

Chapter IV

UN and CSCE Policies in Transcaucasia

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1. Introduction (1)

Since 1988, two types of conflict have erupted in Transcaucasia. The first may be described as a "struggle-for-power conflict". Here, the conflicting parties consist of a State's regular army and one or more non-governmental armed forces from the same State. These do not aim to change international borders, but rather to control state power. Such a "struggle-for-power conflict" occurred twice in Transcaucasia in recent times: in Georgia between the supporters and opponents of the first elected President, Zviad Gamsakhurdia (December 1991 - late 1993), and in Azerbaijan with the coup against the democratically elected President Elçibey (June 1993). Both successors of the ousted presidents were former communist leaders: Eduard Shevardnadze and Geidar Aliyev.

The second type of conflict which erupted in Transcaucasia can be described as a "national liberation conflict". The players involved - just as in the first case - are the regular army of a State and one or more non-governmental armies from this State, but - unlike in the first kind of conflict - their aim is either to maintain or to change existing State borders. Conflicts of this type have occurred in Nagorno-Karabakh, South Ossetia and Abkhazia.

In what follows, we will explain the differences in the kinds of intervention by the UN and the CSCE in the three conflicts characterized above as "national liberation conflicts". Both organizations have been active in the crises in Nagorno-Karabakh and Abkhazia, but with the CSCE clearly as the prime mover in the first case and the UN in the second. Only the CSCE was involved in the conflict resolution process in South Ossetia. The policies of the major world and regional powers (the USA, some Member States of the European Union, Turkey, Iran and Russia) differed in the three conflicts. Russia's policies in the areas it terms "near abroad", the use of the Commonwealth of Independent States (CIS) as an instrument for regional security, the attitudes of the warring parties towards the CSCE and the UN and the weight of national interests in these international organizations will be also taken into account.

Intervention by the UN and CSCE must be differentiated according to the type of action involved. A distinction should be drawn between:

- lack of action;
- "soft actions" (especially fact-finding missions and political statements);
- normative and operative actions. "Normative actions" refer to all resolutions adopted by the Security Council which do not imply any substantive measures. By contrast, "operative actions" refer to all UN substantive measures requested or demanded by the Security Council.(2)

Such a clear distinction cannot be made in case of the CSCE, as this organization does not rely on an international treaty and has acted on a "case-by-case" basis. On the other hand, the universal status of the UN and the regional status of the CSCE are linked to different diplomatic and institutional traditions and to a specific division of labour. For these reasons, the respective roles of the United Nations and the CSCE will not be presented in the same way. The analysis of the UN will highlight similarities and differences in the manner in which it has managed the conflicts in Nagorno-Karabakh and Abkhazia, based on a direct comparison of the two cases. The analysis of the CSCE will, by contrast, focus on the specific features of each individual conflict management policy in Nagorno-Karabakh, Abkhazia and South Ossetia.

In the analysis of both international organizations, other experiments in conflict management (such as in the former Yugoslavia, for example) must be taken into account. Patterns of co-operation between the two organizations will be described at the end of our analysis, in order to contribute to a typology of the relationships between the UN and regional organizations.

2. The United Nations

A. *Lack of action*

a. *Lack of Action in "Struggle-for-Power Conflicts"*

The United Nations paid no attention to the so-called "struggle-for-power conflicts", i.e., the coups against elected presidents Gamsakhurdia in Georgia and Elcibey in Azerbaijan. Different explanations may be offered for this lack of attention. A first would be that these coups were perceived as purely internal affairs in which, according to a traditionally restrictive interpretation of Article 2, paragraph 7 of the UN Charter (principle of non-interference in domestic affairs), the UN is not called upon to act. According to a second interpretation, the great powers and the international community were simply not interested in intervening. Nothing in the UN Charter prohibits the Security Council from characterizing an internal conflict as a threat to international peace and security - as was done, for instance, in the cases of Somalia, Haiti and Rwanda - and from acting in these situations on the basis of Chapter VII (coercive measures). Unlike the ousting of President Aristide of Haiti, the coups against Gamsakhurdia and Elcibey were simply acceptable to the great powers, and especially to Russia.

b. *Lack of Action in National Liberation Conflicts*

The UN was not involved in the first stages of the three national liberation conflicts in Transcaucasia: these had already begun before the break-up of the USSR, so the principle of non-interference in internal affairs prevailed. At the end of 1991, the dissolution of the USSR gave the UN a real opportunity in the Transcaucasus. Yet it was still slow to intervene in the next stages of these conflicts. This could be explained by various factors:

1. the increasing UN involvement in other internal conflicts concerned mainly older regional disputes with a substantive East-West dimension, and consisted only in peacekeeping aimed at consolidating a lasting peace agreement (Angola, El Salvador, Cambodia);
2. financial constraints prevented the UN from confronting all the instabilities which were erupting around the world (Sudan, Sri Lanka, Liberia, Myanmar). Yugoslavia was considered by Western European States - and, to a lesser extent, by Islamic countries - as a priority task for the UN. A considerable portion of the UN security budget had been allocated to the management of this conflict, reducing the financial base for international intervention in other parts of the world;
3. the CSCE aimed to assume a primary role in solving regional conflicts under Chapter VIII of the UN Charter.⁽³⁾

In the particular case of South Ossetia, the bilateral agreement between Russia and Georgia, signed in June 1992 by Yeltsin and Shevardnadze, managed to freeze but not solve the conflict. South Ossetia was no longer an emergency case for the UN when Georgia became a full member of the world organization on 31 July 1992. As the CSCE was already dealing with the Ossetian conflict, the UN did not consider it necessary to intervene itself.

B. *Soft Actions*

a. *Fact-Finding Missions*

Fact-finding missions constitute a key element in the Secretary-General's new preventive diplomacy.⁽⁴⁾ Their purpose is to collect detailed information about a situation and to demonstrate the concern of the international community. According to the UN Charter, the Security Council has to take the initiative for a fact-finding mission (Art. 34), but the Secretary-General (Art. 99) and the General Assembly (Art. 11) also have the right to launch such missions, on the basis of their general powers.

Not all national liberation conflicts in the former Soviet Union attract the attention of the Secretary-General or the Security Council. These have to focus on a limited number of conflicts which they want investigated. It is still difficult to find the precise criteria used by the UN bodies in selecting one conflict rather than another. The first fact-finding missions in Nagorno-Karabakh were sent on the Secretary-General's own initiative⁽⁵⁾, while reports on the situation in Abkhazia were requested by the Security Council.⁽⁶⁾

The first fact-finding team arrived in Nagorno-Karabakh in March 1992, after an Armenian offensive. Cyrus Vance, the former US Secretary of State, was chosen as Head of Mission because of his achievements in the former Yugoslavia. He had just persuaded the warring factions in Croatia to respect a cease-fire and to accept a UN peacekeeping operation. His mission in Transcaucasia also included support for the CSCE mediatory efforts led by Jiri Dienstbier. Other similar missions arrived in May and October 1992 respectively.⁽⁷⁾ In July 1992, a less common type of fact-finding mission was charged with investigating Azeri allegations of the use of chemical weapons by the Armenians.⁽⁸⁾

In April 1993, after the Armenian assault on the district of Kelbajar and the town of Fizuli, the Secretary-General, acting at the request of the Security Council⁽⁹⁾, asked the Chief Representatives of the new UN interim offices in Armenia and Azerbaijan to ascertain the reality on the ground. The Secretary-General's report on the situation in Nagorno-Karabakh derived from this initiative.⁽¹⁰⁾

The first fact-finding mission arrived in Abkhazia in September 1992, a month after the outbreak of war. A second mission came in October 1992.⁽¹¹⁾ A UN interim office was opened in Tbilisi in November 1992 in order to demonstrate the presence of the UN, to maintain contacts between the parties and to send reports on the situation to the UN headquarters in New York.⁽¹²⁾ In May 1993, as the fighting intensified, the Secretary-General appointed the Swiss ambassador, Eduard Brunner, as his "Special Envoy" to Georgia. This man had previously been in charge of a similar mission in the Middle East. Although his mission in Georgia was also a fact-finding one, he negotiated both a comprehensive political settlement of the conflict and a peacekeeping operation concept, just as Cyrus Vance had done in Croatia in the autumn of 1991.⁽¹³⁾

b. *Political Statements*

The Security Council may either make political statements or adopt legal resolutions. The first are legally non-binding texts demonstrating the Security Council's concern at the development of a situation. They may include political proposals which aim to defuse a crisis.

A Security Council statement on Nagorno-Karabakh was issued in May 1992, two months after the first statement by the CSCE, against the background of an Armenian assault on the Lachin Corridor linking Nagorno-Karabakh and Armenia.⁽¹⁴⁾ Members of the Security Council expressed their "serious concern" over the deterioration of the situation in Nagorno-Karabakh and the breaches of the cease-fire agreements. They also expressed their support for the CSCE peace process. In January 1993, as a consequence of the Azeri blockade against Armenia, the UN Security Council expressed its concern over the devastating consequences of the interruption in the delivery of basic supplies to Armenia and Nakhichevan.⁽¹⁵⁾

In April 1993, after new hostilities in Kelbajar and Fizuli (Azeri cities which are located outside of Nagorno Karabakh), the Security Council requested the Secretary-General to report on the situation.⁽¹⁶⁾ According to this report, published one week later, "the intensification of fighting in and around Nagorno Karabakh, especially the recent attacks against the Kelbajar and Fizuli districts of Azerbaijan [posed] a serious threat to the maintenance of international peace and security in the entire

Transcaucasus region".⁽¹⁷⁾ Two weeks later, the Security Council adopted its first resolution on the conflict (see below).

In relation to Abkhazia, the Security Council published three statements (September and October 1992; January 1993) calling for respect for the Moscow cease-fire agreement of 3 September 1992, and a fourth one (July 1993), calling for respect for the cease-fire agreement of 14 May 1993.⁽¹⁸⁾

C. *Normative Actions*

a. *Designation of the Situation*

The Security Council stated in its first resolution on Nagorno Karabakh (April 1993) that the situation continued "to endanger peace and security in the region".⁽¹⁹⁾ The designation of the situation in Abkhazia as a "threat to the maintenance of international peace and security" did not appear in the first Security Council resolution but in the third one, adopted in October 1993, after the first breaches of the Sochi cease-fire agreement of 27 July 1993.⁽²⁰⁾

b. *Reaffirmation of Principles of International Law*

The Security Council resolutions refer to principles of international law which must guide any solution of the conflict, such as the principles of sovereignty and territorial integrity, which were reaffirmed for both Georgia and Azerbaijan.⁽²¹⁾ The resolutions on Nagorno-Karabakh involve, however, two elements which are absent from the resolutions on Abkhazia:

1. after the sentence relating to the reaffirmation of the sovereignty and territorial integrity of the Republic of Azerbaijan, the following phrase was added: "and of all other States in the region";
2. the affirmation of the principles of the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory - both of which may be deduced from the two above-mentioned principles.⁽²²⁾ These differences - which were probably politically motivated - had no legal consequences for the affirmation of the sovereignty or territorial integrity of Azerbaijan or Georgia.⁽²³⁾ In both cases, these principles of international law prescribe that any solution of current disputes and any territorial change must be freely accepted by the legal representatives of these countries. Consequently, neither Nagorno-Karabakh nor Abkhazia can be recognized as independent States without the consent of the Azeri and Georgian authorities respectively.

c. *Condemnations*

The Security Council has condemned some specific events which occurred in Nagorno-Karabakh and in Georgia. First, the Council condemned violations of cease-fire agreements.⁽²⁴⁾ Only the seizure of Kelbadjar and Zanghelan, both located outside Nagorno-Karabakh, in Azeri territory, were explicitly condemned by the Security Council⁽²⁵⁾, while no Abkhaz city was mentioned in the Council's resolutions.

