

Helsinki Summit Document: extract concerning early warning, conflict prevention and crisis management (10 July 1992)

Caption: The participating States of the Conference on Security and Cooperation in Europe (CSCE), meeting in Helsinki on 9 and 10 July 1992, adopt provisions on early warning, conflict prevention and crisis management.

Source: CSCE Helsinki Document 1992: The challenges of change. Helsinki Decisions. [ON-LINE]. [s.l.]: Organization for Security and Co-operation in Europe, [05.08.2003]. Disponible sur http://www.osce.org/docs/english/1990-1999/summits/hels92e.pdf#Anchor_TH_39356.

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Helsinki Summit Document: The Challenges of Change (9 and 10 July 1992)

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Early warning, conflict prevention and crisis management (including fact-finding and rapporteur missions and CSCE peacekeeping), peaceful settlement of disputes

Early warning, conflict prevention and crisis management (including fact-finding and rapporteur missions and CSCE peacekeeping)

(1) The participating States have decided to strengthen the structure of their political consultations and increase their frequency, and to provide for more flexible and active dialogue and better early warning and dispute settlement, resulting in a more effective role in conflict prevention and resolution, complemented, when necessary, by peacekeeping operations.

(2) The participating States have decided to enhance their capability to identify the root causes of tensions through a more rigorous review of implementation to be conducted both through the ODIHR and the CPC. They have also decided to improve their capability to gather information and to monitor developments, as well as their ability to implement decisions about further steps. They have recommitted themselves to cooperating constructively in using the full range of possibilities within the CSCE to prevent and resolve conflicts.

Early warning and preventive action

(3) In order to have early warning of situations within the CSCE area which have the potential to develop into crises, including armed conflicts, the participating States will make intensive use of regular, in-depth political consultations, within the structures and institutions of the CSCE, including implementation review meetings.

(4) The CSO, acting as the Council's agent, will have primary responsibility in this regard.

(5) Without prejudice to the right of any State to raise any issue, the attention of the CSO may be drawn to such situations through the Chairman-in-Office, inter alia, by:

- any State directly involved in a dispute;
- a group of 11 States not directly involved in the dispute;
- the High Commissioner on National Minorities in situations he/she deems escalating into a conflict or exceeding the scope of his/her action;
- the Consultative Committee of the CPC in accordance with paragraph 33 of the Prague Document;
- the Consultative Committee of the CPC following the use of the mechanism for consultations and co-operation as regards unusual military activities;
- the use of the Human Dimension Mechanism or the Valletta Principles for Dispute Settlement and Provisions for a CSCE Procedure for Peaceful Settlement of Disputes.

Political management of crisis

(6) The CSO will promote steps by the State or States concerned to avoid any action which could aggravate the situation and, if appropriate, recommend other procedures and mechanisms to resolve the dispute peacefully.

(7) In order to facilitate its consideration of the situation, it may seek independent advice and counsel from relevant experts, institutions and international organizations.

(8) If the CSO concludes that concerted CSCE action is required, it will determine the procedure to be employed in the light of the nature of the situation. It will have, acting on behalf of the Council, overall CSCE responsibility for managing the crisis with a view to its resolution. It may, inter alia, decide to set up a framework for a negotiated settlement, or to dispatch a rapporteur or fact-finding mission. The CSO may also initiate or promote the exercise of good offices, mediation or conciliation.

(9) In this context the CSO may delegate tasks to:

- the Chairman-in-Office, who may designate a personal representative to carry out certain tasks, as defined in paragraph (22) of Chapter I of this document;
- the Chairman-in-Office, assisted by the preceding and succeeding Chairmen-in-Office operating together as a Troika, as defined in paragraph (15) of Chapter I of this document;
- an ad hoc steering group of participating States, as defined in paragraphs (16) to (21) of Chapter I of this document;
- the Consultative Committee of the CPC, or other CSCE institutions.

(10) Once the CSO has determined the procedure to be applied, it will establish a precise mandate for action, including provisions for reporting back within an agreed period. Within the limits of that mandate, those to whom the CSO has delegated tasks under the preceding paragraph will retain the freedom to determine how to proceed, with whom to consult, and the nature of any recommendations to be made.

(11) All participating States concerned in the situation will fully co-operate with the CSO and the agents it has designated.

Instruments of conflict prevention and crisis management

Fact-finding and rapporteur missions

(12) Fact-finding and rapporteur missions can be used as an instrument of conflict prevention and crisis management.

(13) Without prejudice to the provisions of paragraph 13 of the Moscow Document in respect of Human Dimension issues, and paragraph 29 of the Prague Document in respect of Unusual Military Activities, the CSO or the Consultative Committee of the CPC may decide, by consensus, to establish such missions. Such decisions will in every case contain a clear mandate.

