is meaningless to talk of what the OSCE can or cannot achieve. Its abilities are reliant on what the participating states are prepared to allow the organization to do. Decisions taken which permit OSCE involvement 'are subject to



national political considerations, that is the result of the comparisons between the different national preferences regarding the various institutional options that are available' (Peters 1995 pp77-78). The OSCE is not an independent actor although certain offices like the HCNM possess limited autonomy. The OSCE is essentially what its participants allow it to be and its successes and failures are also theirs.

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### ***ADDITIONAL MATERIAL***

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## Appendix One

### Map of Macedonia

Source: OSCE Handbook 1999, OSCE Secretariat, 3<sup>rd</sup> Edition, Vienna, p57





## Appendix Two

### Map of Nagorno-Karabakh

Source: OSCE Handbook 1999, OSCE Secretariat, 3<sup>rd</sup> Edition, Vienna, p64





# Appendix Three

## Bosnia and Herzegovina

Source: **The Dayton Peace Accords - General Framework Agreement for Peace in Bosnia and Herzegovina**, Office of Public Communication, Bureau of Public Affairs, US Department of State, USIA Regional Programme Office, Vienna, 1995



Serbia and Montenegro have asserted the formation of a joint independent entity, but this entity has not been formally recognized as a state by the US. Names and boundary representation are not necessarily authoritative.