Attempts to change the demographic composition of Abkhazia, including by repopulating it with people not previously resident there, were also condemned.⁽²⁶⁾ No similar condemnation existed for Nagorno-Karabakh.⁽²⁷⁾ The Security Council expressed merely "its grave concern at the displacement of large numbers of civilians in the Azerbaijani Republic".⁽²⁸⁾ By contrast, the Council recognized "the right of all refugees and displaced persons affected by the conflict [in Abkhazia] to return, without preconditions, to their homes in secure conditions".⁽²⁹⁾ In the Abkhaz case, the Council clearly rejected any solution based on the results of the so-called "ethnic cleansing".

Not only did the Security Council condemn some events and not others: in addition, some actions were explicitly attributed to one or other warring faction.⁽³⁰⁾ However, only the actions of the Abkhaz side were explicitly condemned.⁽³¹⁾ The lack of any such reference to the Armenian side in the resolutions on Nagorno-Karabakh probably results from a lack of political consensus within the Security Council. The Council, nevertheless, demanded "the immediate, complete and unconditional withdrawal of the occupying forces involved from the district of Agdam and all other recently occupied areas of the Azerbaijani Republic".⁽³²⁾

d. *Requests and Demands Addressed to the Warring Parties*

The Security Council may address to the Member States either non-legally binding requests or legally binding demands. Only demands constitute legal obligations on the Member States. A number of requests and demands formulated by the Security Council regarding Transcaucasia consisted in calling on the parties to comply with the above-mentioned principles of international law, or to stop actions which the Security Council condemned.

The requests and demands concerning the use of force by the warring parties were more original. In these, the Security Council:

- demanded that all parties to the conflict in Abkhazia refrain from using force⁽³³⁾;
- demanded the immediate cessation of all acts of hostility in order to achieve the establishment of a lasting cease-fire in Nagorno-Karabakh⁽³⁴⁾;
- urged concerned parties to refrain from any action which could obstruct a peaceful solution to the conflict.⁽³⁵⁾

Although no legal stipulations prevent States from using force in internal matters (the principle of the non-use of force is valid only in international relations⁽³⁶⁾), when State representatives sign an international cease-fire agreement, government forces have to renounce the use of arms. The Council's requests and demands were therefore addressed to all warring factions, including governmental ones.

Another request from the Security Council concerned unimpeded access for international humanitarian aid to the conflict areas.⁽³⁷⁾ The Security Council has been expressing this request more and more frequently in recent years, starting with the famous Resolution 688 on repression in Iraq (April 1991).⁽³⁸⁾

e. *Requests and Demands Addressed to the Non-Warring Parties*

The expression "warring parties" is used here in its narrow sense, and refers exclusively to the parties who have publicly acknowledged their involvement in a war. Consequently, other parties - even if they are suspected or accused of active participation⁽³⁹⁾ - are considered under this definition to be "non-warring parties".

How did the Security Council react to these instances of reported foreign military involvement? Where Abkhazia is concerned, the only resolution which mentioned neighbouring States was the request to all States to prevent all forms of assistance, except humanitarian aid, to the Abkhaz side, either from their territory or from persons under their jurisdiction.⁽⁴⁰⁾ Although the resolution was formulated in general terms so that it would not be vetoed by Russia, it was clear that it could only be referring to Russia, which maintained military troops in Abkhazia and seemed to be doing little to prevent irregular fighters from the Northern Caucasus coming to the aid of the Abkhaz secessionists.⁽⁴¹⁾

The Security Council did issue similar general statements regarding Armenia's involvement in the war in Nagorno-Karabakh, urging all States in the region to refrain

from any act of hostility and from any interference or intervention.⁽⁴²⁾ But, in July 1993, the Council explicitly urged "the Government of the Republic of Armenia to continue to exert its influence to achieve compliance by the Armenians of the Nagorno-Karabakh region of the Azerbaijani Republic with [UNSC Resolutions and] the acceptance by this party of the proposals of the Minsk Group of the CSCE".⁽⁴³⁾ The Council repeated this request in November 1993, adding that the Government of Armenia must ensure that the "forces involved" did not receive the means to extend their military campaign.⁽⁴⁴⁾

A parallel may be drawn between the way the Security Council reacted to the help the Armenians from Nagorno-Karabakh received from Armenia, and how it reacted to the help received by Bosnian Serbs or Bosnian Croats from their motherlands. Unlike the resolutions on the former Yugoslavia, the UNSC resolutions on Nagorno-Karabakh did not mention illegal intervention by Armenia in Azeri internal affairs.⁽⁴⁵⁾ No sanctions were agreed against Armenia.⁽⁴⁶⁾ There was not even a simple request for it to withdraw its troops from Azerbaijan, in contrast to the Bosnian case, where such calls were made on Croatia.⁽⁴⁷⁾

f. *Support for Other Peace Initiatives*

Since 1991, in its resolutions the Security Council has increasingly mentioned peace efforts by individual states or regional organizations⁽⁴⁸⁾, stressing the value of efforts made in co-operation with and/or at the initiative of the UN. Only the CSCE and Russia's peacemaking efforts in Transcaucasia were mentioned by the Security Council. Mediation attempts by other States - such as Iran, Turkey and Kazakhstan - were ignored.

Regarding Abkhazia, the Council welcomed the continuing co-operation between the UN and the CSCE⁽⁴⁹⁾, but also the Russian peace efforts. In particular, the Council:

- presented the Russian Federation as a facilitator of the UN peace efforts⁽⁵⁰⁾,
- welcomed the planned deployment of joint monitoring groups consisting of Georgian, Abkhaz and Russian units, in order to consolidate the cease-fire of 27 July 1993⁽⁵¹⁾,
- welcomed the readiness of the Russian Federation to assist the parties to take all steps necessary to ensure the security of UNOMiG personnel.⁽⁵²⁾

Regarding Nagorno-Karabakh, the Security Council constantly supported the efforts of the CSCE (see below)⁽⁵³⁾, but also mentioned the Russian mediation actions in support of the Minsk Group of the CSCE.⁽⁵⁴⁾

D. *Operative Actions*

a. *Humanitarian Measures*

The activities of the UN and its specialized agencies (UNHCR, UNICEF, WHO and the World Food Program) were especially important in the humanitarian field.⁽⁵⁵⁾ In addition to the conveying of humanitarian assistance on the ground, the UN Department of Humanitarian Affairs called international meetings of donors.⁽⁵⁶⁾ But no humanitarian armed intervention was launched, even though the emergency situation in the Caucasus could not be considered to be any better than that in Bosnia, for instance.⁽⁵⁷⁾

b. *Diplomatic Measures*

Neither in Nagorno-Karabakh nor in Abkhazia did the Security Council decide to impose diplomatic sanctions on any of the warring parties. There was no recommendation to reduce consular or other diplomatic missions - as was done in 1992 against Libya⁽⁵⁸⁾ - or to refuse the admission of newly independent States to the UN,

as was done in the same year for the "new Yugoslavia".⁽⁵⁹⁾ In spite of Art. 4 of the UN Charter - which stipulates, for example, that "membership in the United Nations is open to all other peace-loving States" - both Armenia and Azerbaijan became members of the UN on 2 March 1992, in the context of an open war in Nagorno-Karabakh.⁽⁶⁰⁾ Georgia, for its part, was admitted on 31 July 1992, in a context of unresolved civil war.⁽⁶¹⁾

c. *Economic Measures*

Economic sanctions were seldom used before the Iraqi invasion of Kuwait⁽⁶²⁾, but have increasingly been adopted since then. Not only States (Iraq, Libya, Serbia and Haiti⁽⁶³⁾) but also non-governmental groups (the Khmer Rouge in Cambodia and UNITA in Angola⁽⁶⁴⁾) have been subjected to UN economic sanctions. Such sanctions were also used in the Caucasus, but in different ways in Abkhazia and Nagorno-Karabakh.

The Security Council requested all States to prevent all forms of assistance and, in particular, to refrain from the supply of any weapons or munitions to Abkhazia, from their territory or from persons under their jurisdiction.⁽⁶⁵⁾ This embargo, directed exclusively at the Abkhaz side, was complete: only humanitarian aid was excluded from this measure, which can be compared with those taken against Iraq and Serbia.

As regards Nagorno-Karabakh, the Security Council urged the international community to refrain from the supply of weapons and munitions which might lead to an intensification of the conflict or to a further occupation of territory.⁽⁶⁶⁾ Unlike the resolutions on Abkhazia, the embargo was couched in general terms and concerned only weapons and munitions. Moreover, the Security Council did not impose a total ban on arms transfers, but only a ban on arms which might lead to an intensification of the conflict or the continued occupation of territory. This request did not make clear which parties in the conflict were being targeted (only the warring parties, or also Armenia?). Such an interpretation was left to the political appreciation of each State, as in the 1960s with the ambiguous formulation of the arms embargo against Portugal, because of its pursuance of its colonial policies.⁽⁶⁷⁾

Another problem with the Security Council's recommendation concerned the compatibility between a general arms embargo vis-a-vis Nagorno-Karabakh and the "natural right to self-defence" each State retains "until the Security Council has taken the measures necessary to maintain international peace and security" (Art. 51 of the UN Charter). As long as Armenia participates militarily (albeit not officially) in the national liberation conflict in Nagorno-Karabakh, Azerbaijan is entitled to request all the foreign military aid needed for repelling a foreign attack, unless the Security Council is considered effectively to have taken "the measures necessary to maintain international peace and security". The problem is more or less the same for the Bosnians, who are facing illegal intervention by Serbia as well as a UN arms embargo.

Neither in Abkhazia nor in Nagorno-Karabakh were the embargoes coupled with enforcement measures or sanctions assistance missions (SAMs), unlike in the former Yugoslavia.⁽⁶⁸⁾ Not even the usual Sanctions Committee (responsible for monitoring the implementation of sanctions) was established, in either case.⁽⁶⁹⁾

d. *Military Measures*

A proposal for a peacekeeping operation in Abkhazia was discussed but never implemented by the UN. At the request of the new Georgian President, Eduard Shevardnadze, the UN Secretary-General proposed an immediate deployment of 50 military observers to monitor the cease-fire agreement of 3 September 1992 and a comprehensive peace plan for the longer term. This peace proposal included the following elements: - the consolidation of the cease-fire, if necessary under

international control; - negotiations under the auspices of the UN; - support from neighbouring States, and in particular from Russia, for the above-mentioned activities.(70)

The sending of the first team of ten military observers and the creation of an 88-strong UN Observer Mission in Georgia (UNOMiG) were approved by the Security Council in August 1993.(71) Originally, only Georgia agreed with the three-step approach of the UN Secretary-General. The Abkhaz side expressed reservations about a peacekeeping operation, while Russia did not support the idea of an international peace conference.(72)

The possibility of a UN mission changed dramatically after the violation of the Sochi Agreement in September 1993. The UNOMiG was immediately reduced to only 5 people.(73) The Secretary-General proposed to choose either a UN peacekeeping operation or a Russian one. The first option seemed to have UN support until spring 1994. Under this option(74), a UN operation would have included a large contingent of Russian soldiers (not exceeding one third of its total strength(75)) and would have had the following aims:

- its deployment in all of Abkhazia and not in a "buffer zone" between Abkhazia and the rest of Georgia(76);
- a strong UN civil police in order to help local police to maintain public order throughout the Abkhaz territory;
- the return of displaced persons and refugees to Abkhazia;
- respect for Georgian territorial integrity, coupled with broad political autonomy for Abkhazia.