(14) The participating State(s) will co-operate fully with the mission on its territory in pursuance of the

mandate and facilitate its work.

(15) Reports of fact-finding and rapporteur missions will be submitted for discussion to the CSO or the Consultative Committee of the CPC as applicable. Such reports and any observations submitted by the State(s) visited will remain confidential until they are discussed. The reports will normally be made public. If, however, the mission or the participating State(s) visited request that they should be kept confidential, they will not be made public, unless otherwise decided by the participating States.

(16) Except where provided on a voluntary basis, the expenses of fact-finding and rapporteur missions will be borne by all participating States in accordance with the scale of distribution.

CSCE peacekeeping

(17) Peacekeeping constitutes an important operational element of the overall capability of the CSCE for conflict prevention and crisis management intended to complement the political process of dispute resolution. CSCE peacekeeping activities may be undertaken in cases of conflict within or among participating States to help maintain peace and stability in support of an ongoing effort at a political solution.

(18) A CSCE peacekeeping operation, according to its mandate, will involve civilian and/or military personnel, may range from small-scale to large-scale, and may assume a variety of forms including observer and monitor missions and larger deployments of forces. Peacekeeping activities could be used, inter alia, to supervise and help maintain cease-fires, to monitor troop withdrawals, to support the maintenance of law and order, to provide humanitarian and medical aid and to assist refugees.

(19) CSCE peacekeeping will be undertaken with due regard to the responsibilities of the United Nations in this field and will at all times be carried out in conformity with the Purposes and Principles of the Charter of the United Nations. CSCE peacekeeping will take place in particular within the framework of Chapter VIII of the Charter of the United Nations. The CSCE, in planning and carrying out peacekeeping operations, may draw upon the experience and expertise of the United Nations.

(20) The Chairman-in-Office will keep the United Nations Security Council fully informed of CSCE peacekeeping activities.

(21) The Council, or the CSO acting as its agent, may conclude because of the specific character of an operation and its envisaged size that the matter should be referred by the participating States to the United Nations Security Council.

(22) CSCE peacekeeping operations will not entail enforcement action.

(23) Peacekeeping operations require the consent of the parties directly concerned.

(24) Peacekeeping operations will be conducted impartially.

(25) Peacekeeping operations cannot be considered a substitute for a negotiated settlement and therefore must be understood to be limited in time.

(26) Requests to initiate peacekeeping operations by the CSCE may be addressed by one or more participating States to the CSO through the Chairman-in-Office.

(27) The CSO may request the Consultative Committee of the CPC to consider which peacekeeping activities might be most appropriate to the situation and to submit its recommendations to the CSO for decision.

(28) The CSO will exercise overall political control and guidance of a peacekeeping operation.

(29) Decisions to initiate and dispatch peacekeeping operations will be taken by consensus by the Council or the CSO acting as its agent.

(30) The Council/CSO will only take such decisions when all parties concerned have demonstrated their commitment to creating favourable conditions for the execution of the operation, inter alia, through a process of peaceful settlement and their willingness to co-operate. Before the decision to dispatch a mission is taken, the following conditions must be fulfilled:

- establishment of an effective and durable cease-fire;
- agreement on the necessary Memoranda of Understanding with the parties concerned, and
- provision of guarantees for the safety at all times of personnel involved.

(31) Missions will be dispatched as soon as possible following such a decision.

(32) Decisions by the CSO to establish a peacekeeping operation will include the adoption of a clear and precise mandate.

(33) When establishing a mission, the CSO will take into account the financial implications involved.

(34) The terms of reference of a peacekeeping operation will define practical modalities and determine requirements for personnel and other resources. Preparation of the terms of reference will be carried out, as appropriate, by the Consultative Committee of the CPC. They will be adopted by the CSO unless it has agreed otherwise.

(35) All participating States are eligible to take part in CSCE peacekeeping operations. Appropriate consultations by the Chairman-in-Office will take place. Participating States will be invited by the Chairman-in-Office of the CSO to contribute, on an individual basis, to an operation case by case.

(36) Personnel will be provided by individual participating States.

(37) Parties concerned will be consulted about which participating States will contribute personnel to the operation.

(38) The Council/CSO will regularly review an operation and make any necessary decision related to its conduct, taking into account political developments and developments in the field.

Chain of Command

(39) The Council/CSO will assign overall operational guidance of an operation to the Chairman-in-Office assisted by an ad hoc group established at the CPC. The Chairman-in-Office will chair the ad hoc group and, in this capacity, be accountable to it, and will receive, on behalf of the ad hoc group, the reports of the Head of Mission. The ad hoc group will, as a rule, consist of representatives of the preceding and succeeding Chairmen-in-Office, of the participating States providing personnel for the mission and of participating States making other significant practical contributions to the operation.