This peace plan was accepted by Georgia but raised some Abkhaz objections (77):

4. on the subject of deployment: the Abkhaz were promoting the idea of a buffer zone along the current front line on the Inguri River;
5. regarding the presence of UN unarmed police: the Abkhaz wished to maintain public order themselves on "their" territory;
6. concerning Georgian territorial integrity: the Abkhaz wanted complete independence.

The option of a Russian peacekeeping force was formulated in more general terms (without any explicit reference to Russia) in a Security Council resolution of January 1994.(78) This mentioned the possibility of a multinational force which would not be put under UN command but whose operations would be monitored by UNOMiG.(79) The agreement signed by each warring party on 14 May 1994, under the auspices of Russia(80), gave the necessary legal basis for the deployment of CIS troops under Russian command. Because of the consent of the Georgian authorities, the CIS military presence in Abkhazia was to be considered as an element of a normal co-operation relationship between two sovereign states, Russia and Georgia. As it was not an illegal intervention, this operation did not require any formal acceptance from the Security Council.

The May 1994 agreement revealed a certain division of labour between the United Nations and Russia. This development may be seen as a result of the UN's failure to manage the conflict using traditional methods, and also as a consequence of the Russian approach to the "near abroad". In what follows, we will see how a similar division of labour between Russia and the CSCE emerged from the CSCE's unsuccessful initiatives in Nagorno-Karabakh.

3.

The Conference on Security and Co-operation in Europe

A. *Lack of Action before January 1992*

Before the breaking up of the Soviet Union, the CSCE did not discuss the political and ethnic tensions in Transcaucasia. This was consistent with the principle of non-intervention in the internal affairs of the Participating States (Principle VI of the Helsinki Final Act). Nevertheless, some declarations by the CSCE's Committee of Senior Officials (CSO(81)) on the Yugoslav war in 1991 had already emphasized that the commitments undertaken in the sphere of the human dimension of the CSCE were matters of direct and legitimate concern to all Participating States, and did not belong exclusively to the internal affairs of the States concerned.(82) Since the human dimension of the CSCE includes not only human rights and fundamental freedoms, but also the rights of minorities, democracy and the rule of law (83), and since the conflicts in Georgia and Nagorno-Karabakh clearly violated several CSCE commitments in these fields, there was theoretically a window of opportunity for action by the CSCE in Transcaucasia from the autumn of 1991 onwards. The CSCE did not take any initiative at the end of 1991 for three main reasons: the novelty of such an intervention in internal conflicts (even in the case of Yugoslavia); uncertainty about the situation in the Soviet Union; and the priority given to the Yugoslav crisis. On the other hand, the Russian Federation and the Republic of Kazakhstan had succeeded, in September 1991, in mediating an agreement between the Armenian and Azeri Presidents regarding first steps towards the shaping of a peacemaking process (Zheleznovodsk Communiqué of 23 September 1991). The question of the conflicts in Georgia and Nagorno-Karabakh was dealt with by the CSCE only after the dissolution of the Soviet Union (December 1991), the acceptance of the Transcaucasian countries as full members of the CSCE and the failure of the Yeltsin/Nazarbaev peace initiative in January 1992.

Armenia and Azerbaijan, as well as the other Member States of the CIS, were welcomed as Participating States of the CSCE by the Prague Meeting of the CSCE Council on 30-31 January 1992(84), while Georgia had sent its request for accession later and joined the CSCE only during the Helsinki Additional Meeting of the Council on 24 March 1992.(85) This may help to explain why the CSCE's action on the conflict in Nagorno-Karabakh began earlier than its action in Georgia. A second reason for this may be that the Nagorno-Karabakh conflict had an "inter-state" character, whereas the latter was an "internal" conflict. The complexity of the political spectrum in Georgia in the beginning of 1992, the early involvement of Russia in the settlement of the conflict between Georgia and the South Ossetians and the non-participation of Georgia in the CIS may be additional reasons which account for the CSCE's different policies in the two conflicts.

The following analysis will be divided into two sections: the first will deal with Nagorno-Karabakh and the second with the Georgian case (Abkhazia and South Ossetia).

B. *The CSCE and Nagorno-Karabakh*
a. *"Soft Action" and Neutral Position*

The admission of new Participating States into the CSCE is traditionally followed by the sending of Rapporteur Missions to these States. The Chairman-in-Office of the CSCE, the Czechoslovak Foreign Minister Jiri Dienstbier, sent a Rapporteur Mission to Armenia and Azerbaijan with a special focus on the problem of Nagorno-Karabakh.(86) This mission (12-18 February 1992) - led by the former President of the International Helsinki Federation and current head of Vaclav Havel's cabinet, Karel Schwarzenberg - gave the CSCE a leading role in the management of the crisis at a time when combat was intensifying and the US, Russia, France, the European Parliament and Iran were repeatedly appealing for a peaceful settlement of the conflict. Secretary of State James Baker had expressed the American government's concern to find a solution within the framework of the CSCE(87) - probably in the hope of preventing unilateral action by Russia, or Iranian involvement in the region.(88)

The CSO of the CSCE discussed the Interim Report of the Rapporteur Mission on the situation in Nagorno-Karabakh during its seventh regular meeting in Prague on 27-28 February 1992.(89) Firstly, it called on "all forces in the Nagorno-Karabakh area of the Azerbaijan Republic" to impose an immediate cease-fire and to implement the agreement recently adopted by the Russian, Armenian and Azeri Foreign Ministers.(90) The CSO underlined that "groups of eminent persons" from CSCE

States could contribute to such a process. Secondly, the CSO requested all CSCE States and all other States in the region - i.e., Iran and the Arab countries - to impose an immediate embargo on the delivery of weapons to all combat forces. Thirdly, it took several initiatives at the humanitarian level to relieve the population of Nagorno-Karabakh and Armenian and Azeri refugees, for example in creating safe corridors for aid and supporting an exchange of hostages and dead bodies. Fourthly, it stressed the need to respect international obligations, to guarantee the rights of ethnic and national communities and minorities and to abandon territorial claims against neighbouring countries. At this time, the CSCE did not accuse any party of responsibility for acts of aggression or the use of force. This attitude is very similar to the CSCE's and EC's "neutral" statements on the Yugoslav crisis between June and September 1991; only during the last months of 1991 did they take a more critical stand towards Serbia and Montenegro.

In case of the former Yugoslavia, the CSCE Council and CSO called for "respect for the inviolability of all borders, whether internal or external, which can only be changed by peaceful means and by common agreement"⁽⁹¹⁾, but at no stage did they use such terms in speaking of the secession of Nagorno-Karabakh. From May 1992, the CSCE condemned the "continuing aggression" led by Serbia and the Yugoslav National Army, who were supporting irregular Serbian forces.⁽⁹²⁾ The role of the Armenian government was never denounced with such vigour. There were indeed condemnations of the occupation of Azeri territory around Nagorno-Karabakh in May 1992 and April 1993, but Armenian support for the Armenian forces of Nagorno-Karabakh itself were not included in them. Accusations arising from this were discussed by the CSCE at a time when there was still no agreement about the use of the "consensus-minus-one" procedure, which may partly explain its moderate tone.

After this first period of "soft action" (Rapporteur Mission and political declaration), the CSO immediately took more concrete action.

b. *From Soft Action to Peacemaking*

On 13-14 March 1992, the eighth regular meeting of the CSO decided to hold an extraordinary session of the CSCE Council on 24 March, at the beginning of the Helsinki follow-up meeting, in order to take the initiatives necessary to prevent the escalation of the conflict in Nagorno-Karabakh and, in particular, to launch a peace process.⁽⁹³⁾ A second mission, led by Jan Kubis, Chairman-in-Office of the CSO, was sent to the region from 19 to 23 March 1992.⁽⁹⁴⁾ On 24 March, the Foreign Ministers of the Participating States reiterated their call for an immediate and effective cease-fire, welcomed the complementary efforts of other organizations and their Member States (Iran is not mentioned) and by the UN Secretary-General. For the first time, the Ministers agreed explicitly that the CSCE "must play a major role in promoting a peace process relating to the conflict" and requested the Chairman-in-Office "to keep in close contact with the United Nations (...) and to arrange for regular exchanges of information".⁽⁹⁵⁾ This formulation quite accurately describes the respective roles of the UN and the CSCE.

The Council took three important decisions. Firstly, it sent the Chairman-in-Office, Jiri Dienstbier, to the region in order to examine the possibilities of establishing a cease-fire and an overall peaceful settlement.

Secondly, it requested the Chairman-in-Office to convene a peace conference in Minsk under the auspices of the CSCE, with 11 Participating States (Armenia, Azerbaijan, Belarus, the Czech and Slovak Federal Republic, France, Germany, Italy, the Russian Federation, Sweden, Turkey and the US) and "elected and other representatives of Nagorno-Karabakh" to be invited "as interested parties by the Chairman of the Conference after consultation with the States participating in the Conference".⁽⁹⁶⁾ This first application of the principle of delegating some tasks to an ad hoc group of States⁽⁹⁷⁾ was intended to establish an efficient body which would

not be paralyzed by a cumbersome decision-making process based on unanimity among more than 50 countries. It included the participation of the main regional players (except Iran) and some powers which had traditionally played a role in the region (France, Russia, the USA and Turkey). Taking part were not only the present Chairman-in-Office of the CSCE (Czechoslovakia), but also the former and future Chairs (Germany and Sweden).

Thirdly, the Council urged all CSCE Participating States and all concerned parties to help in providing humanitarian assistance, opening safe corridors and organizing international monitoring.

This first peacemaking exercise led by the CSCE encountered many difficulties in its implementation. The designation of Mario Raffaelli as Chairman of the Minsk Conference on 7 April 1992 by the Chairman-in-Office; the CSO's decisions regarding the practical organization of the Conference and the invitations to the UN and the UNHCR; the CSO's agreement to the sending of a CSCE monitoring mission once a cease-fire had been achieved⁽⁹⁸⁾ - none of these factors managed to prevent a worsening of the situation. The seizure by the Armenian forces of the last Azeri city in the enclave, Shusha (9 May 1992), and of the Lachin corridor on Azeri territory, which linked Armenia with Nagorno-Karabakh (17 May 1992), were significant steps in the escalation of the war. On 10 May, CSCE mediators tried unsuccessfully to enter the region.⁽⁹⁹⁾ On 21 May, the US proposal to summon an emergency meeting of the Minsk Conference participants was rejected by Armenia because it explicitly mentioned the condemnation of "the extension of the conflict to other regions of Azerbaijan" and a most forceful demand for "respect for Azerbaijan's territorial integrity".⁽¹⁰⁰⁾ The "consensus-minus-one" procedure requested by Azerbaijan was refused by some countries, in particular France and Greece.⁽¹⁰¹⁾ After five rounds of preparatory talks, held in Rome between June and September 1992, attempts to convene the Minsk Conference became deadlocked in disputes over the official status of representatives of Nagorno-Karabakh's Armenian community and over the responsibility of the Armenian government for the actions of all unofficial Armenian militias.⁽¹⁰²⁾ The agreement by the parties on the potential deployment of peacekeeping forces was the only significant result of these talks, although the question as to whether these forces would act under the command of the CSCE or the UN remained unanswered.⁽¹⁰³⁾ This ambiguity reflected the difficulty of co-ordinating the UN Security Council's deeper involvement in the crisis since May 1992 with the CSCE's willingness to act as a regional arrangement of the UN under Chapter VIII of the Charter, and to carry out peacekeeping operations⁽¹⁰⁴⁾ as such, as proclaimed in the Helsinki Summit of July 1992.

The period between May and December 1992 showed that the respective roles of the CSCE and the UN were not yet clearly defined, for three reasons:

- the continuing escalation of the conflict made a break-through by the peace process impossible;
- the two organizations had no previous experience of such co-operation;
- Armenia seemed to favour intervention by the UN Security Council while Azerbaijan would have preferred action by the CSCE: the presence or absence of France, Russia, Iran and Turkey in these bodies was clearly the main reason behind their preferences.

The Stockholm meeting of the CSCE Council on 14-15 December 1992 was unable to take any new initiatives and merely asked Mario Raffaelli and the Minsk Group "to continue their tireless efforts to advance the peace process".⁽¹⁰⁵⁾

c. *From Peacemaking to Peacekeeping*

Despite these failures, the CSO decided - at its 17th regular meeting in Prague on 5-6 November 1992 - to establish an open-ended ad hoc group in Vienna in order to

prepare an Advance Monitoring Group to be sent to the area. CSCE States which had already sent monitors to the region were urged to integrate them into the CSCE group in order to unify the chain of command.(106) The relative stabilization of developments on the ground in January 1993 gave Mario Raffaelli the opportunity to organise new negotiations on this initiative. The Minsk Conference reconvened in Rome on 26 February 1993, and a preliminary agreement was signed on 2 March for the deployment of a CSCE "observer mission" to monitor a cease-fire, a separation of forces, the withdrawal of foreign military advisers and heavy weapons, and the return of refugees.(107) This agreement focused primarily on the parts of Azeri territory around Nagorno-Karabakh. The Azeri proposal for a demilitarization of Nagorno-Karabakh itself was not included.

The new Armenian offensive in the region of Kelbajar at the end of March threatened to wreck the whole peace process once again. Seventeen countries supported Azerbaijan's request to convene an emergency meeting of the CSO in accordance with the emergency mechanism created by the Berlin Council Meeting of June 1991.(108) The meeting was held during the 21st regular meeting of the CSO (26-29 April 1993). A statement proposed jointly by the US, the Swedish Chairman-in-Office and Mario Raffaelli, calling for an "immediate and complete withdrawal of occupying forces from the Kelbajar and other recently occupied areas of Azerbaijan" was rejected by Armenia. Turkey and Azerbaijan requested the use of the consensus-minus-one procedure, but this proposal did not find agreement among the other States, as had already been the case after the seizure of Lachin eleven months before. The failure of the CSCE to mediate in the conflict was followed on 30 April by the vote on Resolution 822 by the UN Security Council.

This confirms that the decision-making process of the UN Security Council is more flexible than the cumbersome consensus or unanimity voting systems of regional organizations like the CSCE, EU, WEU or NATO. This did not prevent the UN from supporting the CSCE's mediation efforts in Nagorno-Karabakh.

In particular, the Security Council:

- reaffirmed its "unreserved support" for the current CSCE peace process as well as for the CSCE Minsk Group's "tireless efforts"(109);
- urged the parties immediately to resume the negotiations to reach a settlement of the conflict within the peace process of the Minsk Group of the CSCE(110), as well as to negotiate a final settlement through direct contact with one another(111);
- endorsed the continuing peace efforts by the CSCE's Minsk Group, including efforts to implement UN resolution 822(112);
- recommended that parties accept the so-called "Modified Calendar of urgent measures" drawn up in the Minsk Group of the CSCE(113);
- requested the Secretary-General to delegate a representative to the CSCE's Minsk Conference and to supply all necessary assistance to the Conference peace talks(114);
- expressed its support for the CSCE's monitoring mission.(115)

The particularly close co-operation between the UN and the CSCE concerning Nagorno-Karabakh was placed under the political leadership of this latter organization. Most of demands and requests issued in the Security Council Resolutions corresponded to Raffaelli's suggestions(116), especially those in which the Security Council referred explicitly to CSCE initiatives and where it:

- condemned the seizure of the districts of Agdam(117) and Zanghelan(118);
- condemned attacks on civilians and the bombardment of inhabited areas(119);
- demanded an immediate cessation of all hostilities and the immediate, complete and unconditional withdrawal of the occupying forces involved

from the districts of Agdam/Zanghelan and all other recently occupied areas of the Azerbaijani Republic.(120)

With the exception of the first resolution on Nagorno-Karabakh (UNSC Resolution 822), all the other Security Council resolutions were based on reports issued by the chairman of the CSCE's Peace Conference, Mario Raffaelli, and not by the UN Secretary-General.(121) This is remarkable insofar as Article 54 of the UN Charter stipulates that "the Security Council shall at all times be kept fully informed of activities undertaken under or in contemplation of regional agreements or by regional agencies for the maintenance of international peace and security". In the case of Nagorno-Karabakh, the division of labour between CSCE and UN was not limited by this restricted approach.

In parallel with this positive evolution of the relationship with the UN, the "observer mission" agreed on by the parties on 2 March 1993 has been continuously prepared by a CSCE ad hoc group.(122) An Initial Operation Planning Group was subsequently set up in Vienna, within the framework of the Conflict Prevention Centre (CPC), in order to implement this mandate. Five stages were planned for the operation: a verification stage (verification of the cease-fire and of the withdrawal of all armed personnel from the Kelbajar area), followed by four stages of monitoring. The Planning Group was to include 600 people (mostly military) in its final stage. A number of Blue Berets from the Golan Heights were also to take part in the operation. Furthermore, in June and July 1993, the Minsk Group intended to implement UNSC Resolution 822 with a "Calendar of urgent measures" accepted by the Armenian and Azeri Presidents as well as by the Armenian President of the Supreme Council of Nagorno-Karabakh. But the ousting of the Azeri President, Elcibey, in June and the seizure of the Azeri town of Agdam by the Armenian forces of Nagorno-Karabakh in July(123) created an entirely new situation, leading to a loss of leadership in crisis management for the CSCE.

d. *Russia's Involvement and the Marginalisation of the CSCE*

The replacement of President Elcibey by President Aliyev on 24 June significantly changed the role of the CSCE. Like the EC one week before(124), on 24 June the CSCE condemned any unconstitutional attempt to remove the democratically elected President of the Republic of Azerbaijan and urged a peaceful solution to the present crisis without outside interference and in which respect for democratic institutions and the rule of law are upheld. The maintenance of constitutional order was seen as essential for the implementation of UNSC Resolution 822 and for the success of the CSCE's efforts to reach a negotiated settlement to the conflict dealt with by the Conference on Nagorno-Karabakh".(125) This attitude had of course no influence on the shift of power in Baku or on President Aliyev's new policy, which was to start direct negotiations on a cease-fire with the Armenians of Nagorno-Karabakh, with Russian mediation, and to accept the entrance of Azerbaijan into the collective security agreement of the CIS (Tashkent Agreement of 15 May 1992). Moscow acquired a hegemonic position in the management of the crisis, even though it tried to settle it within the framework of the CSCE.

After autumn 1993, the CSCE's role diminished noticeably, despite several statements which continued to promote the Minsk process(126), the appointment of a Personal Representative of the Chairman-in-Office (the Swedish diplomat Mattias Mossberg) for the area of Nagorno-Karabakh on 9 September(127), and the new "Modified Calendar of urgent measures" proposed on 1 October by the Minsk Group in order to implement UNSC Resolutions 822 and 853, including the opening of the Minsk Conference on 2 November 1993.(128) This conference was never convoked. The conclusions of the Rome Council on 30 November and 1 December 1993 did not even refer to the conflict in Nagorno-Karabakh.(129) During the same period, negative declarations from both Armenian and Azeri officials indicated that they had lost confidence in the CSCE-led process and would prefer Russian and/or Iranian mediation.(130) Moscow wanted to take advantage of the political change in Baku to

replace the CSCE with the CIS in the peacemaking/ peacekeeping process, even though it envisaged this replacement within the framework of the CSCE. Russia had already managed to include a cautious reference, in the July 1992 CSCE Summit Declaration, to possible support for CSCE peacekeeping operations from "the peacekeeping mechanism of the CIS"(131), and had proposed to adapt the UN Charter in order to legitimize the role of regional organizations like the CIS in dealing with regional conflicts.(132) In late July 1993 (the date on which the armistice talks began between President Aliyev's representatives and the Armenians of Nagorno-Karabakh), the Russian special negotiator for Nagorno-Karabakh, Vladimir Kazimirov, stated that "the CSCE mediation was ineffective because this organization did not have at its disposal the means of enforcing any cease-fire agreement that might be reached". The Russian attitude was also motivated by the unwillingness of the other CSCE Participating States to contribute actively to the military side of the crisis management. The Western States did indeed refuse to send more than 30 soldiers for the first team of 150-200 troops to be deployed as the CSCE's peacekeeping force in the region.