(40) The ad hoc group will provide overall operational support for the mission and will monitor it. It will act as a 24-hour point of contact for the Head of Mission and assist the Head of Mission as required.

(41) Continuous liaison between the operation and all participating States will be ensured by the Consultative Committee of the CPC through the regular provision of information to it by the ad hoc group.

(42) In all cases where the CSO assigns tasks related to peacekeeping to the CPC, the Consultative Committee of the CPC will be responsible to the CSO for the execution of those tasks.

Head of Mission

(43) The Chairman-in-Office, after appropriate consultations, will nominate a Head of Mission for endorsement by the CSO.

(44) The Head of Mission will be responsible to the Chairman-in-Office. The Head of Mission will consult and be guided by the ad hoc group.

(45) The Head of Mission will have operational command in the mission area.

Financial arrangements

(46) Peacekeeping operations require a sound financial basis and must be planned with maximum efficiency and cost-effectiveness on the basis of clear cost projections.

(47) Costs of CSCE peacekeeping activities will be borne by all CSCE participating States. At the beginning of each calendar year, the CSO will establish a reasonable ceiling for the cost of peacekeeping operations to which the CSCE scale of distribution will be applied. Beyond that limit, other special arrangements will be negotiated and agreed to by consensus. Full and timely payments will be required.

(48) Additional contributions could be provided by participating States on a voluntary basis.

(49) Financial accountability will be ensured by the Chairman-in-Office through regular reports to the participating States.

(50) A start-up fund will, if appropriate, be established to cover the initial costs of an operation. Contributions by a participating State to the start-up fund will be deducted from that State's regular assessed share of the costs relating to the operation.

(51) The Consultative Committee of the CPC is charged to submit to the CSO by the end of 1992 a recommendation with regard to financial modalities of CSCE peacekeeping operations, specifying, inter alia, the costs to be shared among participating States in accordance with the preceding paragraphs.

Co-operation with regional and transatlantic organizations

(52) The CSCE may benefit from resources and possible experience and expertise of existing organizations such as the EC, NATO and the WEU, and could therefore request them to make their resources available in order to support it in carrying out peacekeeping activities. Other institutions and mechanisms, including the peacekeeping mechanism of the Commonwealth of Independent States (CIS), may also be asked by the CSCE to support peacekeeping in the CSCE region.

(53) Decisions by the CSCE to seek the support of any such organization will be made on a case-by-case basis, having allowed for prior consultations with the participating States which belong to the organization concerned. The CSCE participating States will also take into account the consultations by the Chairman-in-Office regarding prospective participation in the mission, in light of the envisaged size of the operation and the specific character of the conflict.

(54) Contributions by such organizations will not affect the procedures for the establishment, conduct and command of CSCE peacekeeping operations as set out in paragraphs (17) to (51) above, nor does the involvement of any such organization affect the principle that all participating States are eligible to take part in CSCE peacekeeping operations as set out in paragraph (35) above.

(55) Organizations contributing to CSCE peacekeeping would carry out defined and mutually agreed tasks in connection with the practical implementation of a CSCE mandate.

(56) The ad hoc group will establish and maintain effective communication with any organization whose resources may be drawn upon in connection with CSCE peacekeeping activities.

Peaceful settlement of disputes

(57) The participating States consider their commitment to settle disputes among themselves by peaceful means to form a cornerstone of the CSCE process. In their view, the peaceful settlement of disputes is an essential component of the CSCE's overall ability to manage change effectively and to contribute to the maintenance of international peace and security.

(58) The participating States welcome the work done to this end by the Helsinki Follow-up Meeting. In particular they were encouraged by significant progress made on issues relating to creating a conciliation and arbitration court within the CSCE, enhancing the Valletta mechanism and establishing a CSCE procedure for conciliation including directed conciliation, for which proposals were submitted.

(59) In the light of the important subject matter and of the discussions held here in Helsinki, they have decided to continue to develop a comprehensive set of measures to expand the options available within the CSCE to assist States to resolve their disputes peacefully.

(60) In this respect, the Council of Ministers and the CSO could play an important role, in particular by encouraging wider use of conciliation.

(61) Accordingly, intending to reach early results, they have decided to convene a CSCE meeting in Geneva, with a first round from 12 to 23 October 1992, to negotiate a comprehensive and coherent set of measures as mentioned above. They will take into account the ideas expressed regarding procedures for a compulsory element in conciliation, setting up of a court of conciliation and arbitration within the CSCE, and other means.

(62) The results of the meeting will be submitted to the Council of Ministers at the Stockholm Meeting on 14 and 15 December 1992 for approval and, as appropriate, opening for signature.

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