The Moscow talks between Russian President Yeltsin, Turkish Prime Minister Ciller and Azeri President Aliyev in early September 1993 showed that Turkey accepted Russia as the CSCE's replacement in the role of main mediator.(133) The Turkish attitude did not, however, include acceptance of the deployment of either a unilateral Russian peacekeeping force or even a mixed Russian-Turkish one.(134)

In this situation, the CSCE could do no more than take note of Moscow's mediation efforts between Azerbaijan and the Armenians from Nagorno-Karabakh and reaffirm the central role of the Minsk process.(135). Although it has demonstrated a certain potential for the role of peacemaker and/or peacekeeper, the policies of the big powers prevented the CSCE from realizing this potential to the full. Its future role in Nagorno-Karabakh may depend to a large extent on the policies of Russia and the CIS. The leadership of the CIS in the management of conflicts in the post-Soviet area could reduce the CSCE's future role to preventive diplomacy. On the other hand, a failure of Russian mediation in the Nagorno-Karabakh conflict could lead to a revival of the CSCE Minsk process, which officially never ended.(136)

This second scenario seemed to result from President Aliyev's current hesitations regarding co-operation with Russia on military and energy policies and his efforts to have Russian troops in Azerbaijan deployed within the framework of the CSCE.(137) This paved the way for a new diplomatic effort by the Minsk Group since September 1994 and for a (difficult) consensus on a CSCE peacekeeping operation at the Budapest Summit in December 1994.(138)

C. *The CSCE and the Conflicts on the Territory of Georgia*

a. *Fact-finding Missions and Support for other Peace Initiatives*

Georgia's entry into the CSCE, at the Helsinki Additional Meeting of the Council on 24 March 1992, was followed by a first Rapporteur Mission (5 to 22 May 1992). The CSCE only began to show real interest in the ethnic conflicts in that country when, at the request of the Georgian government, it sent a CSCE fact-finding mission to the region from 25 to 30 July 1992, after the signing in June of the Sochi Agreement.(139) This intervention by the CSCE in the Georgian-Ossetian conflict was curtailed by the Russian leadership at a much earlier stage of the settlement process than was the case for Nagorno-Karabakh.

b. *CSCE Leadership in South Ossetia and UN Primacy in Abkhazia*

After the return of the fact-finding mission, the CSO decided to request the Chairman-in-Office to designate a Personal Representative(140) who should be accompanied by a staff of two diplomatic and five military advisers. The team was mandated(141):

- to begin discussions with all parties involved in the Georgian-Ossetian conflict in order to eliminate sources of tension and to extend law and order and political reconciliation beyond the immediate cease-fire zone;

- to initiate a visible CSCE presence in the region;
- to establish contacts with the local military commanders of the trilateral peacekeeping force(142) deployed under the Sochi Agreement of June 1992 and to help strengthen the cease-fire;
- to facilitate the creation of a wider political framework for a lasting political solution on the basis of CSCE commitments;
- to help establish a negotiating framework between the parties to the conflict in Abkhazia.

The general aim of the mission - "to promote negotiations between the conflicting parties in Georgia aimed at reaching a peaceful political settlement"(143) - indicates that the CSCE was trying to participate more actively in the political settlement of the crisis.

The mission, led by the Hungarian diplomat Istvan Gyarmati, began work in Tbilisi on 3 December 1992. It signed Memorandums of Understanding with Georgia on 23 January 1993 and with the South Ossetian leadership on 1 March 1993. After an initial three months, the mission has been extended for additional periods of six months.(144) This - the lengthiest mission in the history of the CSCE - represents the core of CSCE involvement in the conflict. The CSCE has to act here in close co-operation with Russia and the United Nations, and the Personal Representative exchanges regular information with the UN and other international organizations involved in the conflict.

The mission's mandate also refers to Abkhazia, as - after the beginning of this crisis in February 1992 - the CSCE had for several months nursed the hope of having a limited peacemaking role there.(145) Ambassador Gyarmati himself, who had proposed this extension of the mission to Abkhazia, stated that the conflict had not yet reached the point where "a large-scale CSCE involvement would be possible".(146) The involvement of Russia and the United Nations reduced the possibility that the CSCE could have a mediating role of its own in the settlement of the Abkhazian conflict.

The need for close co-operation between CSCE and UN became apparent at an early stage of their involvement in Georgia. The Security Council noted explicitly, on 8 October 1992, that "the current Chairman of the CSCE intends to dispatch a mission to Georgia in the near future and [it] underlines the need to ensure co-ordination between the efforts of the United Nations and those of the CSCE aimed at restoring peace".(147) "Maximum efficiency through a rational division of labour" with the United Nations was also requested by the CSCE Council in its Stockholm session of 14-15 December 1992. Here it reaffirmed its willingness to contribute to the political framework for a lasting peaceful solution to the Georgian-Ossetian conflict, and it urged the parties to the Abkhazian conflict to co-operate with the CSCE mission for the same purpose.(148) The UN progressively took the lead in the management of the Abkhazian conflict, leaving the settlement of the South Ossetian crisis to the CSCE.

c. *Extension of the Mandate of the CSCE Mission and Progressive Merger with the UN-Sponsored Process*

The efforts of the Personal Representative of the Chairman-in-Office and of the CSCE Mission to Georgia received continuous support from the CSO.(149) The latter endorsed the Personal Representative's proposal to hold two peace conferences, under the auspices of the UN and the CSCE(150), and adopted his "CSCE concept of a settlement of the Georgian-Ossetian conflict" (August 1993), which implied closer co-operation with the UN.(151) Throughout this whole period, the CSCE participated in the UN-sponsored Geneva talks between the parties to the Abkhazian conflict and was involved in the work of the Joint Commission formed under the terms of the Georgian-Abkhazian cease-fire of 27 July 1993. It co-operated directly with UNOMiG through the attachment of CSCE liaison officers to it, and proposed to place two CSCE officers at the disposal of the UN Advance Team during the initial phase of the operations to

monitor the Georgian-Abkhazian cease-fire.(152) An arrangement for CSCE monitoring of the Joint Peacekeeping Forces in South Ossetia was also requested by the Rome Meeting of the CSCE Council on 30 November-1 December 1993.(153)

After the visit to the region by the Chairwoman-in-Office of the CSCE Council, the Swedish Foreign Minister Margaretha af Ugglas, on 24-25 October 1993, the CSO authorized the CSCE Mission to purchase humanitarian relief goods. This was the first humanitarian task given to the organization.(154) This extension of the mission's mandate was confirmed by the Rome Council, which also included in its responsibilities "the promotion of respect for human rights in the whole of Georgia and the rendering of assistance in the development of legal and democratic institutions and processes, including the drawing up of a new constitution for Georgia".(155)

The creation of a joint UN/CSCE post of Personal Representative was also accepted in principle(156), but has not yet been implemented. The close co-operation with the UN and the partial merger of the UN and CSCE peace processes are the main lessons to be drawn from the involvement of the CSCE in Georgia.

4.

Concluding Comments

Three sets of conclusions may be drawn from a study of UN and CSCE involvement in the crisis management of the three Transcaucasian conflicts. The first set relates to the interactions of the national interests of the States involved, including the big powers and regional players, and the action or lack of action on the part of the international organizations. The second set of conclusions have a bearing on the capacities of the UN and the CSCE. These have to act coherently and efficiently, as demonstrated by their management of the Transcaucasian crises. In a third set of conclusions, a typology of patterns of co-operation between the UN and the CSCE, as a regional arrangement based on the Transcaucasian experience, is proposed.

A. *National Interests and International Organizations*

The influence of national interests on UN and CSCE actions may be analysed according to three different categories of players: the warring parties; the neighbouring States and regional powers (particularly Russia, Turkey, Iran and, subsidiarily, Kazakhstan); and the Western States. The interests of the Western States are threefold. Their first aim is to preserve their historic ties and geopolitical alliances with the countries involved. This motive was crucial to the French and Greek veto on the use of the "consensus-minus-one" procedure by the CSCE for a formal condemnation of Armenia's participation in the violation of the integrity of Azeri territory. A second aim is to preserve Western interests in energy supplies (oil and gas) coming from or through the territories of Azerbaijan, Armenia and Georgia, which gave rise to fierce competition between Russia, Turkey and Iran. A third Western concern stems from the perceived risk of a strategic reinforcement of Russia and/or Iran, which are still regarded (especially in the US) as potential threats to Western interests.

Similar motives determine the policies of neighbouring countries and regional powers. These States have specific interests to defend. Firstly, they have to cope with the consequences of the wars in Transcaucasia, such as the stream of refugees or the risk of the war spilling over into areas close to their borders, like Nakhichevan (near Turkey), or even right onto their territory, like Iranian Azerbaijan or the Northern Caucasus. Secondly, they may use wars as a tool in internal or foreign policies: thus Russia is demonstrating its influence in "near abroad" areas and the increasing role of the CIS as a regional organization; the Turkish government is using its initiatives in Transcaucasia and Central Asia to divert public opinion at home from dissatisfaction with the social situation and international protests against repression in Kurdistan; Iran is trying to break its isolation on the world scene.

The conflicts in Transcaucasia are, in addition, creating opportunities for neighbouring States and regional powers to strengthen or develop alliances with other powers on the basis of

strategic aims (such as oil supply, arms procurement or recognition as a regional power). The Turkish-US friendship, for instance, has been clearly reinforced by common initiatives and positions. Attempts to develop a Russian-Iranian axis⁽¹⁵⁷⁾ in the peace process for Nagorno-Karabakh may be analysed in the same way.

The warring parties have threefold interests to defend. The development of the war and of international mediation is useful for legitimacy purposes: it may stabilize fragile regimes (Shevardnadze, Aliyev), and it may lead to a de facto recognition by the international community of non-governmental parties (the Abkhaz rebels, the Armenians of Nagorno-Karabakh). Warring parties may express preferences for mediation by one or another organization or state: Armenia, for example, had more reservations than Azerbaijan about the CSCE, because it did not consider its political make-up to be as favourable. A conflict may be internationalized in order to obtain international condemnation of the violation of the integrity of the territory involved (Azeri and Georgian governments), to prevent direct Russian involvement (idem), to restrain military gains by opposite side, to secure humanitarian aid, etc.

B. *Capabilities of the International Organizations in Crisis Management*

The conflicts in Transcaucasia constituted a test case for the capacity of the UN and the CSCE to act as mediators and military peacekeepers. Here, the United Nations Organization is confronted in particular with the gap between the normative and operative imperatives of its intervention. The operational means of the United Nations are not adapted to the scope and far-reaching aims of Security Council resolutions. This may be explained firstly by the lack of financial and military means. The main powers have a selective interest in such conflicts. Transcaucasia is not a region of "vital interest" for the Western States, and public opinion in the West would not readily accept the sending of troops to the region. This limited interest of Western countries in the conflicts in the Caucasus gives rise to a contradiction between, on the one hand, the desire of the US government and other Western powers to prevent Russian or Iranian unilateral actions in the region and, on the other, their inability to provide the UN or the CSCE with adequate resources for the international management of the conflicts.

The UN and CSCE have come up against the specific interests of one main regional and international power (Russia in Transcaucasia, the European Union in the former Yugoslavia) which is not ready to give up its hegemonic position in the mediation process. In Abkhazia, for instance, under the Moscow Agreement of 3 September 1993 a trilateral peacekeeping force (similar to the one set up in South Ossetia) was to be deployed. In the second stage, the UN was to consolidate the peace plan negotiated by Russia (Sochi Agreement of 27 July 1993), leading to the following division of labour: peacekeeping for the UN, peacemaking for the main regional power.⁽¹⁵⁸⁾ In the Abkhazian case, only UN observers were deployed to supervise the implementation of the peace agreement. When the Abkhaz attacks of September 1993 called into question the validity of the Sochi Agreement, the UN tried to assume the leading role in the peacemaking process by promoting a global peace plan. The negotiation of a comprehensive set of principles acceptable to both sides was coupled with a peacekeeping operation. Since spring 1994, the UN has had to accept that Russia is once more leading the peacemaking process. The Security Council, noting the recent peace agreement of 14 May 1994 - negotiated by Russia - welcomed the new CIS peacekeeping operation agreed by the parties and stressed the co-ordination necessary between the CIS activities and the UN observation mission.⁽¹⁵⁹⁾ The main UN objective at present is to keep Russian peace efforts around the negotiation table and in the field under international supervision and to monitor their conformity with international standards.

Russia's views differed in a number of ways from the UN's. Russia disagreed with proposals which were central to the UN peace plan, such as the idea of an international peace conference and a restriction on Russian participation in the peacekeeping force. Nor did UN recognition of Russia's role as "facilitator" give Russia full satisfaction.

We may conclude from this experience that, where a regional power has an interest in using its own resources to mediate a conflict, it is very difficult for the UN to promote another strategy

for managing the crisis, especially when the other Permanent Members of the Security Council do not have vital interests in the area.

Where the CSCE is concerned, other problems need to be considered, such as interference with the national interests of the Russian Federation. The conflicts in Transcaucasia constituted a completely new experience in peacemaking for the CSCE. Its efficiency in the case of South Ossetia was due to the fact that its intervention followed an agreement between the parties under the auspices of Moscow. The CSCE had merely to supervise a process led by a major power. In the case of Nagorno-Karabakh, the CSCE's leading role in the establishment of the Minsk Group was partly accepted and partly contested by the warring parties and, from July 1993 onwards, was disturbed by Russian interference. The CSCE was able to prepare the monitoring mission - a peacekeeping force of 600 men - with the help of the Conflict Prevention Centre in Vienna, but was not able to put it into operation in practice.

For the CSCE, the Transcaucasian experience led in the first place to co-operation with the United Nations. After the decision (at its Helsinki Summit of July 1992) to act as a regional arrangement⁽¹⁶⁰⁾, the CSCE submitted itself to the provisions of Chapter VIII of the UN Charter, which states that in principle, unless the Security Council decides otherwise, regional organizations are empowered to deal with disputes of local interest and to resolve them by peaceful means (UN Charter, Art. 52). Regional organizations are prohibited from undertaking any "coercive actions" without the prior authorization of the Security Council (UN Charter, art. 53).⁽¹⁶¹⁾ The patterns for the division of labour between the UN and the CSCE in Nagorno-Karabakh and Abkhazia (the UN were never involved in the South Ossetian conflict) deserve more thorough analysis.

C. *Patterns for the Division of Labour between the UN and the CSCE*

a. *The Nagorno-Karabakh Pattern*

"In the case of Nagorno-Karabakh, the UN has supported the work of the CSCE as just one example of a new division of labour with regional organizations", wrote Boutros Boutros-Ghali.⁽¹⁶²⁾ The relationship described by Boutros-Ghali is quite similar to the relationship between the UN and the EC in the second stage of the international crisis management in the former Yugoslavia (from late September 1991 to mid-July 1992), when the UN carried out the functions delegated to it by the EC (prohibition of arms transfers to Yugoslavia, negotiation of a cease-fire coupled with a UN peacekeeping operation). But the scheme of UN-CSCE relations regarding the Nagorno-Karabakh is more harmonious than the UN-EC relationship:

- most of the UN fact-finding missions to Nagorno-Karabakh were sent explicitly to back CSCE efforts to achieve a peaceful settlement of the conflict⁽¹⁶³⁾;
- since the beginning of the CSCE's Minsk peace process, a UN observer has always been present at the negotiating table⁽¹⁶⁴⁾;
- almost all Raffaelli's proposals were endorsed by the Security Council.

By contrast, in the context of the former Yugoslavia, there were a number of controversial points, like the EC's recognition process or the EC proposal to ban oil trading with Yugoslavia.⁽¹⁶⁵⁾ These differences may be explained by the fact that the EC is not only an international organization, but also a state-like political player. They may also be explained by the absence of the US and Russia in the EC peacemaking process. The CSCE political leadership visible in the international crisis management in Nagorno-Karabakh is, however, not much in line with the spirit of Chapter VIII of the Charter, which implies that regional organizations should, in all circumstances, be at the service of the Security Council, and not vice versa.

b. *The Abkhazian Pattern*

In the peace process in Abkhazia, co-operation between the UN and Russia was far more important than the co-operation between the UN and the CSCE - despite the fact that most of the Security Council resolutions relating to Georgia welcomed the CSCE's peace efforts. The UN has always made a point of associating the CSCE with its peacemaking process:

- if the UN called an international peace conference on Abkhazia, it insisted that the CSCE should be invited(166);
- several meetings were organized between the UN special envoy, Eduard Brunner, and the CSCE Chairwoman-in-Office, Margaretha af Ugglas, or her personal representative for Georgia, Istvan Gyarmati.(167)

These efforts do not, however, take from the fact that the CSCE was playing only a secondary role in the settlement of the Abkhaz conflict.

c. *Prospects for Co-operation*

The Transcaucasian conflicts have shown the necessity to improve co-operation between the two organizations in crisis situations. Such co-operation would accord with the policies of both the CSCE and the UN. The Rome Council of the CSCE has defined principles for peacekeeping and for its co-operation with other organizations.(168) Although the UN Secretary-General is promoting a case-by-case approach to the division of labour between the universal organization and the regional ones, an agreement was signed on 26 May 1993 between the UN Secretary-General and the CSCE in order to establish a framework for co-operation and co-ordination(169), and the Budapest Summit of the CSCE has defined procedures for the division of labour between the two organizations.(170)

Notes

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2. Normative actions by the Security Council are based either on Chapter VI ('Peaceful settlement of disputes') or on Chapter VII ('Action with respect to threats to peace, breaches of the peace, and acts of aggression') of the Charter. Operative actions are based only on Chapter VII.
3. This ambition was officially acknowledged by the CSCE Helsinki Summit of July 1992 (Helsinki Summit Declaration. Promises and Problems of Change, Helsinki, 10 July 1992, Nos. 20 and 25).
4. Boutros Boutros-Ghali, Agenda for Peace, New York, United Nations, 1992, Para. 25. For an overview of all UN fact-finding missions, see Walter Dorn, Keeping Watch for Peace: Fact-finding by the UN Secretary-General, Third Workshop on Verification of Arms Control, Geneva, 23-26 August 1993.
5. Boutros Boutros-Ghali, Report on the work of the organization (Sept. 1991-Sept. 1992), New York, United Nations, 1992, Para. 126.
6. UN Documents S/24542 (10 September 1992) and S/24637 (8 October 1992).
7. Boutros Boutros-Ghali, Report on the Work of the Organization (Sept. 1992-Sept. 1993), New York, United Nations, 1993, Para. 321.
8. Boutros Boutros-Ghali, Report on the Work of the Organization (Sept. 1991-Sept. 1992), Para. 126. The UN experts did not find any proof of the use of chemical weapons by the Armenians.
9. UN Document S/25539 (6 April 1993).
10. UN Document S/25600 (14 April 1993).
11. UN Document S/24794 (10 November 1992).
12. Boutros Boutros-Ghali, Report on the Work of the Organization (Sept. 1992-Sept. 1993), Para. 334 and UN Document S/25188 (28 January 1993), Para. 3.
13. In October 1993, the Secretary-General sent a human rights mission to Georgia and Abkhazia at the request of the Georgian President, Eduard Shevardnadze. The mission recorded a number of human rights violations by both warring parties. See the report of the mission, UN Document S/26795 (17 November 1993).

14. UN Document, 12 May 1992. Two previous statements concerned the admission of Armenia and Azerbaijan to the UN, see UN Documents S/23496 (29 January 1992) and S/23597 (14 February 1992).
15. UN Document S/25199 (29 January 1993).
16. UN Document S/25539 (6 April 1993).
17. UN Document S/25600 (14 April 1993), Para. 10.
18. UN Documents S/24542 (10 September 1992), S/24637 (8 October 1992), S/25198 (29 January 1993) and S/26032 (2 July 1993).
19. UNSC Resolution 822 (30 April 1993), 5th preamble.
20. UNSC Resolutions 849 (8 July 1993), 858 (24 August 1993) and 876 (19 October 1993).
21. For Nagorno-Karabakh, see UNSC Resolutions 822 (29 April 1993), 7th preamble; 853 (29 July 1993), 8th preamble; 874 (14 October 1993), 5th preamble; 884 (12 November 1993), 6th preamble. For Abkhazia, see UNSC Resolution 876 (19 October 1993), Para. 1.
22. UNSC Resolutions 822 (29 April 1993), 8th preamble; 853 (29 July 1993), 9th preamble; 874 (14 October 1993), 6th preamble; 884 (12 November 1993), 7th preamble. These principles may have been formulated by Parallelism with statements issued by the CSCE.
23. The Security Council affirmed the same principle in relation to the Bosnian case, see UNSC Resolution 770 (13 August 1992), 4th preamble and subsequent ones such as UNSC Resolution 820 (1993), preambles D and E.
24. UNSC Resolutions 876 (19 October 1993), Para. 2 and 884 (12 November 1993), Para. 1.
25. UNSC Resolutions 853 (29 July 1993), Para. 1 and 884 (12 November 1993), Para. 1.
26. UNSC Resolution 896 (31 January 1994), Para. 12.
27. According to the High Commissioner for Refugees (UNHCR), in January 1994 there were some 300,000 refugees from Abkhazia either in Georgia (about 250,000) or in other countries (about 50,000): see UN Document S/1994/80 (25 January 1994), Para. 13. In his annual report of September 1993 (Para. 324), the Secretary-General quoted the figure of 50,000 persons displaced "by recent fighting" in Nagorno-Karabakh.
28. UNSC Resolutions 822 (29 April 1993), 6th preamble; 853 (29 July 1993), 7th preamble; 874 (14 October 1993), 7th preamble; 884 (12 November 1993), 8th preamble.
29. UNSC Resolution 896 (31 January 1994), Para. 11. See also UNSC Resolution 876 (19 October 1993), Para. 5.
30. Before the condemnation of Iraq for the invasion of Kuwait in UNSC Resolution 660 (2 August 1990), Para. 1, only Israel had been explicitly condemned in a UNSC resolution. Since the Gulf War, the Security Council has more frequently condemned a specific party. For instance, the Khmer Rouge in the civil war in Cambodia, UNSC Resolution 792 (27 November 1992), Para. 7; UNITA in the civil war in Angola, UNSC Resolution 811 (12 March 1993), Para. 1; or Serbia for its intervention in Bosnia, UNSC Resolution 752 (30 May 1992), Para. 1.
31. UNSC Resolution 876 (19 October 1993), Para. 2.
32. UNSC Resolution 853 (29 July 1993), Para. 3.
33. UNSC Resolutions 876 (19 October 1993), Para. 4 and 881 (3 November 1993), Para. 3.
34. UNSC Resolution 822 (29 April 1993), Para. 1.
35. UNSC Resolutions 822 (29 April 1993), Para. 2; 853 (29 July 1993), Para. 11.
36. UN Charter, Art. 2, Para. 4.
37. On Nagorno-Karabakh, see UNSC Resolutions 822 (29 April 1993), Para. 3; 853 (29 July 1993), Para. 11; 874 (14 October 1993), Para. 9. On Abkhazia, see UNSC Resolutions 876 (19 October 1993), Para. 7 and 892 (22 December 1993), Para. 6.
38. See, for example, UNSC Resolutions 794 (3 December 1992), Para. 5 (on Somalia); 811 (12 March 1993), Para. 11 (on Angola); or 819 (16 April 1993), Para. 8 (on Bosnia).
39. On Armenia's involvement, see UN Document S/25600 (14 April 1993), Para. 10 and on Russia's participation, several allegations made by Eduard Shevardnadze (*Le Soir*, 18 March 1993).
40. UNSC Resolution 876 (19 October 1993), Para. 8.
41. *Le Soir*, 5 July 1993.
42. UNSC Resolutions 874 (14 October 1993), Para. 10; 884 (12 November 1993), Para. 6.
43. UNSC Resolution 853 (29 July 1993), Para. 9.
44. UNSC Resolution 884 (12 November 1993), Para. 2.
45. On Serbia, see UNSC Resolution 752 (30 May 1992), Para. 1.
46. On Serbia, see UNSC Resolution 752 (30 May 1992), Paras. 4-8.
47. Without deciding on sanctions against Croatia, in May 1992 the Security Council demanded the withdrawal of all elements of the Croatian army still present on Bosnian territory, UNSC Resolution 752 (30 May 1992), Para. 2.

48. For example, the 'Group of Four Friends of the Secretary-General' (Columbia, Mexico, Spain, Venezuela) in El Salvador, UNSC Resolution 714 (30 September 1991), Para. 3; the Arab League, the OAU and the OIC in Somalia, UNSC Resolution 794 (3 December 1992), 3th preamble; the OAS in Haiti, UNSC Resolution 841 (16 June 1993); or the EC and the CSCE in the former Yugoslavia, UNSC Resolution 713 (25 September 1991), Para. 1.
49. UNSC Resolutions 892 (22 December 1993), 9th preamble and 896 (31 January 1994), 8th preamble. These resolutions take account of the conclusions of the Rome meeting of the CSCE Council (see below). In particular, the Security Council expressed its support for the peace efforts of the CSCE's Chairman-in-Office, see UNSC Resolutions 849 (9 July 1993), Para. 5; 858 (24 August 1993), Para. 10; 876 (19 October 1993), Para. 9; 881 (3 November 1993), Para. 2.
50. UNSC Resolutions 849 (8 July 1993), Para. 4; 876 (19 October 1993), Para. 9; 881 (3 November 1993), Para. 2.
51. UNSC Resolution 858 (24 August 1993), Para. 6.
52. UNSC Resolutions 892 (22 December 1993), Para. 5; 896 (31 January 1994), Para. 14.
53. UNSC Resolutions 822 (29 April 1993), Para. 1; 853 (29 July 1993), Paras. 6 and 8; 874 (14 October 1993), Paras. 2, 3 and 5; 884 (12 November 1993), 2nd preamble and Para. 3.
54. UNSC Resolutions 874 (14 October 1993), Para. 1 and 884 (12 November 1993), Para. 5.
55. For example, see 'United Nations Inter-Agency Consolidated Appeal for Emergency Humanitarian Assistance for the Most Vulnerable Among the Conflict-Affected Population in Georgia', Department of Humanitarian Affairs, February 1993, UN document DHA/93/37.
56. Boutros Boutros-Ghali, Report on the Work of the Organization (Sept. 1992-Sept. 1993), Paras. 324 and 333.
57. See UNSC Resolutions 776 (14 September 1992).
58. UNSC Resolution 748 (31 March 1992), Para. 6.
59. UNSC Resolution 777 (19 September 1992), Para. 1.
60. These admissions followed the recommendations of the Security Council which developed into UNSC Resolutions 735 (29 January 1992) on Armenia and 742 (14 February 1992) on Azerbaijan.
61. Recommendation of UNSC Resolution 763 (6 July 1992).
62. Economic measures were adopted by the Security Council only against Southern Rhodesia and South Africa. On Southern Rhodesia, see UNSC Resolutions 217 (20 November 1965), Para. 6; 232 (16 December 1966); 253 (29 May 1968) and 277 (18 March 1970); and on South Africa, UNSC Resolution 418 (4 November 1977).
63. See UNSC Resolutions 661 (6 August 1990); 748 (31 March 1992) and 883 (8 November 1993); 757 (30 May 1992), 787 (16 November 1992) and 820 (April 1993); 841 (16 June), Para. 3, respectively.
64. See UNSC Resolutions 792 (27 November 1992), Para. 10 and 864 (15 September 1993), Para. 19, respectively.
65. UNSC Resolution 876 (19 October 1993), Para. 8.
66. Similar arms embargoes were proclaimed by the Security Council in its Resolutions 713 (25 September 1991), Para. 6, on the whole of Former Yugoslavia; 733 (23 January 1992), Para. 5, on Somalia; 788 (17 November 1992), Para. 8, on Liberia; 841 (16 June 1993), Para. 5, on Haiti; 918 (16 May 1994), Para. 13, on Rwanda.
67. UNGA Resolution 1807 (XVIII) (14 December 1962).
68. UNSC Resolutions 787 (16 November 1992), Paras. 12-13 and 820 (April 1993), Paras. 16-17. SAMs are based on the London Agreement of 27 August 1992, The London Conference, Specific Decisions, points 6 and 7. For an overview of their work, see Antonio Napolitano, 'Sanctions as a Possible Tool of Preventive Diplomacy', in *The Challenge of Preventive Diplomacy. The experience of the CSCE*, Ministry for Foreign Affairs, Stockholm, 1994, pp. 138-157.
69. For example, see UNSC Resolutions 661 (6 August 1990), Para. 6 (against Iraq); 748 (31 March 1992), Para. 9 (against Libya); 757 (30 May 1992), Para. 13 (against Serbia).
70. UN Document S/26023 (1 July 1993), Para. 14.
71. UNSC Resolutions 854 (1993), Para. 1 and 854 (24 August 1993), Para. 2.
72. UN Doc. S/26023 (1 July 1993), Paras. 8-11.
73. UNSC Resolution 881 (3 November 1993), 4th preamble and Para. 4. In December 1993, the Security Council agreed to enlarge the UNOMiG mission to 55 people, UNSC Resolution 892 (22 December 1993), Para. 2.
74. See UN Documents S/1994/253 (3 March 1994) and S/1994/312 (18 March 1994).
75. UN Documents S/1994/80 (25 January 1994), Para. 22 and S/1994/253 (3 March 1994), Annex, Para. 4.
76. This concept is similar to UNPROFOR's first mandate in the territories of Croatia controlled by the Serbs. See UN Document S/23280 (11 December 1991), Annex III.

77. UN Documents S/1994/253 (3 March 1994) and S/1994/312 (18 March 1994).
78. UNSC Resolution 896 (31 January 1994), 5th preamble.
79. UN Document S/1994/80 (25 January 1994), Para. 22.
80. UN Document S/1994/583, Annex I.
81. The Committee of Senior Officials (CSO) of the CSCE brings together representatives of Foreign Ministries of all Participating States. Established since the institutionalisation of the CSCE at the Paris Summit of November 1990, it meets every three months in Prague and holds extraordinary sessions if needed. The CSO is responsible for the overview, management and co-ordination of CSCE activities. It is the central body for consultation on current political issues and the implementation of the decisions taken every two years by the Summit and every year by the Council.
82. This statement was issued for the first time by the CSO on 10 October 1991 (Third Additional Meeting of the CSO, The Situation in Yugoslavia, Annex to Journal No. 11, Prague, 10 October 1991), and confirmed in 1992 by the Council of Foreign Ministers when it created the "consensus-minus-one" procedure for dealing with such cases (CSCE Council, Prague Document on Further Development of CSCE Institutions and Structures, Prague, 30-31 January 1992, Para. 16) and by the Summit of Heads of State and Government (Helsinki Summit Declaration. Promises and Problems of Change, Helsinki, 10 July 1992, Para. 8).
83. Geneva Report of the CSCE on National Minorities, 19 July 1991; Moscow Document on the Human Dimension of the CSCE, 3 October 1991.
84. Prague Meeting of the CSCE Council, Summary of Conclusions, Prague, 30-31 January 1992, Para. 2.
85. Helsinki Additional Meeting of the CSCE Council, Summary of Conclusions, Helsinki, 24 March 1992, Para. 2.
86. Heinz Vetschera, 'Die Rolle des KSZE als Einrichtung kooperativer Sicherheit im Rahmen des 'interlocking institutions' Konzepts', in Bernard von Plate (ed.), *Europa auf dem Wege zur kollektiven Sicherheit? Konzeptionelle und organisatorische Entwicklungen der sicherheitspolitischen Institutionen Europas*, Baden-Baden, 1994, p. 122.
87. *Le Monde*, 14 February 1992.
88. It is interesting to note that the Interim Report of the CSCE Rapporteur Mission on the situation in Nagorno-Karabakh relates the views of the Russian Federation, Kazakhstan and Turkey as if they were the only external players, without any reference to Iran. (Interim Report, pp. 8-9).
89. Seventh Meeting of the CSO, Journal No. 12, Annex 1, Prague, 28 February 1992.
90. This agreement was adopted on 20 February 1992.
91. Prague Meeting of the CSCE Council, Summary of Conclusions, Prague, 30-31 January 1992, Para. 7.
92. For more details, see Eric Remacle, 'The Yugoslav Crisis as a Test Case for the CSCE's Role in Conflict Prevention and Crisis Management', in Michael R. Lucas (ed.), *The CSCE in the 1990s: Constructing European Security and Cooperation*, Baden-Baden, 1993, pp. 109-123.
93. Eighth Meeting of the CSO, Decisions on the Escalating Conflict in Nagorno-Karabakh, Annex 2 to Journal No. 11, Prague, 13 March 1992.
94. Cyrus Vance's fact-finding mission to the region took place at the same time and both diplomats had the opportunity to meet and to travel together (Felice D. Gaer, 'The United Nations and the CSCE: Cooperation, Competition, or Confusion?', in Michael R. Lucas (ed.), *op. cit.*, p. 177).
95. Helsinki Additional Meeting of the CSCE Council, Summary of Conclusions, Helsinki, 24 March 1992, Para. 6.
96. *Ibidem*, Para. 9.
97. This principle was adopted by the Prague Council on 30-31 January 1992 (CSCE Council, Prague Document on Further Development of CSCE Institutions and Structures, Prague, 30-31 January 1992, Paras. 3 and 25).
98. Tenth Meeting of the CSO, Journal No. 11, Annexes 5 and 6, Prague, 29 April 1992, Para. 7.
99. Felice D. Gaer, *op. cit.*, p. 178.
100. Eleventh Meeting of the CSO, Journal No. 14, Helsinki, 21 May 1992, pp. 2-4 (statements from Turkey, Azerbaijan, Armenia and USA) and Annex (US proposal).
101. Felice D. Gaer, *op. cit.*, p. 179.
102. Elizabeth Fuller, 'Transcaucasia: Ethnic Strife Threatens Democratization', *Radio Free Europe/Radio Liberty Research Report*, Vol. 2, No. 1, 1 January 1993, pp. 17-24.
103. Michael R. Lucas, 'The New Independent States and the CSCE', in Hans-Georg Ehrhart, Anna Kreikemeyer & Andrei V. Zagorski (eds), *The Former Soviet Union and European Security: Between Integration and Re-Nationalization*, Baden-Baden, 1993, p. 197.
104. CSCE Helsinki Summit, Helsinki Summit Declaration. Promises and Problems of Change, Helsinki, 10 July 1992, Paras. 20 & 25.

- 105.Third Meeting of the CSCE Council, Decisions, 'Conflict Dealt with by the Conference on Nagorno-Karabakh', Stockholm, 14-15 December 1992.
- 106.Seventeenth Meeting of the CSO, 'Document on Action Concerning Nagorno-Karabakh', Journal No. 2, Annex 1, Prague, 6 November 1992.
- 107.Covcas Bulletin, 11 March 1993, p. 1; 1 April 1993, pp. 4-6. The Twelve EC Member States plus Albania, Bosnia-Herzegovina, Hungary, Poland and Turkey.
- 108.According to Paragraph 2.6, Annex 2 of the Berlin mechanism, the support of 12 States is required for such a request.
- 109.UNSC Resolution 874 (14 October 1993), Para. 2. The same sentence is reproduced in UNSC Resolution 884 (12 November 1993), 2nd preamble.
- 110.UNSC Resolution 822 (29 April 1993), Para. 1.
- 111.UNSC Resolution 853 (29 July 1993), Para. 8.
- 112.UNSC Resolutions 853 (29 July 1993), Para. 6; 874 (14 October 1993), Paras. 2, 3 and 5.
- 113.UNSC Resolution 874 (14 October 1993), Para. 3.
- 114.UNSC Resolution 874 (14 October 1993), Para. 7.
- 115.UNSC Resolution 874 (14 October 1993), Para. 8.
- 116.See UN Documents S/26184 (27 July 1993), p. 4; S/26522 (1 October 1993), p. 3; S/26718 (4 November 1993).
- 117.UNSC Resolution 853 (29 July 1993), Para. 1.
- 118.UNSC Resolution 884 (12 November 1993), Para. 1.
- 119.UNSC Resolution 853 (29 July 1993), Para. 2.
- 120.UNSC Resolutions 853 (29 July 1993), Para. 3 and 884 (12 November 1993), Para. 4.
- 121.See UN Documents S/26184 (27 July 1993), S/26522 (1 October 1993) and S/26718 (4 November 1993).
- 122.Twenty-First Meeting of the CSO, 'Report of the Chairman of the Conference on Nagorno-Karabakh and terms of reference for the Advance Monitoring Group', Journal No. 3, Prague, 28 April 1993.
- 123.See for example Mario Raffaelli's report of 27 July 1993 to the President of the UN Security Council (Doc. UN/S/26184, 28 July 1993).
- 124.European Political Co-operation, Declaration on the risk of civil war provoked by the rebellion in Azerbaijan, Brussels, 17 June 1993.
- 125.Eighteenth Vienna Group of the CSO, Journal, Vienna, 24 June 1993, pp. 1-2.
- 126.Twenty-second Meeting of the CSO, 'Statement on the conflict dealt with by the Conference on Nagorno-Karabakh', Journal No. 1, Annex 2, Prague, 29 June 1993; Twentieth Vienna Group of the CSO, Journal, Vienna, 15 July 1993 (Approval of the budget of a possible CSCE Mission to the area dealt with by the Conference on Nagorno-Karabakh); Twenty-third Meeting of the CSO, 'Text on the conflict dealt with by the Conference on Nagorno-Karabakh', Journal No. 3, Prague, 23 September 1993; Twenty-fourth Meeting of the CSO, Journal No. 3, Annex 3, Rome, 29 November 1993 (Approval of the 1994 budget for various activities related to the Minsk process); Twenty-fifth Meeting of the CSO, Journal No. 3, Prague, 4 March 1994, p. 3 (text about the Minsk Conference).
- 127.Journal of the 23rd and 28th meetings of the Vienna Group of the CSO, Vienna, 3 August 1993 and 9 September 1993.
- 128.Mario Raffaelli's Letter to the President of the Security Council on 1 October 1993 (Doc. UN/S/26522, 1 October 1993).
- 129.At the same time, the Rome Council replaced Mario Raffaelli with Jan Eliasson, Head of the UN Humanitarian Department, as Chairman of the Minsk Conference. See Fourth CSCE Council, Journal No. 2, Rome, 1 December 1993, p. 3.
- 130.Elizabeth Fuller, 'Russia, Turkey, Iran, and the Karabakh Mediation Process', Radio Free Europe/Radio Liberty Research Report, Vol. 3, No. 8, 25 February 1994, pp. 31-36.
- 131.CSCE Helsinki Summit, Helsinki Summit Declaration. Promises and Problems of Change, Helsinki, 10 July 1992, Para. 20, subsection 2.
- 132.Suzanne Crow, 'Russia Seeks Leadership in Regional Peacekeeping', Radio Free Europe/Radio Liberty Research Report, Vol. 2, No. 15, Munich, 9 April 1993, p. 29; Suzanne Crow, 'Russia Promotes the CIS as an International Organization', Radio Free Europe/Radio Liberty Research Report, Vol. 3, No. 11, 18 March 1994, pp. 33-38.
- 133.Elizabeth Fuller, 'Russia's Diplomatic Offensive in the Transcaucasus', Radio Free Europe/Radio Liberty Research Report, Vol. 2, No. 39, 1 October 1993, p. 34.
- 134.Elizabeth Fuller, 'Russia, Turkey, Iran, and the Karabakh Mediation Process', Radio Free Europe/Radio Liberty Research Report, Vol. 3, No. 8, 25 February 1994, p. 32.
- 135.Twenty-third Meeting of the CSO, Journal No. 3, Prague, 23 September 1993, p. 3.
- 136.Sessions of the Minsk Group were held in early September 1993, in late September 1993, in early November 1993 and in early February 1994.

137. Elizabeth Fuller, 'Russia, Turkey, Iran, and the Karabakh Mediation Process', Radio Free Europe/Radio Liberty Research Report, Vol. 3, No. 8, 25 February 1994, p. 36.
138. Budapest Summit Decisions, Budapest, 6 December 1994.
139. Thirteenth Meeting of the CSO, Journal No. 5, Annex 1, Helsinki, 3 July 1992.
140. Sixteenth Meeting of the CSO, 'Decisions on the Georgian-Ossetian Conflict', Journal No. 3, Annex 2, Prague, 18 September 1992.
141. Seventeenth Meeting of the CSO, 'Personal Representative of the CSCE Chairman-in-Office for Georgia', Journal No. 2, Annex 2, Prague, 6 November 1992.
142. Half of this force consisted of Russian troops, a quarter were Georgian troops and another quarter were South Ossetian militiamen.
143. Eighteenth Meeting of the CSO, 'Decision on Georgia', Journal No. 3, Annex 1, Stockholm, 13 December 1992.
144. Nineteenth Meeting of the CSO, 'Decision on Georgia', Journal No. 3, Annex 4, Prague, 4 February 1993; Twenty-second Meeting of the CSO, Journal No. 2, Annex 1, Prague, 30 June 1993; Tenth Plenary Meeting of the Permanent Committee, Journal, Vienna, 24 February 1994; Twenty-fifth Meeting of the CSO, 'Situation in the Republic of Georgia', Journal No. 2, Annex, Prague, 3 March 1994.
145. On the different attempts at a cease-fire and the role of Russia, see Elizabeth Fuller, 'Transcaucasia: Ethnic Strife Threatens Democratization', Radio Free Europe/Radio Liberty Research Report, Vol. 2, No. 1, 1 January 1993, pp. 17-24; Catherine Dale, 'Turmoil in Abkhazia: Russian Responses', Radio Free Europe/Radio Liberty Research Report, Vol. 2, No. 34, 27 August 1993, pp. 48-57; Elizabeth Fuller, 'Russia's Diplomatic Offensive in the Transcaucasus', Radio Free Europe/Radio Liberty Research Report, Vol. 2, No. 39, 1 October 1993, pp. 30-34.
146. Report of 11 December 1992 (quoted in Felice D. Gaer, *op. cit.*, p. 197).
147. UN Doc. S/PV.3121, 8 October 1992, p. 4.
148. Third Meeting of the CSCE Council, Decisions, 'Georgia', Stockholm, 14-15 December 1992.
149. Twenty-First Meeting of the CSO, Journal No. 3, Prague, 28 April 1993, p. 7; Twenty-Third Meeting of the CSO, 'Statement on Georgia', Journal No. 2, Annex, Prague, 22 September 1993; Thirty-First Meeting of the Vienna Group of the CSO, 'Text on the Situation in Georgia', Journal, Annex 2, Vienna, 7 October 1993.
150. Twenty-Second Meeting of the CSO, Journal No. 2, Annex 1, Prague, 30 June 1993.
151. Twenty-Sixth Plenary Meeting of the Vienna Group of the CSO, Journal, Vienna, 26 August 1993, pp. 1-2.
152. *Ibidem*.
153. Fourth Meeting of the CSCE Council, Decisions, Rome, 30 November-1 December 1993, chapter I, point 3.3.
154. Thirty-Fourth Meeting of the Vienna Group of the CSO, Journal, Vienna, 28 October 1993.
155. Fourth Meeting of the CSCE Council, Decisions, Rome, 30 November-1 December 1993, chapter I, point 3.4.
156. *Ibidem*, chapter I, point 3.5.
157. See Elizabeth Fuller, 'Russia, Turkey, Iran, and the Karabakh Mediation Process', Radio Free Europe/Radio Liberty Research Report, Vol. 3, No. 8, 25 February 1994, pp. 31-36.
158. The same division of labour was used by the UN and the EC in Croatia.
159. UNSC Resolution 934 (30 June 1994), Para. 2.
160. CSCE Summit of Heads of State and Government, Helsinki Summit Declaration. Promises and Problems of Change, Helsinki, 10 July 1992, Paras. 20 and 25.
161. The term "coercive actions" covers any military actions undertaken on the territory of a State without the consent of its internationally-recognized representatives.
162. Boutros Boutros-Ghali, 'UN Peacekeeping in a New Era: a New Chance for Peace', *The World Today*, April 1993, p. 168. See also Boutros Boutros-Ghali, Report on UN Activities (Sept. 1992-Sept. 1993), New York, United Nations, Para. 323.
163. Boutros Boutros-Ghali, Report on UN Activities (Sept. 1991-Sept. 1992), New York, United Nations, Para. 126.
164. Boutros Boutros-Ghali, Report on UN Activities (Sept. 1991-Sept. 1992), New York, United Nations, Para. 126.
165. See Olivier Paye, 'La cooperation CEE-ONU dans la guerre en ex-Yougoslavie', *Memento Defense-desarmement 1993. L'Europe et la securite internationale*, Brussels, Les dossiers du GRIP, Nos. 177-181, January-May 1993, pp. 184-187.
166. UN Document, S/26023 (1 July 1993), Para. 19.
167. UN Document, S/26023 (1 July 1993), Para. 3.
168. Fourth Meeting of the CSCE Council, Decisions, Rome, 30 November-1 December 1993.

169. UN Document A/48/185, Annex II, Appendix.
170. Budapest Summit Decisions, Budapest, 5-6 December 1994.